



# METROPOLITAN SERVICE DISTRICT

1220 S.W. MORRISON, ROOM 300, PORTLAND, OREGON 97205

(503) 222-3674 248-5470

## MSD BOARD OF DIRECTORS

### MINUTES OF APRIL 14, 1978 MEETING

#### BOARD MEMBERS IN ATTENDANCE

Robert Schumacher, Chairman  
Ray Miller  
Lyle Salquist  
Dennis Buchanan  
James Robnett

#### BOARD MEMBERS NOT IN ATTENDANCE

Connie McCready  
Sidney Bartels

#### GUESTS IN ATTENDANCE

List attached.

#### STAFF & ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney  
Bob Brown, DEQ  
Charles C. Kemper, Staff  
A. McKay Rich, Staff  
Paul Norr, Staff  
Cordell Ketterling, Staff  
Warren Iliff, Staff  
Jean Woodman, Staff  
Chuck Estes, Staff

#### METROPOLITAN SERVICE DISTRICT BOARD ACTION

NO. 78-1041 DATE 4-28-78

|            | YES                                 | NO                       | ABST.                    |
|------------|-------------------------------------|--------------------------|--------------------------|
| BARTELS    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| BUCHANAN   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| McCREADY   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| MILLER     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ROBNETT    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| SALQUIST   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| SCHUMACHER | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

*Jean Woodman*  
Clerk of the Board

There being a quorum present, the Board considered the following items of business:

#### 78-1029 MINUTES

Councilman Salquist moved to approve the minutes of the March 24, 1978, Board meeting as submitted. Commissioner Miller seconded the motion. The motion carried unanimously by roll call vote. (Mayor Robnett was not present during this agenda item.)

78-1030 PUBLIC COMMUNICATIONS

Commissioner Schumacher 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.

78-1031 CASH DISBURSEMENTS

Commissioner Miller moved to approve submittal of check register dates and totals only for Board approval on cash disbursements; and approve Checks No. 2064 to 2291 in the total amount of \$231,917.28 for payment. Councilman Salquist seconded the motion. The motion carried unanimously by roll call vote. (Mayor Robnett was not present during this agenda item.)

78-1032 CHANGE OF SAFE DEPOSIT BOX

Commissioner Miller moved to authorize execution of a new bank form for a safe deposit box designating access by Charles C. Kemper, Merle Irvine, and Chuck Estes. Commissioner Buchanan seconded the motion. The motion carried unanimously by roll call vote. (Mayor Robnett was not present during this agenda item.)

78-1033 SCRAP TIRE PROGRAM VIOLATION - Del Noble

Mr. Norr requested that action against Del Noble for a \$25 penalty be set over to allow Mr. Noble to be present. He stated that staff felt Mr. Noble had attempted to correct a storage of scrap tires situation which had resulted in his being fined two \$25 fines, and staff was recommending that only the second violation fine be enforced. Mr. Norr also stated that by ordinance staff had the authority to impose penalties, however, any compromise to the ordinances had to be ratified by the Board. Commissioner Schumacher agreed to set the agenda item over to a later time in the meeting, and when Mr. Noble still failed to appear, the Board took the following action:

Commissioner Buchanan moved to forgive the second \$25 civil penalty (78-003) and enforce the first \$25 penalty (78-002) against Del Noble. Commissioner Miller seconded the motion. The motion carried unanimously by roll call vote.

78-1034 ORDINANCE NO. 58 - SECOND PUBLIC HEARING

An ordinance ending the special treatment of scrap tire collectors and incorporating the Scrap Tire Program into the Solid Waste Management Program.

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

Motion 78-1034.A: Commissioner Miller moved to read Ordinance No. 58 by title only. Commissioner Buchanen seconded the motion. The motion carried unanimously by roll call vote.

The clerk read the ordinance title.

Mr. Norr reviewed the staff report requesting adoption of the ordinance and amendments proposed by staff and handed out under separate cover. The Board discussed the first proposed amendment which would eliminate the distinction between the use of processed scrap tires as fuel or fuel additive and other recyclable products not under MSD's regulation. It was staff's and legal counsel's opinion that this distinction was inappropriate and that any material being put to a useful purpose should not be considered as waste and should not be regulated by MSD.

The second proposed amendment is a reentry into the Code of requirements for landfilling of scrap tires.

Mr. Norr reported a staff survey of the local jurisdictions to develop an interest in setting up a joint collective effort for scrap tire collection regulation. Staff received no responses or interest from the jurisdictions.

Commissioner Schumacher asked if there was anyone in the audience that wished to speak to Ordinance No. 58. Mr. Dale Harlan, representing MDC and CCRDA, addressed the Board stating that he worked with various people during the last legislature on removing collection from MSD's authority and felt some comments were appropriate. He did not have any comments to make regarding Ordinance No. 58 specifically. He stated, on behalf of Metropolitan Disposal Corporation, that lack of regulation of scrap tire collection would not affect their position or what they were trying to accomplish. He stated that MDC had a long investment

in money and in the State of Oregon. Mr. Harlan felt that there was still a lot of unfairness in the type of product MDC was handling, in that they were required to receive all of the problem casings and Tiregon, Inc., who also holds a permit was not. Mr. Harlan suggested that MSD might look at the generator problem. He stated that there was nothing to the rumor that MDC was against the ordinance or the rumor that MDC was about to get out of the disposal business.

Commissioner Schumacher asked if there was further testimony from the public and there was no response.

