

MSD BOARD OF DIRECTORS

MINUTES OF OCTOBER 10, 1975 MEETING

BOARD MEMBERS IN ATTENDANCE

Robert Schumacher, Chairman
Miller Duris
Mel Gordon
Connie McCready
James Robnett
Charles Becker

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney
Bob Brown, DEQ
John Cooper, Coates Field Service

GUESTS IN ATTENDANCE

List attached

STAFF IN ATTENDANCE

Charles Kemper
Merle Irvine
Cordell Ketterling
Jean Woodman

There being a quorum present, the Board considered the listed agenda items of business. Commissioner Schumacher stated that due to 1975 amendments to the State of Oregon Open Meeting Law, it had been deemed advisable by the attorney to follow a roll-call procedure on all resolutions before the Board. A record of the roll-call votes are retained in the MSD files.

75-388 MINUTES

Mayor Robnett moved to approve the minutes of September 12, 1975, as submitted. Commissioner Gordon seconded the motion. The motion carried unanimously.

75-389 PUBLIC COMMUNICATIONS

Commissioner Schumacher asked if there was anyone in the audience that wished to address the Board on items not listed on the meeting agenda, and there was no response.

75-390 ACCOUNTS PAYABLE

Councilman Becker moved to approve the Accounts Payable Vouchers No. 237 through 258 in the total amount of \$13,234.45. Mayor Duris seconded the motion. The motion carried unanimously.

75-391 ZOO SUPPLEMENTAL BUDGET

Mr. Irvine reviewed the \$42,000 75-76 supplemental budget providing for \$40,000 election expenses, \$1,000 for staff work and \$1,000 contingency. If approved by the Board, the supplemental budget will be set for public hearing by the Tax Supervising and Conservation Commission.

Commissioner Gordon questioned the source of the \$40,000 election fund, and Mr. Irvine stated that the source had not been determined; however, its inclusion in the supplemental budget would not commit the Board to provide the funds.

Commissioner Gordon moved to establish a Zoo Fund in the MSD 75-76 budget, approve the Zoo supplemental budget in the amount of \$42,000, and transmit to the Tax Supervision and Conservation Commission for public hearing. Commissioner McCready seconded the motion. The motion carried unanimously.

75-392 MSD SOLID WASTE MANAGEMENT PROGRAM ORDINANCE NO. 32 -
SECOND PUBLIC HEARING

Commissioner Schumacher was not present for this agenda item, and Mayor Duris chaired the meeting.

Mayor Duris opened the second public hearing on Ordinance No. 32, an ordinance establishing an areawide solid waste management and operation program; establishing procedures for the issuance of certificates for the operation of waste disposal sites; providing for orderly and beneficial flow of solid wastes; providing for penalties and administration and enforcement; providing for collection of fees; repealing a

prior ordinance and prescribing an effective date.

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

Motion 75-392.A

Commissioner McCready moved to read Ordinance No. 32 by title only. Commissioner Gordon seconded the motion. The motion carried unanimously.

Mr. Irvine read Ordinance No. 32 by title.

Mr. Irvine read a letter received from Ezra Koch, Tri-County Council, requesting that Ordinance No. 33 be considered at the same time as Ordinance No. 32. This letter dated October 9, 1975, will become part of the record and is attached hereto. Commissioner Gordon asked if the Board could legally consider the one ordinance without the other, and Mr. Gisvold stated that there existed no legal impediment to taking action on Ordinance No. 32 prior to public hearing of Ordinance No. 33. Mr. Gisvold also stated that staff would like input from industry on Ordinance No. 32 so that it can be incorporated, however, to date none has been received. Mr. Irvine stated that Ordinance No. 33 would adopt a rate schedule on dollars per cubic yard and would not affect Ordinance No. 32. Commissioner McCready felt that the ordinances could be considered separately, as one would set out policy and guidelines on the program and the other simply set a rate schedule.

Mr. Irvine reviewed the amendments made to Ordinance No. 32 as of October 10, 1975, which were not set out in the September 11, 1975, draft. The amendments were as follows:

Section 3.B. - "approximately 4,000,000" was included in the sentence.

Section 5.G. - The words "resource recovery. Dirt and concrete are examples of nonprocessable wastes." were added.

Section 5. - All reference to the phased schedules were removed.

Section 5.N., O., P., Q.2, Q.3, Q.5, T. were added, and S was reworded.

Section 8.A.7 and 8.C., were added.

Section 9. - All reference to an alternate land use was eliminated from this section.

(This agenda item was taken out of order and Commissioner Gordon was not present for the remainder of this agenda item discussion).

Section 13.A.1, 2, and 3 - The word "wilfully" was removed from these sections.

Section 15.B.6 - The words "and/or tons" were included after the word "yards".

Section 16 - The word "each" was included under the penalties.

Under public testimony, Mr. Dick Glanz, stated that he had submitted some input through the Solid Waste Advisory Committee, however, industry had been expecting to receive Ordinance No. 33 for review along with Ordinance No. 32. He also stated that industry had no desire to delay action on Ordinance No. 32 unnecessarily, but requested that the ordinance receive a third hearing. Mr. Kemper stated that staff felt three public hearings would be in order and that a time problem resulted in Ordinance No. 33 not being available at this time. Commissioner McCready stated that she did not feel the two ordinances had to be considered at the same time, and that she would be prepared to act on Ordinance No. 32 at the next hearing. Mr. Gisvold stated that if industry's councils had comments to Ordinance No. 32 prior to the October 24, 1975, meeting date, they could call him for incorporation into the ordinance.

Motions 75-392.B

Commissioner McCready moved to set October 24, 1975, for the third public hearing on Ordinance No. 32. Mayor Robnett seconded the motion. The motion carried unanimously.

