



METROPOLITAN SERVICE DISTRICT

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

(503) 222-3671

MSD BOARD OF DIRECTORS

MINUTES OF APRIL 28, 1978 MEETING

BOARD MEMBERS IN ATTENDANCE

Robert Schumacher, Chairman
Lyle Salquist
Sidney Bartels
Connie McCready
Dennis Buchanan
James Robnett

BOARD MEMBERS NOT IN ATTENDANCE

Ray Miller

STAFF & ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney
Charles Kemper
Cordell Ketterling
Bob Keech
Paul Norr
Warren Iliff
A. McKay Rich
Jean Woodman

GUESTS IN ATTENDANCE

List attached.

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

78-1041 MINUTES

Councilman Salquist moved to approve the minutes of the April 14, 1978, meeting as submitted. Commissioner Buchanan seconded the motion. The motion carried unanimously by roll call vote.

METROPOLITAN SERVICE DISTRICT BOARD ACTION

NO. 78-1054 DATE 5-12-78

YES NO ABST.

BARTELS
BUCHANAN
MCCREADY
MILLER
ROBNETT
SALQUIST
SCHUMACHER

YES	NO	ABST.
/		
/		
/		

Jean Woodman
Clerk of the Board

78-1042 PUBLIC COMMUNICATIONS

Mr. Jack Parker, Rossman's Landfill, requested an informal hearing before the Board to discuss a citing by MSD staff for non-compliance of his permit. He objected to the scheduled procedure for receipt of testimony in the presence of a hearings officer and the resulting recommendation to the Board. Mr. Parker felt the question of non-compliance could be better settled between himself and the Board rather than by a hearings officer and attorneys. Mr. Gisvold stated that there were approximately seven items being contested involving health regulations. The procedure calls for the hearings officer to consider testimony to these items and prepare findings, conclusions and recommendations which will be presented to the Board. Mr. Gisvold stated that at that time Mr. Parker could address the Board. He also stated that since the regulations were applicable district-wide and were being challenged, that the challenge should be considered in an administrative hearings process. The Board was in agreement with the hearings process and requested that a complete transcript be supplied for their consideration.

Mr. Parker questioned MSD's involvement with environmental issues which were formerly DEQ's obligations, and additional standards required in MSD's permitting system that do not exist in DEQ's system. Mr. Kemper stated that staff felt minimum standards should be established and that MSD's permitting system is based on DEQ's; however, MSD does have the authority to increase standards.

78-1043 CASH DISBURSEMENTS

Councilman Bartels moved to approve payment of checks 2292 to 2438 for check registers dated April 25, 1978, in the amount of \$48,324.78, and April 28, 1978, in the amount of \$63,393.49. Commissioner Buchanan seconded the motion. The motion carried unanimously by roll call vote.

78-1044 1978-79 BUDGET DRAFT

Mr. Kemper presented the budget draft for 1978-79 fiscal year stating that the draft had been through the budget review committee process. Mr. Kemper provided a complete review of the budget funds and their resources and requirements. He stated that staff would request action at the May 12, 1978, Board meeting in order to continue with the Tax Supervising and Conservation Commission hearing process and adoption of the budget. There was some concern that

the Board would not have adequate review time for approval on the 12th of May, and Mr. Kemper stated that a special meeting could be called in May, or, if necessary, the budget could be adopted by emergency ordinance and only one hearing.

Councilman Bartels questioned the impact on the Zoo and Solid Waste Funds if Ballot Measure 6 passes on May 23. Staff felt conservatively, that the six-month budget period between January and July for salaries of new staff, consultant and merging costs could be around \$140,000 and would conceivably be split between all three operating divisions. Mr. Kemper stated that staff's \$140,000 figure was based on assumptions developed by staff and were heavily weighted toward consultant fees. Councilman Bartels felt that the impact on CRAG would be minimal as they were in a position to levy the jurisdictions for whatever amount was required, however, a three-way split could cause a severe impact on the Zoo and Solid Waste Contingency Funds.

In further discussion of the budget document, Commissioner McCready expressed her concern that Zoo operations were being subsidized by levy funds endangering future capital improvements. She felt that everything possible should be done to reduce operation and maintenance costs and increase revenues. Commissioner McCready also expressed concern that operations of the concessions remained an unresolved issue as well as a free admissions policy, and services provided for the Zoological Society. It was agreed that these issues be placed on the May 12, 1978, agenda, as well as an admissions rate increase policy. These issues will also be considered by the Management Committee prior to the next Board meeting.

78-1045 CONTRACT 78-152 - COOPERS & LYBRAND

Commissioner McCready moved to approve Contract 78-152 between MSD and Coopers and Lybrand for audit services for FY 77-78 in an amount not to exceed \$10,750, and authorize a variance under MAP 7 defining Contract 78-152 as an emergency agreement. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote.