Motion 78-1034.B: Commissioner Miller moved to adopt Ordinance No. 58 with the three amendments as proposed by staff. Commissioner Buchanan seconded the motion. The motion carried unanimously by roll call vote.

78-1035 CONTRACTS 78-144 & 78-145 - DESIGN CONSULTANTS FOR ELEPHANT HOUSE & ENCLOSURE

Set over to April 28, 1978.

78-1036 CITY OF PORTLAND CETA GRANT REQUESTS - Feline Project and Beautification Project

Mr. Rich reviewed staff's request to proceed with two CETA grants for the feline and beautification projects. These were continuations of two on-going grants.

Commissioner Miller moved to authorize proceeding with contract negotiations with the City for two CETA VI grants for the Zoo Division feline project and beautification project with specific budget allocations brought before the Board for approval at a later date. Commissioner Buchanan seconded the motion. The motion carried unanimously by roll call vote.

78-1037 ZOO DEVELOPMENT PLAN PHASE III - Warner Walker & Macy

Mr. Macy, of Warner Walker & Macy, reviewed the final Phase III report and the phasing and evaluation process in the development of priority projects. Mr. Macy stated that there were no substantial changes in the report since the Board's review and that the changes were mostly in format and based upon the Board's requests. This phase contained three major elements of evaluation of projects for long-range plans establishing capital and operation and maintenance costs. Mr. Macy discussed the project matrix shown under section III of the report and the listed criteria and anticipated costs. He also discussed timing

for construction implementation of the project and their relationship to increasing attendance and revenues and higher admission rates.

Commissioner Buchanan questioned whether the projected increase in revenues would offset the costs of implementing the program and the increased costs of maintenance. Mr. Macy stated that construction of the projects was timed to maintain a continuous increase in attendance and admission fees in an effort to offset these costs.

Mr. Iliff discussed his staff report dealing with increased services by TRI-MET, contracting with a construction manager on a part-time basis, and working with the City to obtain some funds presently in possession of the City. Relating to the EDCON memorandum attached to Phase III, Mr. Iliff stated that while he agreed with their recommendation on improving the concessions and increasing per capita expenditures, he did not feel that letting the concessions to private industry would automatically improve per capita spending. He stated that improvements were being made in-house. He also stated that the profit and loss reports would be available in about two weeks. He reported that the year to date per capita spending at the food facility was up 37% and the gift shop was up 39%. Mr. Iliff's report also recommended an increase in the admission rates to become effective January 1, 1979.

Councilman Salquist felt that the economists report that the Washington Park Zoo's per capita spending was not comparable to other zoos was an indication that private operation should be considered. Mr. Iliff requested time to obtain a clarification of these figures from the consultant. He also felt that the profit and loss statements which would be available in two weeks would help clarify the question of private operation.

Commissioner Miller moved to approve the Warner Walker & Macy Phase III Development Program report list of project priorities and the implementation strategy listed therein and authorize the consultants to proceed with the work on Phase IV; also authorize payment of all work in Phase III with the exception of the design guidelines to be submitted to the Board at a later date. Mayor Robnett seconded the motion. The motion carried unanimously by roll call vote.

#### 78-1038 TRAVEL REQUEST

Commissioner Buchanan moved to approve a travel request for Vic Stevens to attend the Western Psychological Association's conference in San Francisco on April 19 - 22, 1978, at a cost up to \$335. Commissioner Miller seconded the motion. The motion carried unanimously by roll call vote.

OTHER BUSINESS

Commissioner Miller moved to consider a discussion on Johnson Creek and an Executive Session under union negotiations under Other Business. Councilman Salquist seconded the motion. The motion carried unanimously by roll call vote.

78-1039 JOHNSON CREEK DISCUSSION

Mayor Robnett presented a memorandum discussing the flooding situation on Johnson Creek and some options he hoped the Board would consider. He stated his concern over anticipated development of the area from Lincoln Memorial Cemetery to the City limits of Happy Valley on the side of Mt. Scott and the resulting affect on Johnson Creek. There was some discussion of MSD's Ordinance No. 38, MSD's request for funding from the State of Oregon, and the State's response that there was not enough public support of the ordinance.

Commissioner Schumacher directed Mr. Kemper to analyze the alternatives proposed by Mayor Robnett and return with a recommendation when the Board members whose jurisdictions are affected are present. There was a consensus on this action.

78-1040 EXECUTIVE SESSION

Commissioner Miller moved to consider a discussion on Local 49 union negotiations under Executive Session. Councilman Salquist seconded the motion. The motion carried unanimously by roll call vote.

Commissioner Schumacher stated the following authorization for the Executive Session: ORS 192.660(2)(a). Commissioner Schumacher stated that the news media representatives were welcome to attend, however, all discussion must remain undisclosed.

The Board retired to Executive Session at 3:40 P.M.

No action was taken.

INFORMATIONAL REPORTS

Mr. Iliff discussed the Zoo admission attendance for the month and a gift of a Bufano sculpture piece. Another item Mr. Iliff discussed was a company developing a Tryopoly game and had requested the use of the Zoo name and logo for the game. He stated that Mr. Gisvold had recommended an appendix to such an agreement protecting the Zoo's name in case of any possible suit. He also stated that it was his intention to sign the agreement. Also, Mr. Iliff stated that staff was working on a promotional policy to cover such issues as the Tryopoly game and would be taking it to the Management Committee.

There being no further business to come before the Board, the meeting adjourned at 3:50 P.M.