75-393 MSD/PARKER NORTHWEST NEGOTIATIONS STATUS REPORT

Mr. Kemper reviewed the progress in negotiations between MSD and Parker Northwest for construction and operation of the MSD solid waste transfer/processing station system.

(Commissioner Schumacher and Commissioner Gordon were both present during this agenda item).

Mr. Kemper stated that staff is negotiating with Parker Northwest as the primary potential contractor chosen by the Proposal Evaluation Team prior to rejection of the three bids. He felt that due to limited time and staff resources, a contract with Parker Northwest could be developed in a more timely manner than a thorough evaluation of various combinations of contractors. At this time staff estimated that negotiations were approximately 50% complete. Mr. Kemper also stated that staff would have no objection to possible sub-contracts developing under Parker Northwest. Members of the DEQ and MSD staff have met with CWSI at which time CWSI indicated an interest in submitting a proposal for the North Portland site. The Board discussed possible receipt of new proposals, procedures to be used for evaluation of the proposals, and the problems relating to splitting the system between two or more contractors. Commissioner Gordon indicated that with Parker Northwest willing to contract on the entire system and CWSI on the North Portland station only, it would be more feasible and eliminate many problems and staff time if CWSI sub-contracted to Parker Northwest. Mayor Duris felt that clear direction should be given to staff as to where their time would be devoted, to negotiations with one contractor or evaluation of several proposals to the system. Commissioner McCready felt that new proposals should be submitted directly to the Board and that these proposals should be for the entire system rather than a portion of that system. The Board discussed criteria that would have to be developed for evaluation of other proposals and the problems that would exist with byproduct markets if the system were split between two or more contractors.

Commissioner McCready moved that if the Board were to consider proposals other than Parker Northwest, that those proposals be submitted as a primary contractor and not as a portion of the system. Commissioner Gordon seconded the motion.

In discussion of the motion there was a consensus that the intent of the Board was not to preclude other proposals, however, those proposals must be submitted directly to the MSD Board in order to eliminate excessive staff resources. The Board determined that since their intent was defined, the staff recommendation was acceptable. Commissioner McCready, with consent of the second, withdrew her motion.

Commissioner McCready moved to approve the staff recommendation to continue negotiations with Parker Northwest as the exclusive contractor for the MSD solid waste system; and to direct the staff to return to the Board at the earliest time with preliminary contract terms for review and approval prior to final contract submittal. Mayor Duris seconded the motion. The motion carried unanimously.

75-394 ALFORD SITE RECOMMENDATION

(Commissioner Schumacher left the Board meeting during this discussion and action).

The staff presented the Board with their recommendation regarding an application to Clackamas County by Robert Alford and R.C. Goheen for gravel removal and subsequent filling of the pit by landfilling. Staff recommendation was to strongly support the development of the Alford/Goheen sand and gravel operation, reclamation through landfill, and ultimate use as a regional or state park; and recommendation for approval of the Alford/Goheen conditional use permit by the Clackamas County Planning Commission.

Commissioner Gordon addressed the Board submitting new wording to replace the staff recommendation. Commissioner Gordon felt that the new language would indicate that MSD considered the site feasible, but would allow further study prior to making a final decision.

Commissioner Gordon moved for the following wording: "The Alford/Goheen site is one of several potential sanitary landfill sites under study by MSD. Based on the information developed to date it has several attributes that make it one of the two most desirable sites under study. Further, study is required before MSD will be ready to make a final decision on whether the Alford/Goheen site will be selected as a regional sanitary landfill site. Until that time, MSD strongly urges a use for the site which will not preclude its future use as a sanitary landfill. A sand and gravel operation would be consistent with this objective."

Commissioner McCready seconded the motion. The motion carried unanimously.

75-395 COATES FIELD SERVICE CONTRACT

The Board considered a contract between MSD and Coates Field Service for appraisals for two proposed solid waste sites, in Oregon City and Merlo Road.

Commissioner McCready moved to approve the MSD/Coates Field Service contract and authorize the Chairman to sign the appropriate documents after contract review by legal counsel. Mayor Robnett seconded the motion. The motion carried unanimously.

(Commissioner Schumacher was not present for this agenda item).

75-396 EXECUTIVE SESSION - MERLO ROAD SITE

(Commissioner Schumacher was not present for the Executive Session or the reconvened public meeting. Commissioner Gordon was not present for the Executive Session or for the reconvened meeting).

Mayor Duris stated that the Board would retire into Executive Session under the authority of ORS192.660(2)(A) for the purpose of deliberating on a real property transaction. Mayor Duris allowed Mrs. Hoard, representing the Gresham Outlook, to attend the Executive Session, requesting that she not disclose the discussion. Mrs. Hoard was in agreement.

After the Executive Session the Board reconvened into open meeting for deciding on the Merlo Road staff recommendation.

Mayor Robnett moved to direct staff to proceed with negotiations for possible acquisition of the Merlo Road site based upon the Coates Field Service appraisal and up to the recommended appraisal price. Commissioner McCready seconded the motion. The motion carried unanimously.

The Board discussed authorizing staff to enter into an agreement on the property up to the appraisal amount and it was agreed that staff would be allowed to enter into an

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option to purchase the property if time did not allow a special or emergency Board meeting.

75-397 OTHER BUSINESS

Johnson Creek Program Budget Transfer

The Board considered staff recommendation to transfer \$4,650 from the Johnson Creek budget Contract Services to Personal Services to allow for payment of a new position to handle jointly, the Johnson Creek Program and the Tire Processing and Disposal Program.

Councilman Becker moved to approve the Johnson Creek budget transfer in the amount of \$4,650. Commissioner McCready seconded the motion. The motion carried unanimously.

There being no further business to come before the Board, the meeting adjourned at 4:45 P.M.