



# METROPOLITAN SERVICE DISTRICT

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

(503) ~~222-3871~~ 248-5470

## MSD BOARD OF DIRECTORS

### MINUTES OF JULY 28, 1978 MEETING

#### BOARD MEMBERS IN ATTENDANCE

Robert Schumacher, Chairman  
Sidney Bartels  
Miller Duris  
James Robnett

#### STAFF & ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney  
Charles C. Kemper  
Warren Iliff  
Merle Irvine  
Cordell Ketterling  
A. McKay Rich  
Robert Keech  
Chuck Estes

#### METROPOLITAN SERVICE DISTRICT BOARD ACTION

NO. 78-1122 DATE 8-11-78  
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"/>
DURIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. BREADY	<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 M. Wood*  
Clerk of the Board

#### GUESTS IN ATTENDANCE

List attached.

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

#### 78-1107 MINUTES

Councilman Bartels moved to approve the minutes of July 14, 1978, as submitted. Commissioner Duris seconded the motion. The motion carried unanimously by roll call vote.

#### 78-1108 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.

78-1109 CASH DISBURSEMENTS

Commissioner Duris moved to approve payment of Check Nos. 3053 to 3238 for check registers dated July 21, 1978, in the total amount of \$42,969.31; July 27, 1978, in the total amount of \$39,940.14; and July 28, 1978, in the total amount of \$52,955.98. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote.

78-1110 SALARY ADJUSTMENTS - Cost of Living - Non-union Employees

Councilman Bartels moved to approve the "Classification and Compensation Plan" as shown in the staff report and cost of living increases for non-union employees of 7% with the option of a further adjustment at a later date. Mayor Robnett seconded the motion. The motion carried unanimously by roll call vote.

78-1111 MSD MANAGEMENT ASSOCIATION

Removed from the agenda.

78-1112 EVALUATION OF STATE MINIMUM STANDARDS - Cover Material

Mr. Ketterling presented a report developed by staff evaluating state minimum standards for cover material. The report is the result of Jack Parker's request for variance of MSD's disposal permit issued to the Rossman Landfill and the Board's direction to review the state minimum standards affecting this landfill. Mr. Ketterling stated that the report with findings and recommendations was reviewed by the Solid Waste Advisory Committee and that committee recommended adoption with amendments providing that 6 inch cover be applied only to new landfills. The amendments also included a recommendation that the existing landfills not be required to cover the dumping edge and face of the fill. Staff's recommendation was to approve the report without the Solid Waste Committee's amendments.

Mr. Ketterling submitted a memorandum discussing staff's concerns with the Committee amendments. Mr. Ketterling stated the following reasoning for staff's disagreement: 1) the image of the existing operations which can substantially affect efforts in siting new fills; 2) staff time in resolving complaints on existing sites; 3) that changes in requirements were a result of enforcement of standards that were not being maintained in the past; 4) past misrepresentations by the operators on cost increase estimates, and the subsequent questioning by staff of their estimated

needed increase to provide necessary coverage; 5) on-going violations in spite of the operators statements that the sites have operated without problems prior to MSD involvement; 6) the cost of adequate cover versus the cost of new sites or resource recovery systems; 7) the anticipated cost and staff time to convince DEQ and EPA to lessen the cover requirements; and 9) that the Advisory Committee's amendments have not been substantiated by data or conclusive material. Mr. Ketterling concluded stating that the best advice the staff could provide was that six-inch cover was a prudent requirement, however, the state standards did provide some flexibility to this requirement. He also stated that the goals, developed by staff and approved by the Board, allowed a consistent basis for evaluating each site and the particular conditions that exist at each site. He felt that MSD's goals provided flexibility to consider alternatives at particular sites and that DEQ has given some indication that they would support these goals.

There was some discussion on the lack of empirical evidence to do a cost benefit analysis on six-inch cover as a means for controlling vector and leachate problems and the staff's emphasis on the aesthetic value of six-inch cover to develop public acceptance of new landfill sites. Mr. Ketterling stated his feelings that six inches of cover does help leachate, odor and vector problems, but that an important aspect is public opinion of new landfills and the cost savings of siting new fills closer in the metropolitan area.

The following testimony was received:

1. Jack Parker  
Rossmans Landfill

Mr. Parker addressed the Board stating that it was his understanding that the Board direction to staff was to consider whether something less than six inches of daily cover might be appropriate and to work with DEQ to this affect. It was also his understanding that such an analysis should consider cost in supplying daily cover as a main factor, and he did not feel this question had been addressed.

