

MINUTES OF THE METRO COUNCIL MEETING

February 18, 1999

Council Chamber

Councilors Present: Rod Monroe (Presiding Officer), Susan McLain, Ed Washington, Rod Park, Bill Atherton, David Bragdon, Jon Kvistad

Councilors Absent:

Presiding Officer Monroe convened the Regular Council Meeting at 2:11 p.m.

1. INTRODUCTIONS

Charles Ciecko, Regional Parks and Greenspaces Director, introduced Bob Akers, president of the Forty Mile Loop Land Trust and member of the Regional Parks and Greenspaces Advisory Committee.

Presiding Officer Monroe welcomed Mr. Akers.

Bob Akers wanted to present State Trails Commission awards for outstanding work in trail development throughout the state. He introduced Ernie Drapela to present the awards.

Mr. Drapela presented the Doug Newman Award to Barbara Walker and Mel Huie. He said the two were selected from many applicants for this award for successful trail achievements and this was the first time it had ever been presented as a shared award. He said they were both remarkable people who had worked hard and deserved the honor.

Councilor Atherton said there was the potential in this region to run a trail from downtown Portland all the way to Tillamook along the Salmonberry River. He noted most of this railroad right of way was in public ownership. He asked if there were any thoughts about that.

Mr. Akers said their thoughts about that continued a little farther, like from the coast to Portland's Springwater Trail and then all the way to the Pacific Crest Trail so you could walk all the way from Canada to Mexico.

Councilor Atherton said "from the surf to the turf" would be great. He asked if there were any estimates on the per mile costs of the 40 mile loop.

Mr. Akers responded that it would vary with the type of trail, whether it was a high or low friction trail or a soft trail. He said soft surface trails such as along the Columbia Slough were quite a bit less money, somewhere in the neighborhood of \$1 million for the 16 miles of the Springwater Trail project.

Councilor Atherton asked about the cost for a paved trail.

Mr. Akers responded that the City of Portland's part of a 12' wide high friction trail paved in 1996 was around \$12,000 mile. That was not counting the construction, just the surfacing.

Barbara Walker said they had the advantage of having a good railroad bed to start from at the Springwater Trail, and a railroad operator who removed all of the things he could use while leaving the bed in good condition. She noted the trail gets a lot of use. She also wanted to say that this award had always been given to a volunteer but this year they wanted to make an exception, with very good reason, and give it to Mel. She said she had worked with him for many years and knew of no one who was more quietly effective.

Mr. Akers thanked the council for their support of the 40 mile loop and their interest in the Metropolitan trail system.

Presiding Officer Monroe added that Mr. Huie had promised to protect him from the elk a citizen opposed to that trail said would attack him if the trail was built in the West Hills.

Councilor McLain recognized and welcomed Dr. Maurice Rahimi from the Pike's Peak Area Council of Governments in Colorado Springs, CO, who was here to view work done by this region.

Councilor Bragdon introduced Heather Hendricks, a student from Arbor School who was working on a school project about Metro and would be spending some time here.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATION

None.

6. METRO LEGISLATIVE UPDATE

Presiding Officer Monroe noted that he had been told that the hearing for SB 87 had been indefinitely postponed.

7. CONSENT AGENDA

7.1 Consideration of the meeting minutes of the February 11, 1999 Regular Council Meeting.

Motion: **Councilor Washington** moved to adopt the meeting minutes of the February 11, 1999 Regular Council Meeting.

Seconded: **Councilor McLain** seconded the motion.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

8. RESOLUTIONS

8.1 **Resolution No. 99-2753**, For the Purpose of Authorizing the Executive Officer to sign Neighbor City Intergovernmental Agreements with the city of Sandy and Canby, Clackamas County and Oregon Department of Transportation.

Motion: **Councilor McLain** moved to postpone action on Resolution No. 99-2753.

Seconded: **Councilor Atherton** seconded the motion.

