

MSD BOARD OF DIRECTORS

MINUTES OF NOVEMBER 12, 1976 MEETING

BOARD MEMBERS IN ATTENDANCE

Ray Miller, Chairman
Miller Duris
Charles Becker
James Robnett
Connie McCready

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney
Bob Brown, DEQ

GUESTS IN ATTENDANCE

List attached.

STAFF IN ATTENDANCE

Charles C. Kemper
Cordell Ketterling
Merle Irvine
Warren Iliff
John Wilson
Jean Woodman

METROPOLITAN SERVICE DISTRICT
BOARD APPROVAL

NO. 76-704 DATE 12-10-76

| | YES | NO | ABST |
|------------------|-------------------------------------|--------------------------|--------------------------|
| BECKER | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| DURIS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| GORDON | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| MCCREADY | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ROBNETT | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| SCHUMACHER | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| MILLER, CHAIRMAN | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Jean Woodman
Clerk of the Board

The clerk called the roll, and there being a quorum present, the Board considered the following items of business.

76-696 MINUTES

Councilman Becker moved to approve the minutes of October 22, 1976, as submitted. Mayor Duris seconded the motion. The motion carried unanimously by roll call vote.

76-697 PUBLIC COMMUNICATIONS

Mr. J. A. Stevenson, of 12507 NE Holiday Place, in Portland 97230, addressed the Board objecting to the use of a \$180,000 federal grant received by the Zoo to do a study which he described to be on the love life and activities of monkeys and other animals. Mr. Stevenson stated his abhorrence that the Metropolitan Service District condoned such use of public funds at a time when the national budget deficit was so large. He also read a letter that he intended to send to the Federal Department of Health, Education and Welfare outlining his feelings on the subject.

Commissioner Miller reviewed a written summary of his meeting with the MSD Solid Waste Advisory Committee, stating that he spoke as one member of the MSD Board and as a Commissioner in Washington County. Mr. Phillips, Chairman of the Solid Waste Advisory Committee, stated that he felt the visit by the Chairman helped the committee. It was agreed that the Board members would be added to the Advisory Committee mailing list to preview them on up-coming matters of importance.

Mr. Jerry Bell addressed the Board asking what progress had been made on the Johnson Creek Program. The Board members informed Mr. Bell that the state's position on funding for Johnson Creek was negative. They suggested that he approach the Legislature for support.

76-698 CASH DISBURSEMENTS

Mr. Kemper reviewed the cash disbursements recommendation stating that staff was requesting further authorization for expenditure of funds in the event of cancellation of the November 26, 1976, Board meeting.

Councilman Becker moved to approve payment of checks No. 1893 through 1912, in the total amount of \$31,463.44; and further, to authorize payment of invoices due November 26, 1976, in the event that this Board meeting is cancelled and a special meeting is not called. Commissioner McCreedy seconded the motion. The motion carried unanimously by roll call vote.

76-699 MSD PERSONNEL MANUAL

Mr. Irvine presented the Board with a draft copy of the MSD Personnel Manual pointing out conflicts between union and non-union policies. In discussing the conflicts, Mr. Gisvold stated that such conflicts could be raised during contract negotiations at both the advantage and disadvantage of management. Mr. Iliff explained the selection procedure for employees working holidays and layoffs.

Mr. Irvine requested that the Board review the personnel manual for consideration and action at the December 10, 1976, Board meeting.

76-700 OBRIST LANDFILL HEARING

Mr. Ketterling reviewed the staff report and recommendation on the Obrist Landfill request to DEQ for modification of their permit allowing them to accept public waste. The present DEQ permit restricts acceptable wastes to demolition and construction wastes and land clearing debris delivered by licensed contractors and commercial haulers. The staff's position is to recommend against modification. Past efforts of MSD have been to discourage operations of additional sanitary landfills in strategy for the implementation of an areawide solid waste resource recovery program. Mr. Ketterling stated that Obrist was not operating in conformance with their present DEQ permit and staff members along with DEQ staff members visited the site and took pictures of operational violations. Mr. Ketterling also stated that the question before the Board was not a compliance issue but a direct recommendation to DEQ on the modification issue. Mr. Brown, of DEQ, stated that the Obrist site has not in the past received adequate enforcement by DEQ staff due to a limited number of staff members available for this purpose.

Mr. Dave Phillips, representing the MSD Solid Waste Advisory Committee, presented the committee's recommendation, stating that when the Obrist application was presented to the Committee, they may have lost sight of the planning aspects and impact to the total system; and, therefore, passed their recommendation on a non-conformance issue. Mr. Phillips also stated that other applications had been turned down because of lack of public need, and that he personally would not like to see the site opened to the public.

The Board discussed alternate disposal facilities for public use from Troutdale such as the LaVelle operation and the Clackamas County transfer station in Sandy.

