



METROPOLITAN SERVICE DISTRICT

6400 S.W. CANYON COURT PORTLAND, OREGON 97221 (503) 297-3726

MSD BOARD OF DIRECTORS

MINUTES OF OCTOBER 25, 1974 MEETING

BOARD MEMBERS IN ATTENDANCE

Robert Schumacher, Chairman  
James Robnett  
Charles Becker  
Mel Gordon  
Burton Wilson  
Connie McCready

APPROVED METROPOLITAN  
SERVICE DISTRICT  
BOARD OF DIRECTORS

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney  
Gary Grimes, DEQ  
Bob Brown, DEQ  
Bill Culham, SWC

ACTION NO. 74-248

DATE 11-8-74

BY Jean M. Woodman  
CLERK OF THE BOARD

GUESTS IN ATTENDANCE

Gene Bunch, Bunch Tire Baler, Inc.  
Carl Miller, Local 220  
Brian O'Brien, Attorney  
Bruce Harder, Multnomah County  
Lee Kell, CWSI  
Karen Kahl, Clackamas County Refuse Assn.  
Jack Schwat, Clackamas County Refuse Assn.  
Clarence Gertz, Multnomah County  
Richard Glanz, Metro Disposal Corp.  
Cliff Carlsen, Continental Can  
Renee Fellman, Royal Woodlands-Pinehurst Action Committee  
Homer Spencer, Royal Woodlands-Pinehurst Action Committee  
Bill Deming, SWC  
John Knapp, Resource Recovery Byproducts

STAFF IN ATTENDANCE

Charles Kemper  
Merle Irvine  
Rena Smith  
Jean Woodman  
Sandra Bauer

I. MINUTES

Commissioner Wilson moved to approve the minutes of October 11, 1974 as submitted. Mayor Robnett seconded the motion. The motion carried unanimously.

II. PUBLIC COMMUNICATIONS

Petition from Bunch Tire Balers, Inc.

Mr. Gene Bunch, of Bunch Tire Balers, Inc. submitted a request to store baled scrap tires at Mickey's Landfill in Columbia County on an interim basis awaiting market demand for the tires. The request was considered by the Solid Waste Committee and forwarded to the Board with the recommendation for denial of the petition.

Mr. O'Brien, Attorney for Gene Bunch, addressed the Board with a formal request to allow the transporting of scrap tires outside the MSD area. (Statement on tape). Mr. O'Brien indicated that the State of Washington is willing to accept a certain number of the tires, and the request to store the remaining tires at Mickey's Landfill would be for the time awaiting the State of Oregon's request for baled tires to be used in their reef program. Mickey's Landfill storage would also serve for easy disposal of the tires in the event that the State of Oregon did not use them, however, the DEQ indicated that they would not permit landfilling of baled tires at this location. It was also noted that according to State of Oregon Statutes, tires may not be deposited in the state's waters for any purpose, and without new Legislation, the State of Oregon could not be considered a viable market.

Mr. Bunch addressed the Board with a statement to be entered into the records. (Statement retained on tape.)

Commissioner Wilson moved that the Bunch Tire Balers, Inc. petition to store baled tires at Mickey's Landfill be denied. Commissioner McCready seconded the motion. The motion carried unanimously.

(Councilman Becker left the Board meeting and was not present for the vote).

III. SALVAGE CENTER ORDINANCE NO. 23 - SECOND PUBLIC HEARING

The public hearing was opened to consider Ordinance No. 23 an ordinance to bring tire salvage operations under the regulatory program of the MSD Tire Ordinances; to authorize tire salvage centers; to assess and collect a fee for supervision of scrap tire salvage; and to establish criteria and procedures for authorization of tire centers.

Commissioner Schumacher asked if everyone in the audience had a copy of Ordinance No. 23 and there was no response.

Commissioner Wilson moved to have the ordinance read by title only. Commissioner Gordon seconded the motion. The motion carried unanimously. Ordinance No. 23 was read by title.

Commissioner McCready questioned the Solid Waste Committee members' concern over the definition of "salvage" and "processing", and Mr. Irvine stated that the definition had been amended in the ordinance to differentiate between the two.