Councilor McLain reviewed a coordination issue which she felt brought them to this resolution. She spoke about the IGAs and RUGGOs that had been adopted in 1998 and said there was a need to have strong communications with all outlying areas, not just the neighboring cities. She said this resolution was a courtesy to the outlying areas and also the new councilors to have more time to digest the information. She also noted that separation of communities and green corridors were issues.

Councilor Kvistad thanked Councilor McLain, chair of MPAC, for recognizing his concerns and his request for an MPAC review. He said he appreciated it a great deal.

Councilor Atherton supported the one week delay and hoped the opportunity would be used to get some clarification about the 20 year land law which would interfere with the separation of cities and the green corridors.

Councilor Park appreciated the one week delay also. He had concerns about the IGA for the Sandy area and had staff checking on it at this time. He looked forward to the MPAC discussion.

Councilor Bragdon also wanted to be supportive of this delay if it helped ease concerns. He wanted to confirm that it would be sent to Clackamas County.

Councilor McLain said she had called Michael Jordan, the new member of the Clackamas County Commission, and had received a fax from Clackamas County indicating they were still in support. She pointed out that Mr. Jordan had been the City Manager of Canby when the work was being done and had sat in on about three-fourths of the meetings she had attended.

Presiding Officer Monroe added that he understood Mr. Jordan would be Clackamas County's MPAC representative.

Councilor McLain said that was true and added that the council had received an e-mail from the Mayor of Tualatin and a fax and e-mail from the Mayor of Wilsonville indicating support of the green corridors and this concept.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion to postpone action passed unanimously.

9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e). DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

9.1 **Resolution No. 99-2744**, For the Purpose of Authorizing the Executive Officer to Acquire two Parcels (Broughton Beach and Portage Marina) from the Port of Portland which are located in the Columbia River Shoreline Target Area.

Members Present: Members of the press, Charlie Ciecko, Berit Stevenson, Heather Nelson-Kent, Alison Kean-Campbell, Dan Kromer, April Olbrich

Motion: **Councilor Washington** moved to adopt Resolution No. 99-2744.

Seconded: **Councilor Park** seconded the motion.

Councilor Washington said the Council was aware of the history of this resolution and staff had spoken with each councilor already regarding this matter. He noted that Broughton Beach had been a public beach for many years and felt it was an excellent addition. He urged Council's aye vote.

Councilor Atherton pointed out that the appraised value of \$300,000 applied to the small property north and west and not to the large beach area.

Councilor Park asked for clarification of the liability potential due to the nearness to the airport.

Mr. Dan Cooper, General Counsel, said the possibility of Metro being held liable as a result of an airplane accident causing injury to some third party on the property based on the theory of an attractive nuisance or other similar theory was a very remote possibility and would probably not be successful in court

Councilor Kvistad said had not voted in support of this originally and still had concerns for special circumstances and precedent setting but would be voting in support of it today.

Councilor McLain said she too had voted no the first time and felt additional research was necessary. She said staff had brought back a more substantial support package and she would support it this time. She said staff had assured her that it was part of a larger master plan.

Councilor Bragdon declared ex parte contact. He noted that prior to his employment at Metro he was employed by the seller of the property. He said he had been informally approached for a brief discussion in December and had told the person it did not pertain to his area of responsibility at that time. He said he had not been given any information outside of what was already public.

Councilor Washington closed by urging an aye vote from council on this matter.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

10. COUNCILOR COMMUNICATION

Presiding Officer Monroe reminded the council that next week's Regular Council meeting would be at 7:00 PM instead of the usual 2:00 PM.

Councilor Washington asked the council if they could plan for a Metro Operations meeting on Monday, February 22, at 3:30 PM for additional discussion on the ethics code.

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Councilor McLain suggested that the Growth Management Committee meeting could meet earlier at 1:00 PM so that the Metro Operations Committee could get started. She noted the reason for the special Growth Management Committee meeting was that there had been illness on both the committee and at the legislature.

11. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at PM.

Prepared by,

Chris Billington
Clerk of the Council

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