The Board viewed slides of pictures taken of violations at the Obrist Landfill site.

Mr. L. A. Cooper, Engineer, representing Obrist Landfill, addressed the Board outlining the work procedure at the pit and the safety of the operation. He stated that the quality of the operation was efficient and excellent with only minor exceptions due to not being able to always control the waste coming in.

Mr. Porcelli, Attorney, for Obrist Landfill addressed the Board, stating that the slides shown the Board were biased, and that all of the material viewed was now covered. Mr. Porcelli cited the City of Troutdale's willingness to have this facility available to the public and also cited the MSD Solid Waste Advisory Committee's recommendation that the site be brought into compliance and reconsidered for approval of the permit modification.

Mr. Don Obrist, of Obrist Landfill, stated that when the pictures viewed were taken it was after three days of east wind and the site could not be worked under these conditions. He admitted that the site had received unauthorized wastes, but that this was not always possible to control.

Mr. Ketterling stated that staff had spent considerable effort in reviewing future periods of time when the demolition sites would be phased out to coincide with implementation of the MSD Solid Waste Program, and that part of the time schedule was to disallow additional sites and expansion of existing sites. There was some discussion on the impact on the Troutdale water system in the event the site was approved for a sanitary fill, and Mr. Ketterling stated that data had not been developed. There was also some discussion on MSD commitment to the fill if the modification were approved, and Mr. Gisvold stated that MSD's position was the right to control the flow and disposition of waste in the area once the MSD facility was operational regardless of whether or not the Obrist pit was filled.

Mr. Peter Blyth, Obrist Attorney, indicated that the property was to be turned over to the City of Troutdale in 1980, and Obrist would have no further interest, however, they were negotiating with the City now for the possibility that the site might not be filled.

There was some feeling that opening the Obrist fill to public use would impact the operations and revenues of other fills in the area and their fill schedules. Commissioner Miller stated that he attended the Solid Waste Advisory Committee meeting during discussion of the application and noted the voting pattern by interested participation. He also stated that the Board must take a stand on whether or not MSD would manage solid waste disposal in the area, and hoped that the Board would recommend approval of the permit only as in its present restricted state.

Mayor Duris moved to recommend to DEQ that the Obrist permit not be modified to allow public usage of the site. Commissioner McCready seconded the motion.

Under discussion, Councilman Becker qualified his vote on the motion by stating that while the MSD Board has a responsibility to management of solid waste disposal in the area, they also have a responsibility to the local jurisdictions they represent.

The question was called and the motion carried by roll call vote with Councilman Becker voting against.

76-701 ADVISORY COMMITTEE APPOINTMENTS FOR ZOO

The Board considered the agenda item for appointments to the MSD Zoo Advisory Committee (ZAC). Commissioner Miller noted that there were only four suggested appointments by Board members and set decision on appointments over to the December 10 Board meeting. He felt that a term of office should be set with rotating replacements and suggested that biographical sketches be submitted for each of the proposed members.

The Zoo Advisory Committee Appointments will appear on the December 10, 1976, Board agenda.

OTHER BUSINESS

Mayor Duris moved to consider two items under other business, Amendment to Zooplan Contract 76-020; and Tri-County Commission Proposal Response. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

76-702 Amendment to Zooplan Contract 76-020

Mr. Iliff requested Board approval for an increase in Contract 76-020 by \$500 to enable the Zooplan staff to interview and receive input from the Portland scientific community. In response to the Board's question of why this data was not gathered initially; Mr. Iliff stated that it was the intent to determine the political sensitivity and public opinion in the area, and that recently they had been asked to interview the educational and scientific community specifically. He also stated that this addition to the work scope would not delay the report completion date and would provide meaningful input.

Mayor Duris moved to authorize an amendment to contract 76-020 with Zooplan Associates, Inc., for the purpose of returning to Portland and performing additional interviews for the study. The total additional cost not to exceed \$500. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

76-703 Tri-County Commission Proposal Response

Mr. Kemper submitted a letter developed by MSD staff and staff members of Commissioners McCready and Gordon written in response to the Tri-County Commission Legislative Proposal. This letter was developed as a result of the Board's special meeting on November 5, 1976. The letter is being sent to Senator Edward N. Fadeley, Chairperson of the Interim Committee on Intergovernmental Affairs.

Mayor Duris moved to approve the letter dated November 12, 1976, authorize the Chairman to sign, and transmit the letter to Senator Fadeley including a copy of both LC1001 and LC1002. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

MSD Board of Directors
Minutes of November 12, 1976
Page 7

The Board felt the letter to be well done and Commissioner Miller expressed his appreciation to the staff members involved.

There being no further business to come before the Board, the meeting adjourned at 4:30 P.M.