

MSD BOARD OF DIRECTORS

MINUTES OF FEBRUARY 25, 1977 MEETING

BOARD MEMBERS IN ATTENDANCE

Ray Miller, Chairman
Lyle Salquist
Robert Schumacher
Mel Gordon

BOARD MEMBERS NOT IN ATTENDANCE

Connie McCready
James Robnett
Sidney Bartels

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney
Bob Brown, DEQ

GUESTS IN ATTENDANCE

List attached.

STAFF IN ATTENDANCE

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

METROPOLITAN SERVICE DISTRICT
BOARD ACTION
NO. 72-260 DATE 3-11-77
YES NO ABST.

BARTELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GORDON	<input checked="" 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"/>
SALQUIST	<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"/>

[Signature]
Clerk of the Board

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

77-753 MINUTES

Commissioner Gordon moved to approve the minutes of February 11, 1977, as submitted. Commissioner Schumacher seconded the motion. The motion carried unanimously by roll call vote.

77-754 PUBLIC COMMUNICATIONS

Commissioner Miller asked if there was anyone in the audience that wished to address the Board on matters not listed on the meeting agenda. There was no response.

77-755 CASH DISBURSEMENTS

Commissioner Schumacher moved to approve payment of Checks No. 2615 through 2697 in a total amount of \$26,745.14. Commissioner Gordon seconded the motion. The motion carried unanimously by roll call vote.

77-756 CONTRACT 76-029 - MARTIN/SODERSTROM/MATTESON - CHIMPANZEE/
ORANGUTAN EXHIBIT

Mr. Iliff reviewed his staff report outlining the events which led to Martin/Soderstrom/Matteson's submission of an estimated construction cost of \$1.13 million for the chimpanzee/orangutan exhibit at the MSD Zoo. At the February 11, 1977, meeting the Board directed staff to return with officials from the architect's firm to give an explanation of the increase of \$480,000 in costs over the original estimate of \$613,000. Mr. John Matteson and Mr. Will Martin were present for the discussion. Mr. Martin presented a model of the proposed chimpanzee/orangutan exhibit and giving some history of his firm's involvement.

Commissioner Gordon asked if the original designs were incomplete when estimated, or whether the architects simply increased each portion of the estimate to insure that construction bids came in at a lower bid. He also questioned whether the increase was in response to the incentive/disincentive clause of their contract. Mr. Martin did not feel that anything had been left out at the original estimate; however, at the time the orangutan elements were introduced, with oversized steel members, heavy glass, etc., they did not know what this would cost. He also felt it should be understood that the Zoo staff did not provide him with a budget until late in the concept design. In response to Commissioner Gordon's question of the incentive/disincentive clause, Mr. Martin stated that the estimate was a result of the "guarantee costs" statement in the contract, and that without the contract the estimate would have been \$850,000. Mr. Martin suggested that another contract be negotiated so that the project could move ahead to the bidding process.

In discussion of the approximately \$20,000 expended to date, Commissioner Gordon questioned the portion used for estimating the cost; and whether, in light of the increase, this portion had actually been earned by the architect. He also questioned whether it was the materials or the unusual design which affected the cost. Mr. Martin stated that approximately \$4,000 had been spent on the estimation, and that neither the unique design or materials was a factor. The building could not be standardized and he felt this presented problems; however, it was the contract between MSD and Martin that resulted in the increase.

Commissioner Gordon was not satisfied with the results of the project and suggested that staff and Board get together and resolve the matter. He stated his hope that in the future such projects would be subjected to some competitive process to eliminate similar problems.

This agenda item was set over to the March 11 Board meeting for determination to either continue with the project at a hopeful cost of \$850,000, or cancel, take the loss and start over again.

77-757 ORDINANCE NO. 45 - FIRST PUBLIC HEARING

Commissioner Miller opened the public hearing to give first consideration to Ordinance No. 45, providing Zoo regulations. Commissioner Miller asked if everyone in the audience had a copy of the ordinance that wished one. There was no response.

77-757.A: Commissioner Schumacher moved to read Ordinance No. 45 by title only. Councilman Salquist seconded the motion. The motion carried unanimously by roll call vote.

Mr. Iliff gave staff review of the ordinance, stating that he had some amendments to be introduced; however, he was not prepared to present them at this time. Commissioner Gordon questioned what the amendments would be; and Mr. Iliff stated they would cover such things as the railroad, employee authority in citizen arrests; adequate trespassing, and other things. There was some discussion on the penalty section of the regulations, and Mr. Kemper stated that this was the maximum allowable under ORS 268.

Commissioner Miller requested public testimony. There was no response.

77-757.B: Commissioner Gordon moved to set the second hearing for March 11, 1977, on Ordinance No. 45, and direct staff to formally notify the Attorney for the Krishna Consciousness organization as to the time and place. Councilman Salquist seconded the motion. The motion carried unanimously by roll call vote.

77-758 SEAL POOL COVER BID AWARD

Mr. Iliff reviewed the agenda item stating that two bids were received, one from J & J Construction for \$27,985, and one from Sorrento Construction for \$42,500. The budget estimate on this project was set at \$15,000. Commissioner Gordon asked how the budget figure was developed and whether a breakdown was available. Mr. Iliff answered that Philip Thompson, Architects, provided the figure and that the Zoo staff was in possession of the breakdown data. Commissioner Gordon was concerned that the project estimate was at such high variance with the bid price. He felt that this was occurring too often, and that costs should be tightened and given heavier consideration. He suggested that Mr. Iliff check with other zoos to see how they are handling similar situations.

Commissioner Gordon moved to reject all bids submitted on the seal pool cover, and further, direct staff to investigate alternate ways to protect the seals taking Board discussion in consideration. Commissioner Schumacher seconded the motion. The motion carried unanimously by roll call vote.

OTHER BUSINESS

77-759

At 3:00 P.M. staff requested Executive Session consideration to discuss current litigation with the collection industry as it relates to legislation under consideration during this session. Commissioner Schumacher moved to approve staff request and retire to Executive Session. Commissioner Gordon seconded the motion. The motion carried unanimously by roll call vote.

Commissioner Miller stated ORS 192.660(2)(d) as authority for the Executive Session. He also stated that the press was welcome to stay, however, all information discussed must remain undisclosed.

The Board reconvened in public session at 4:00 P.M., and requested Mr. Dale Harlan's clarification of proposed legislative amendments to ORS 268. It was the Board's understanding that Glen Otto, Chairman of the Committee on Intergovernmental Affairs which is reading HB 2683, has requested a meeting between himself, Anne Kelly, Dale Harlan and Dean Gisvold prior to public hearing on the Bill. Commissioner Miller urged Mr. Harlan's cooperation in scheduling this meeting so that the hearing could be set for no later than March 7, 1977. He also urged that Mr. Harlan meet with Mr. Gisvold as soon as possible to conclude proposed amendments to HB 2683. The Board was in agreement that March 14, 1977, would be the deadline date for hearing and the industry amendments would have to be concluded in time to meet this date.

There being no further business to come before the Board, the meeting adjourned at 4:25 P.M.