The following public testimony was received:

A. Larry Burrright, Jr.

Mr. Burrright addressed the Board requesting clarification on sections 2.4.6 and 2.4.8. Mr. Irvine explained these two sections for Mr. Burrright.

Commissioner Schumacher asked if there was any further testimony to be given, and there was no response.

As this is the second public hearing on Ordinance No. 23 and no adverse comments were received, the Board felt it was appropriate to adopt the ordinance.

Commissioner Wilson moved to adopt Ordinance No. 23. Commissioner Gordon seconded the motion. The motion carried unanimously.

#### IV. MSD/CRAG CONTRACT

Mr. Kemper reviewed the revised MSD/CRAG contract, indicating that the contract approved by Ordinance No. 20 on September 13, 1974 had been rejected by CRAG staff. The Board members had no objections to the modifications.

Commissioner Gordon moved to approve the MSD/CRAG contract as amended and to be filed as a revision to Ordinance No. 20. Commissioner McCready seconded the motion. The motion carried unanimously.

#### V. REQUEST FOR PROPOSAL DOCUMENT DEVELOPMENT AUTHORIZATION - EMERGENCY ORDINANCE NO. 26

Mr. Kemper reviewed the staff report stating that he felt the time was proper for determining the scope and effect of private industry costs on the MSD Solid Waste Management system. He also stated that the proper course of action was to prepare a Request for Proposal Document for soliciting private industry proposals for design, construction, activation and operation of the transfer stations. Emergency Ordinance No. 26 would provide the necessary authorization for staff to develop the RFP document.

Commissioner Gordon addressed the Board with a statement regarding the increased capital costs of the Solid Waste System as presented by COR-MET. (Statement is attached as part of the record). Commissioner Gordon felt that a sub-committee should be formed to meet with COR-MET to hear an explanation and attempt to restore some credibility to the Action Plan. There was a consensus on this approach and Commissioner Schumacher appointed Mel Gordon, James Robnett, Burton Wilson and Art Schlack to act as the sub-committee.

Commissioner Schumacher opened the public hearing for consideration of Ordinance No. 26, an ordinance authorizing the Program Manager of the Metropolitan Service District to prepare a request for proposal document; advertise for, receive, and evaluate with the aid of a committee proposals from private industry for the design, construction, activation, and operation of the Metropolitan Service District's regional milling-transfer system; and declaring an emergency.

Commissioner Schumacher asked if there was anyone in the audience who did not have a copy of the ordinance and wished one, and there was no response.

Commissioner McCready moved to have the ordinance read by title only. Commissioner Gordon seconded the motion. The motion carried unanimously.

Mr. Kemper read the ordinance by title.

Commissioner Schumacher asked if there was anyone in the audience who wished to testify and the following testimony was received:

A. John Knapp  
Resource Recovery Byproducts

Statement retained on tape.

Mr. Knapp did not feel that Section I.1.a should limit the number of facilities. The Board, however, felt that the RFP would have to give specifics on the system in order for the bidders to have something substantive to evaluate.

There was no further testimony from the public. As this is an emergency ordinance and the Board received no adverse comments, it was felt to be appropriate to adopt the ordinance.

Commissioner Wilson moved to close the public hearing and adopt Emergency Ordinance No. 26. Commissioner McCready seconded the motion. The motion carried unanimously.

VI. CONTRACT SERVICES - COR-MET - EMERGENCY ORDINANCE NO. 24

Ordinance No. 24 approves a contract for services for COR-MET to assist MSD staff in preparation of a Request for Proposal Document.

Commissioner Schumacher opened the public hearing and asked if there was anyone in the audience who wished a copy of the ordinance. There was no response.

Commissioner McCready moved to have Ordinance No. 24 read by title only. Commissioner Gordon seconded the motion. The motion carried unanimously.

Mr. Kemper read the ordinance by title.

Mr. Gisvold suggested that the word "preparation" in the first paragraph of the contract be changed to "assistance" and that the second and third paragraphs of the contract be eliminated. The Board agreed with these amendments.

Commissioner Schumacher requested public testimony and there was no response.

Commissioner Gordon moved to adopt Ordinance No. 24 approving the COR-MET contract as amended by legal counsel and subject to review and comment of COR-MET's costs by the appointed sub-committee. Commissioner Wilson seconded the motion. The motion carried unanimously.