78-1046 JOHNSON CREEK FLOOD CONTROL IMPLEMENTATION ALTERNATIVES

Mr. Kemper presented staff's report on this agenda item noting that it was a result of a petition received from residents in the Johnson Creek basin requesting corrective action to the flooding problems in the basin. The report outlined some alter-

MSD Board of Directors
Minutes of April 28, 1978
Page 4

native action the Board could take, and Mr. Kemper emphasized that staff funding for consideration of these alternatives was not available. Councilman Bartels stated that MSD's authority under ORS 268.310 (3) allowed for the solution of drainage problems and by this authority placed the responsibility under MSD rather than the local jurisdictions. He felt the jurisdictions should be approached for loans to fund staff work in defining the basin and providing for notification of an intended assessment of benefited areas. Mr. Kemper stated that the Johnson Creek ordinance provided for a utility charge as a solution rather than an assessment, and during adoption of this ordinance, MSD requested \$250,000 from the state to set up the utility. The state denied the request because MSD could not show public interest in the project. Mr. Hankee stated that one problem facing staff at that time in an assessment approach was the definition of a benefited property, and that if a strong definition was used it would include only about 3% of the basin. However, a more liberal definition would include almost everyone in the basin as allowing for an escape of surface water and would surely be challenged in court. Councilman Bartels felt MSD should begin to consider the legal issues that might arise and begin working toward solutions to the flooding problems on Johnson Creek. Mayor Robnett suggested that placing a moratorium on building in the basin would create interest toward a flooding solution and provide the public interest necessary for state funding. Mr. Kemper stated that he received a call from the CRAG office suggesting an alternative of identifying the basin as an area of regional concern under ORS 197.

Councilman Bartels moved to approach the jurisdictions affected by the Johnson Creek Drainage Basin requesting loan money from each to initiate notices for defining the basin and call for public hearings with the understanding that if the assessment is approved, that the money will be repaid and the cost born by the benefited area. Further, direct counsel to begin researching the law as to benefited areas, and take steps toward clarification where necessary. Mayor Robnett seconded the motion. The motion carried unanimously by roll call vote.

78-1047 DISPOSAL SITING ALTERNATIVES

Mr. Ketterling and Mr. Keech provided the Board with a preliminary report and presentation responding to earlier Board direction to accomplish specific work tasks essential to developing future disposal sites. Mr. Ketterling listed the following objectives of the work plan followed by staff: 1) to develop a list of potential landfill and transfer station sites and research readily available information on each site; 2) to develop reliable waste generation estimates and forecasts; 3) to formulate siting alternative systems and compare relative advantages and disadvantages of the alternatives; 4) to determine the effect of proposed alternatives on existing collection and disposal practices; 5) to explore the feasibility of gravel pit usage for sanitary landfills; and 6) prepare an implementation plan and recommend the priorities for site development. Mr. Ketterling also stated the major findings of the work showed no new sites which had not been previously identified or discussed for their landfill feasibility; that the cost of new sites would likely double the amount paid for disposal related costs; that citizen reaction from immediately around the site would be the greatest obstacle to implementation; that there were no potential sites that met all of the requirements set by local land use authorities and state and federal agencies; that citizen use of the fills was a major consideration; and that gravel pits could be used as fills providing some initial designs were made and a pre-determined operational plan was strictly followed. DEQ's response to the MSD findings showed little encouragement in the use of gravel pits for landfills; however, they did indicate some encouragement for outward and upward expansion of the St. Johns Fill.

Mr. Keech discussed analyses and development of systems alternatives, in determining technical and legal problems facing development of sites and which sites could be expected to be developed. The report listed potential sites in three categories: a) sites with at least one environmental problem; b) sites requiring both environmental improvement and land use improvement; and c) sites with major land use or environmental impacts if developed. Mr. Keech discussed landfill capacity of the selected sites, and their potential life expectancy.

From these selected sites staff determined that 60% allowed some potential for development and Mr. Ketterling discussed the analyzed capacity of this 60% figure, stating that from these, three alternative systems were developed. The first alternative was 100% reliance on landfills, and the second and third consider various annual throughputs at the processing plant. It was staff's feeling that the first alternative of 100% landfilling provided a landfill life capacity of 10 years or less. After that time a more remote fill would have to be considered. In the second and third alternatives, the throughputs correspond to a 400,000 ton figure prepared by Bechtel and some preliminary unit cost figures, and 516,000 tons representing an extrapolation from Publishers and Bechtel's figures developed by staff. Mr. Keech discussed the landfilling needs of each of the three alternatives, stating that by 1990 the landfill capacity would be exhausted under alternative one. Alternative two would extend landfilling capacity to 1995, and alternative three would allow an extension to 1997. Mr. Keech also discussed unit costs of disposal and haul and an anticipated increase from \$7 per ton to \$13 per ton covering the cost of new fills and new standards. He stated that the \$13 per ton figure under alternative one would continue only until the fill is exhausted and then in anticipation of a more remote site would increase another dollar per ton providing for longer hauling costs. Mr. Keech stated that the processing costs for 400,000 tons per year would be \$16.50, and for 516,000 tons per year would be \$14.40. This cost would decrease to \$13.80 per ton and \$12.40 per ton respectively, in the late 1990s due to increased revenues projected on recovered resources.