Mr. Parker referred to items 4, 5 and 6 of staff's findings, which indicates that there is a "shortage of specific empirical evidence" to conclude that six inches is necessary, and that even though staff is not sure it is necessary they think it should be done and the public should pay the costs.

Mr. Parker referred to the recommendation that "MSD support a requirement of landfill operators providing daily cover of at least six inches of earth material at MSD landfills or demonstrate the equivalence of an alternative the landfill operators prefer." He felt that this recommendation, submitted as an alternative to six-inch cover, would not be upheld by staff and is confusing to the operators.

Mr. Parker commented on staff's memorandum, item No. 4, stating that staff's questioning of "estimating" cost increases is inappropriate, and that all contractors submit bids on an "estimate" basis and was appropriate. Also, under item No. 4, Mr. Parker stated that staff's remarks that current costs of landfilling do not include certain items, is correct in that costs are dictated by the work performed. He also stated that Rossmans had not had a cost increase in 28 months.

In discussing item No. 5 of staff's memorandum, Mr. Parker stated that he has admitted problems that have developed, but that these were problems that had not occurred until this past season. He discussed the leachate problems recently experienced by Rossmans stating his hope that these problems can be controlled in the future. Also, under item No. 5, Mr. Parker spoke to staff's concluding paragraph that staff had difficulty accepting the operator's contention that the fills have operated over long periods without problems. He felt the operator's statements are a matter of fact and he did not feel that with only a one-year involvement, staff could make this conclusion.

Mr. Parker spoke to item No. 6, staff's contention that if the operators feel the comparatively low costs of proper operation of the sites is more than the public should pay and should be abandoned, then the more extensive costs of new siting and resource recovery systems should also be abandoned. He indicated his interpretation that staff was in favor of compliance of the standards at whatever costs and that staff was being irresponsible in suggesting the abandonment of any recycling program. He suggested that the staff was attempting, in their enforcement of the DEQ standards, to increase the cost of landfilling in order to make the MSD programs more attractive to the public. As an example to this suggestion, Mr. Parker cited barring of paper products from the demolition sites. He felt this was done in order to make the product available to the processing stream.

Mr. Parker felt that item No. 7, dealing with legal costs in defending citizen suits resulting from lesser enforced standards, indicated that you could just as easily be sued for requiring excessive standards, and that by law daily cover is not mandated.

Mr. Parker criticized staff's opinion in item No. 8 that the time, money and effort in convincing DEQ and EPA that six inches of daily cover is not necessary, would be low priority. He felt that with all of the funds provided to MSD by the operators, some could be spent to benefit the public in cost savings.

In discussing Mr. Parker's contention that daily cover is not mandated by law, Mr. Gisvold referred to the following excerpt from OAR 61-040: "Adequate quantities of cover material shall be available to provide for periodic covering of deposited solid waste in accordance with the approved operational plan and permit conditions." Mr. Gisvold explained that Mr. Parker's permit with DEQ requires him to put in six inches of daily cover. There was also some discussion on MSD's role in disposal management and MSD's position in enforcing or influencing DEQ's permit requirements. Staff's position and direction from the Board was to analyze DEQ's requirement of six inches of daily cover and to determine whether this is a reasonable requirement and then make recommendation to DEQ. The staff's determination is that it is a reasonable requirement; however, the goals previously adopted by the Board did allow for some alternatives to daily cover if the operator could show cause.

2. Harold Lavelle  
Lavelle Landfill

Mr. Lavelle spoke to the fourth amendment to staff's recommendation as approved by the Solid Waste Advisory Committee: "That the eight existing landfills in operation on January 1, 1978, or before be allowed to complete their operations on or before January 1, 1981, by covering daily all areas except the dumping edge and face of fill." He indicated that the new fills could begin with the base and come up, that the present fills were not built in this manner. He presented a cost impact estimate of 129% increase if he were required to cover daily.

3. Ronald Watson  
Land Reclamation, Inc.

Mr. Watson approached the Board stating that their engineer would be meeting with EPA to discuss cover, leachate and liner problems, and he would make further statements when the Board again considered the six-inch daily cover question.

It was agreed to refer staff's "Evaluation of State Minimum Standards for Cover Material" to the MSD Board Management Committee for review.

78-1113 UNDERWRITER SELECTION

Removed from the agenda and not considered.