Commissioner Gordon moved to delay payment on the remaining COR-MET billings of \$46,527.32 pending the outcome of the sub-committee's findings. Commissioner McCready seconded the motion. The motion carried unanimously.

VII. CONTRACT SERVICES - STAFF - EMERGENCY ORDINANCE NO. 25

Emergency Ordinance No. 25 approves a contract between MSD and William Deming for four months to prepare, coordinate and evaluate the proposal effort for MSD.

Commissioner Schumacher asked if there was anyone in the audience that wished a copy of the ordinance that did not have one and there was no response.

Commissioner McCready moved to read Ordinance No. 25 by title. Commissioner Gordon seconded the motion. The motion carried unanimously.

Mr. Kemper read the ordinance by title.

Mr. Gisvold suggested amending the termination time to 15 days written notice, and adding a line indicating that the MSD accepts the proposal as set forth. The Board agreed with these amendments.

Commissioner Schumacher requested public testimony and there was no response.

This is an emergency ordinance receiving only one reading and it was in order to adopt the ordinance at this time.

Commissioner Wilson moved to adopt Emergency Ordinance No. 25 as amended by legal counsel. Commissioner McCready seconded the motion.

Commissioner Gordon questioned a possible conflict of interest in the form of pending legal action between Mr. Deming and a principal of Consolidated Waste Services, Inc., a firm under evaluation by MSD for their proposal on the solid waste system. Mr. Kell, legal counsel for Consolidated Waste Services, Inc., stated that this firm had no objections to Mr. Deming's employment and would offer a letter to this effect to MSD.

Commissioner Gordon moved to amend the motion to subject approval of the contract upon receipt of Mr. Kell's letter. Commissioner McCready seconded the amendment. The amendment carried unanimously.

The question was called on the main motion and the motion carried unanimously.

#### VIII. NON-PROCESSIBLE PROGRAM AUTHORIZATION

Staff was requesting authority for development of a rate ordinance to be used in conjunction with the proposed Non-Processible Program.

Commissioner Gordon moved to authorize staff to develop a rate ordinance for Non-processible Waste Program. Commissioner Wilson seconded the motion. The motion carried unanimously.

IX. PRE-DESIGN COSTS AND ALTERNATIVES - COR-MET

The Board accepted the Solid Waste Committee's assurance of their continued evaluation and review of COR-MET's pre-design costs for the solid waste system. No action is required at this time.

X. SOURCE SEPARATION POLICY

Mr. Kemper read the proposed Resolution No. 14 Source Separation Policy requested by the Board. The Solid Waste Committee felt that it was good to establish such a policy and recommended approval.

Commissioner Wilson moved to adopt Resolution No. 14 Source Separation Policy. Commissioner Gordon seconded the motion. The motion carried unanimously.

XI. DELINEATION OF ADMINISTRATIVE AND MANAGEMENT AUTHORITY POLICY

Mr. Kemper reviewed proposed Resolution No. 15 covering delineation of several administrative and management authorities to the Program Manager. Staff felt that a commitment of this nature from the Board was necessary for the orderly continuation of administrative procedures, and was requesting approval.

Commissioner McCready moved to approve Resolution No. 15. Mayor Robnett seconded the motion. The motion carried unanimously.

XII. OTHER BUSINESS

A. Staff was requesting authorization for the Chairman to approve leasing of an automobile for staff use as of November 1, 1974, and after appropriate review of the lease agreement by MSD legal counsel.

Commissioner McCready moved to approve staff recommendation. Mayor Robnett seconded the motion. The motion carried unanimously.



- B. Mr. Kemper read a letter from Governor Tom McCall thanking MSD for the background information sent on the solid waste system in answer to a letter he received from Richard Duncan.

Mr. Kemper also read a letter received from Multnomah County indicating their committment to funds on the Johnson Creek Drainage Program.

- C. The Board discussed the St. Louis National League of Cities convention with the feeling that the MSD should be represented both politically and technically. It was agreed to send Mr. Kemper and Commissioner McCready to the convention.

There being no further business to come before the Board, the meeting adjourned at 5:15 P.M.