Mr. Ketterling referred the Board to the written draft report for more information regarding individual sites. The report will be distributed to interested persons for review. Staff was not requesting action. Staff anticipated returning to the Board within 60 days with specific recommendations.

78-1048 CONTRACTS 78-144 & 78-148 - DESIGN CONSULTANTS FOR
THE ELEPHANT ENCLOSURE AND ELEPHANT SQUEEZE

Mr. Rich presented two contracts for approval both with the engineering firm of CH2M Hill. The first contract provided for design of the elephant house as suggested in the Warner Walker & Macy Development Plan and was for a maximum amount of \$24,000. The second contract provided for a feasibility study on an elephant squeeze and was for a maximum amount of \$5,000. Mayor Robnett questioned the need for a feasibility study on the squeeze and Mr. Rich stated that this was a unique design and was in question as to whether it could actually be constructed and at what cost. Mr. DeLimbo of CH2M Hill stated that the engineers knew nothing about elephants or about the amount of constraints that could be used, and that the zoo staff would play a large role in making these determinations. He also stated that the \$5,000 figure for the study was maximum and that work would cease at any point where the project appears to be unfeasible.

Mayor Robnett moved to approve Contract 78-144 with CH2M-Hill in an amount not to exceed \$24,000, and Contract 78-145 with CH2M-Hill in an amount not to exceed \$5,000. Commissioner Buchanan seconded the motion. The motion carried unanimously by roll call vote.

78-1049 TRAVEL REQUEST

Commissioner Buchanan moved to approve a travel request for John Houck to attend the 1978 annual meeting of the Society for the Study of Amphibians and Reptiles to be held in Tempe, Arizona, June 4 to June 8, 1978, at a cost not to exceed \$320. Councilman Bartels seconded the motion.

In discussion, Commissioner McCready questioned whether the State of Arizona had ratified the Equal Rights Amendment and was told they had not.

The question was called and the motion carried with Commissioner McCready and Commissioner Buchanan voting against.

78-1050 ZOO DEVELOPMENT PLAN DESIGN GUIDELINES - PRIORITY PROJECTS

Set over to May 12, 1978.

OTHER BUSINESS

Commissioner Buchanan moved to consider three items under Other Business, a variance to the MSD user fee for the City of Portland Bureau of Neighborhood Environment; variance of the MSD user fee for Oak Grove Fire District; and modification of a variance granted to Portland Road & Driveway for the Disposal of concrete. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote.

78-1051 VARIANCE OF MSD USER FEES REQUESTED BY PORTLAND BUREAU OF NEIGHBORHOOD ENVIRONMENT

Mr. Norr reviewed the staff's report requesting a variance by the Bureau of Neighborhood Environment of the MSD user fee during a neighborhood cleanup campaign. He stated that Rossman's landfill was willing to waive landfill costs provided MSD waived the user fee. Staff felt that if the Board wished to waive user fees on these types of projects, that they should be waived for everyone rather than just the projects before the Board now, otherwise, staff felt the requests should be denied.

Councilman Bartels stated that MSD was not in the collection business and in reviewing section 12.02.200 of the Code, the Board did not have the authority to waive user fees. Commissioner McCready agreed, stating that even though the projects were in a good cause, the cost of service still existed.

Councilman Bartels moved to deny the request by Portland Bureau of Neighborhood Environment under item 78-1051 and the request by Oak Grove Fire District under item 78-1052 for waiver of user fees. Commissioner Buchanan seconded the motion. The motion carried unanimously by roll call vote.

78-1052 VARIANCE OF MSD USER FEES REQUESTED BY OAK GROVE FIRE DISTRICT

Covered under agenda item 78-1051.

78-1053 MODIFICATION OF VARIANCE GRANTED TO PORTLAND ROAD &
DRIVEWAY FOR THE DISPOSAL OF CONCRETE

Mr. Norr reviewed the staff report requesting modification of a variance granted to Portland Road and Driveway by the Board on December 9, 1977, allowing for disposal of concrete rubble at the King Road pit. The request was being made to facilitate constructing a dike and filling the pond.

Commissioner Buchanan moved to grant a modification of the variance granted Portland Road and Driveway Company on December 9, 1977, to allow other demolition contractors to dispose of inert materials, such as concrete and rubble, for the purpose of constructing the dike at this location; and further, that once the dike is completed, the variance be terminated. Commissioner Bartels seconded the motion. The motion carried unanimously by roll call vote.

INFORMATIONAL REPORTS

Mr. Iliff presented a memo discussing the inclusion of promotional packages in the admissions policy to be considered by the Board at the next Board meeting. One promotional package being considered is between the Zoo and the Japanese Gardens. Mr. Iliff stated that he would like to enter into an agreement with the Japanese Gardens allowing a 25¢ discount on the train ride pending adoption of an admissions policy by the Board. Mr. Iliff viewed this as a three-month pilot project. Mr. Iliff stated that the Board would have the opportunity to vote on the project prior to its beginning on June 1.

The meeting adjourned at 4:20 P.M.