

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

August 30, 1988

Council Chamber

Committee Members Present: Gary Hansen (Chair), Jim Gardner
(V. Chair), Corky Kirkpatrick, and Mike
Ragsdale

Committee Members Absent: Sharron Kelley

Chair Hansen called the meeting to order at 5:35 p.m.

1. Consideration of Minutes of July 19 and August 2, 1988

Motion: Councilor Ragsdale moved for approval of the minutes.

Vote: Councilors Kirkpatrick, Ragsdale and Hansen voted aye.
Councilors Gardner and Kelley were absent. The vote was
unanimous and the motion passed.

2. Committee Chair Communications

None.

3. Council Staff Reports

3.1 Report on Contaminated Yard Debris at St. Johns Landfill

Ray Barker, Council Analyst, distributed a memorandum dated August 23, 1988, "Contaminated Yard Debris at St. Johns Landfill." He said Councilor Van Bergen asked him at the July 29, 1988, Council Solid Waste Committee meeting to submit a report on the pile of contaminated yard debris at the St. Johns Landfill. Mr. Barker discussed the debris clean-up attempts, vendor and contract.

Mr. Barker finished his presentation. He said Chair Hansen had asked him to schedule a meeting to discuss the closure of St. Johns. He said representatives from the Department of Environmental Quality (DEQ) and the City of Portland would attend. Mr. Barker said Chair Hansen had also requested him to prepare a draft for the City on minimum rate collection. However, Greg McMurdo, Government Relations Manager, had advised him it would be premature to prepare a draft at this time. Mr. McMurdo told him the City had considered minimum rate collection and deferred the matter to a later date.

4. Consideration of Ordinance No. 88-260, for the Purpose of Amending Metro Code Chapter 5.01, "Disposal Site Franchising," to Set Requirements for a Transfer Station Franchise

Chair Hansen announced Agenda Item No. 4 had been removed for consideration pending information from interested parties.

5. Consideration of Resolution No. 88-971, for the Purpose of Approving a Request for Bids for Waste Transport Services (to the Gilliam County Landfill)

Bob Martin, Engineering Manager, noted this agenda item was set over and continued from the August 16, 1988, meeting so that concerned parties would have time to submit comments. He distributed "Comments Received and Staff Reaction Regarding Draft RFB for Waste Transport Services," dated August 30, 1988. He said staff had received comments from 12 companies and individuals for all possible transportation modes. Staff agreed with the bulk of comments received and agreed the bid document would need further clarification.

Mr. Martin noted significant changes involved contract length, contract document readability, adjustment of the performance, labor and materials bonds, and the mitigation fee.

The Committee and staff discussed contract default, liquidated damages, natural disasters and transportation back-up systems. Chair Hansen noted the key issue was the contract length expansion to 20 years. Chair Hansen said the issue was whether the Committee should move Resolution No. 88-971 forward, or wait to see the final bid document as amended. Councilor Ragsdale said he preferred to see a finalized document before the Committee took action on it. He said vendors should have a chance to review the document again. Councilor Kirkpatrick said the language should be examined to ensure potential vendors were not eliminated.

Mr. Martin said he understood why the Committee would want to see the contract language first, but expressed concern the schedule of events would be unduly delayed. Chair Hansen said it was best to review and finalize the document at Committee level and hear conflicting arguments there. He said it would make for a shorter process in the end.

Stan Adams, 2053 E. Burnside, Gresham, Oregon, said he submitted 12 pages of comments to staff. He said staff agreed with most of his comments, but he would like to read the final language. Mr. Adams said he was not as concerned about bond size as he was about the fact that there were two bonds which seemed an inappropriate measure.

Councilor Ragsdale asked staff how they decided the new bond amount. Mr. Martin said staff had heard \$3.5 million was too high, and felt that \$2.5 million was conservative, but realistic with the possibility of default. Councilor Ragsdale requested Mr. Martin write a short memorandum which detailed how staff arrived at the \$2.5 million figure.

