

MINUTES OF THE COUNCIL SOLID WASTE COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

June 7, 1988

Committee Members Present: Councilors Gary Hansen (Chair),
Sharron Kelley (V. Chair),
Tom DeJardin, Jim Gardner,
Corky Kirkpatrick and George Van Bergen

Committee Members Absent: Councilor Larry Cooper

Chair Hansen called the meeting to order at 6:30 p.m.

1. Consideration of Minutes

Motion: Councilor Kelley moved, seconded by Councilor
DeJardin, to approve the minutes of April 26, 1988.

Vote: A vote on the motion resulted in all six Councilors
present voting aye. Councilor Cooper was absent.

The motion carried and the minutes were unanimously approved.

2. Consideration of Resolution No. 88-937, for the Purpose of
Granting a Franchise to Wastech, Inc., for the Purpose of
Operating a Solid Waste Processing Facility

Rich Owings, Solid Waste Director, and Debbie Gorham, Analyst,
reviewed staff's written report. Ms. Gorham pointed out that
Wastech had requested a 10-year franchise agreement because it would
have been easier to secure better financing for its processing
facility under a longer term agreement. The Metro Code, however,
limited franchise contracts to five years. She also explained that
Wastech had requested the ability to set their own rates. The
Executive Officer supported that request which could be accomplished
if the Council granted a variance to the Code.

The Committee discussed whether language should be added to the
agreement specifying it was a five-year agreement. It was decided
not to add that language because the Code did not permit franchise
agreements longer than five years.

The Committee also discussed the fact that the franchise rules
contained in the Code needed to be revised to reflect current market
conditions and other factors. Chair Hansen thought the Committee
should take on that task as soon as possible.

In response to Councilor Gardner's question, Ms. Gorham said Metro could not guarantee any minimum amount of waste to Wastech.

Merle Irvine and Wayne Trewhitt, President and Vice President of Wastech, Inc., addressed the Council about the proposed franchise. Mr. Irvine explained the franchise was actually an extension of the previous agreement with Metro. He also discussed the nature of his operation and the proposed relationship between Metro and Wastech. He supported the variance to allow Wastech to alter prices according to changing market conditions. He thought the Council should consider amendments to its Code to allow operations to respond to rapid price fluctuations for recyclable materials.

Councilor Kelley was concerned Wastech's operation conform to acceptable environmental standards. Mr. Irvine explained his operation was located on a site zoned for heavy industrial purposes. The operation was consistent with other businesses in the area. The City of Portland would also require a building permit, he added. Mr. Trewhitt explained that most non-food materials brought into the facility were processed within 48 hours. Wastech's building permit required food materials to be removed from the facility within 24 hours.

Councilor Kelley asked counsel if the Council could amend the franchise code to require stricter cleanup requirements. Mr. Cooper explained it was within the Council's authority to impose environmental regulations. However, he said, the Council must also decide on the wisdom of that type of action.

Motion: Councilor DeJardin moved, seconded by Councilor Gardner, to recommend the Council adopt Resolution No. 88-937A.

Vote: A vote on the motion resulted in all five Councilors present voting aye. Councilors Cooper and Kirkpatrick were absent.

The motion carried.

3. Discussion Concerning Solid Waste Committee Meeting Schedule

Ray Barker, Council Assistant, referred the Committee to a memo in the meeting packet regarding the Committee's meeting schedule. After a brief discussion, the Committee agreed an extra meeting would be required in June to consider the proposed contract with Riedel Environmental Technologies for a compost facility.

4. Consideration of Resolution No. 88-938, for the Purpose of Entering into a Contract with the City of Oregon City Providing for the Payment of a 50 Cent per Ton Mitigation and Enhancement Fee, and Revising the Tonnage Limitation at the Clackamas Transfer & Recycling Center (CTRC)

Dan Cooper, General Counsel, reviewed the purpose of the resolution. The agreement, he said, would be retroactive to June 1, 1988, and all related lawsuits would be dismissed and appeals canceled.

In response to Councilor Gardner's question, Mr. Cooper said the agreement dates and terms were not tied to the opening of any Metro transfer station. Rather, the language stated that Metro would, by January 1, 1991, take every action feasible to reduce the amount of waste entering CTRC. He also explained it would not be a problem if the Council adopted the resolution before the Solid Waste Functional Plan was adopted. If the Plan required actions inconsistent with the agreement and such action was taken, the default provision of the agreement would apply, he said.

Motion: Councilor DeJardin moved to recommend the Council adopt Resolution No. 88-938.

Councilor Gardner asked how tonnage entering CTRC would be measured. Rich Owings, Solid Waste Director, explained staff would calculate tonnage by measuring the difference of waste brought in by commercial haulers and waste shipped out to St. Johns Landfill. Mr. Cooper added that during negotiations with the City of Oregon City, the methods of measurement had never been an issue.

In response to Councilor Hansen's question, Mr. Cooper said the Clackamas County Tax Assessor would determine the total millage rate on CTRC.

Vote: A vote on the motion resulted in all five Councilors present voting aye. Councilors Cooper and Kirkpatrick were absent.

The motion carried.

Councilor Van Bergen asked how the agreement would effect citizen's disposal rates. Mr. Owings replied the disposal rates for private loads disposed at CTRC would probably increase by about 25 cents per load. The rate for commercial haulers would increase by 50 cents per ton.

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Other Business

Councilor Hansen noted that Ordinance No. 88-253 (an ordinance delaying action to impose restrictions on use of the CTRC pending adoption of Council policy) had become unnecessary as a result of the Committee's recommendation the Council adopt Resolution No. 88-938. He asked for a motion to return the ordinance to the Solid Waste Committee so that it would not be placed on the Council agenda for consideration.

Motion: Councilor Kelley moved that Ordinance No. 88-253 be returned to the Solid Waste Committee.

Vote: A vote on the motion resulted in Councilors Kelley and Hansen voting aye. Councilors Van Bergen and Gardner were present but did not vote and did not declare themselves as abstaining. Their votes were counted as aye votes. Councilors Cooper, DeJardin and Kirkpatrick were absent.

The motion carried.

There was no other business and the meeting adjourned at 8:00 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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