78-1114 TRAVEL REQUEST

Commissioner Duris moved to approve travel for Charles Kemper for a trip to Washington D.C., at a cost not to exceed \$600. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote.

78-1115 ZOO DEVELOPMENT PLAN - PHASE IV

Mr. Iliff presented the Phase IV report on the Zoo Development Plan as developed by Warner Walker & Macy consultants, reviewing the program projects and overall goal to provide better animal exhibits and better animal care facilities. He stated that Phase IV contained schematic, conceptual designs and programs that will help analyze costs and construction schedules. The designs will allow for requests for proposals on final designs for each project. Mr. Iliff stated that the Zoo Advisory Committee, the Design Review Committee and staff have met several times to consider the eleven projects contained in Phase IV.

Mr. McCusker, Zoo Curator, addressed the Board stating that during design his department was concerned with and gave advice on animal space and use. He felt that the final plan as presented by the consultants was appropriate.

Dr. Schmidt, Zoo Veterinarian, also addressed the Board discussing the animal health aspects of the program, stating that he felt the program received excellent review. He also stated that the program provided for efficient cost effective health care facilities, and would be greatly improved over the present situation.

Mr. Jim Riccio, construction consultant, was present to discuss the project budgets, stating that the figures were broken into categories they felt should be in each project. Animal health, keeper needs and viewing were taken into consideration, with the single item in each project that would have the greatest cost impact identified. Mr. Riccio stated that the real dollar amounts were then applied to each project using what he felt were proven methods. He felt that breaking the budget into categories would allow architects or engineers to recognize the costs and develop the exhibits even for construction two or three years in the future.

Mr. Doug Macy, of Warner Walker & Macy, presented a slide show review of each of the projects, speaking on five projects for construction in the next two years and financed by the serial levy.

Mr. Iliff presented a memorandum outlining the construction dates and budget figures on each project (attached).

Councilman Bartels moved to approve the schematic designs and programs as developed along with the revised "implementation program schedule" and authorize the staff to put out "requests for proposals" for final design services on the two highest priority projects, the primate house and the renovations to the entry plaza area. Mayor Robnett seconded the motion.

In discussion, Mayor Robnett requested a clarification of whether a portion of the \$3,101,729 levy figure if any would be used for operating funds. Mr. Iliff stated that of the \$10 million, three million dollars was originally estimated for capital improvements, and he is confident that this figure will hold. He also stated that staff would be returning to the Board with a report on the status of the Zoo's operating costs.

The question was called and the motion carried unanimously by roll call vote.

78-1116 NURSERY CAGES BID AWARD

Removed from the agenda and not considered.

78-1117 CONTRACT 78-142 AMENDMENT - TRAVERS & JOHNSTON

Mayor Robnett moved to approve increasing the maximum dollar amount on Contract 78-142 between MSD and Travers & Johnston from \$4,000 to \$6,000. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote.

78-1118 FY 78-79 ZOO FREE DAYS APPROVAL

Councilman Bartels moved to approve the Zoo free days as shown in the staff report. Commissioner Duris seconded the motion. The motion carried unanimously by roll call vote.

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OTHER BUSINESS

Councilman Bartels moved to consider an agreement between MSD and the Friends of the Zoo; contract approval limit amendment; and MSD directors' salaries under other business. Mayor Robnett seconded and the motion carried unanimously by roll call vote.

78-1119 MSD/FRIENDS OF THE ZOO AGREEMENT

Staff presented a draft agreement between the MSD and the Friends of the Zoo for review by the Board and action at the August 11, 1978, meeting.

No action was taken.

78-1120 CONTRACT APPROVAL PROCEDURE REVISION (MAP 51)

The Board considered amendments to the present staff authority for contracting which would allow the Administrative Division Director to sign contracts up to \$15,000 without Board approval. These amendments were reviewed by the Management Committee with a recommendation to approve.

Councilman Bartels moved to approve amendments to Sections 2, 6 and 8 of MAP 51 as shown in the staff report and allowing for \$15,000 contracting authority by the Administrative Director. Commissioner Duris seconded the motion. The motion carried unanimously by roll call vote.

78-1121 DIRECTORS' SALARIES

Councilman Bartels moved to approve setting Warren Iliff's salary at \$34,000, and Charles Kemper's salary at \$35,000 for the FY 78-79. Commissioner Duris seconded the motion. The motion carried unanimously by roll call vote.

The meeting adjourned at 5:20 P.M.