Councilor Ragsdale asked what would result if the bond were not renewed. Mr. Martin said the vendor could be declared in default and the bond company could step in. The Committee and staff discussed bonding issues further and when Resolution No. 88-971 would be forwarded to the Council for consideration.

Motion: Councilor Ragsdale moved to continue consideration of Resolution No. 88-971 to the September 6, 1988, Council Solid Waste Committee meeting.

Vote: Councilors Gardner, Kirkpatrick, Ragsdale and Hansen voted aye. Councilor Kelley was absent. The vote was unanimous and the motion passed.

6. Consideration of Resolution No. 88-971, for the Purpose of Granting/Amending a Franchise for the Operation of the Forest Grove Transfer Station

Philip North, Analyst, gave staff's report and said the contract amendment was consistent with the Policy and Solid Waste Management Plans. He said the language was not yet finalized. Councilor Kirkpatrick did not want to forward the amended contract to the Council without reading the final contract language.

Councilor Kirkpatrick asked if any incentives were contemplated for recycling for self haulers or commercial haulers. Mr. North said no changes had been made about self haulers and yard debris. He said recyclables were not charged, but mixed loads were. The Committee and staff discussed the issues, including litter and tonnage limitations.

Rod Adams, Forest Grove Transfer Station, discussed litter patrols and said with regard to the tonnage limitation, language could be added which stated, "plus amounts to go to additional landfills not to exceed 10,000 tons per year." Mr. Adams said he fully supported the staff report submitted in all other areas.

Mayor Clifford Clark, Forest Grove, said Metro would need to consider that the matter before the Committee was a long-range project and would make the transfer station a permanent part of the community. He said protections were needed to ensure the Forest Grove facility would not become similar to the Clackamas Transfer and Recycling Center (Metro South Station). He said Metro should consider clear monitoring mechanisms; designated patrolling areas; the number of trucks arriving at the facility; and traffic and litter concerns. He said he would like assurances included in the franchise agreement that Metro would enforce the litter pick-up program. Mayor Clark objected to SE-3 on page 9 of the Franchise Conditions; he said he did not recall any conversations on the item. Chair Hansen noted the enhancement fee was

considered a separate item. Mayor Clark said he was not assured that the city would not have to prove a case.

Motion: Councilor Ragsdale moved to defer action on Resolution No. 88-976 and to continue consideration of the resolution to the September 6, 1988, meeting.

Vote: Councilors Gardner, Ragsdale and Hansen voted aye. Councilors Kelley and Kirkpatrick were absent. The vote was unanimous and the motion passed.

Councilor Ragsdale said he preferred to have the specific language before the Committee. Councilor Gardner agreed with Councilor Ragsdale and said the Committee would not know what they recommended to the Council if they did not see the finalized language. He noted there was no plan to increase the level of recycling at Forest Grove. He said any other questions he might have could be answered by the actual contract language. Councilor Gardner said he would like a staff or Legal Counsel's analysis as to whether this action could even be considered a new application.

Chair Hansen told staff franchise language should be completed by September 20. He said he would like to see any amendments or additional recommendations of the users fee on separated recyclables. He discussed elimination of the flat fee.

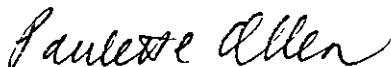
Charles Marshall, Forest Grove Transfer Station, said he was sympathetic to the concerns expressed by Mayor Clark and the Committee, but said because of additional equipment required to process the higher volume of solid waste, a five-year contract was required. He said it would require a \$100,000 capital investment.

Mayor Clark said an amendment was under discussion, and not a new application. He did not know if the Forest Grove City Council had signed off on an amendment. Mr. Adams said the application intent was meant for a five-year period which he had previously told the City of Forest Grove.

Councilor Gardner asked Mr. Adams and Mr. Marshall to submit an explanation of the additional equipment was required.

Chair Hansen adjourned the meeting at 7:45 p.m.

Respectfully submitted,



Paulette Allen, Clerk
SWC88.243