

SPECIAL CITY COUNCIL MEETING MINUTES

JANUARY 31, 1978

Agenda Item #1

The Special Council meeting was called to order by Mayor Sturges at 7:55 p.m.

Present: Commissioners: B. Edwards; H. Althaus; S. Cox;  
Mayor Sturges

Absent: Commissioners: F. Weissenfluh; E. Finegan; F.  
Kaiser.

Staff: R. Jean, City Administrator; E. Murphy, City Planner;  
L. Conrad; B. Hartung; B. Freeman; P. Christian;  
Mary Eaton.

Guests: Drinker, Blyth, Ervine, Crosby, Carlson

Agenda Item #2

Mr. Jean gave an explanation of purpose of the meeting was to discuss the Obrist-Drinker Landfill. The format is to present agenda items 2,3,4, & 5 from staff and agenda item 6 will be the presentation from Drinker & Obrist with questions from Council members only. Then there will be a break with discussion of a draft resolution. Comm. Finegan asked at the last council meeting that there be a special meeting regarding this property.

Agenda Item #3

A. Presentation from Mr. Murphy was as follows:

Problems and potential solutions related to Obrist Landfill.  
(copy attached).

Problems and potential solutions relating to Drinker property  
(copy attached).

B. Presentation by MSD. Mr. Murphy presented Mr. Merle Ervine from MSD.

The requirements from MSD are included with those from original condition of C-5 zone; subsequent City requirements; D.E.Q. & M.S.D. (copy attached).

Mr. Ervine gave a summary of the role of the M.S.D. in solid waste and involvement of the Obrist Landfill. As result of the laws passed by the Oregon State Legislature during the 1977 session. M.S.D. assumed the primary responsible for solid waste disposal within the Metropolitan Service District the boundries including Troutdale. In response to this new authority MSD board of directors adopted necessary rules and regulations to enforce the program. These rules and regulations were modeled after D.E.Q. administrative rules so that the operator of the existing site would not have to get used to a new set of regulations and rules and how to operate them. There is no basic change in the rules. The ordinances provide for certain procedures where in the existing landfills under a certificate issued by MSD once these certificates are issued by MSD it would be MSD's responsibility to enforce the conditions contained in the certificate. The process calls for the request by local jurisdiction involved in a landfill and the operator itself on the conditions proposed for the certificate. On January 18, 1978, MSD sent a copy of the proposed MSD to Mr. Obrist and also the City of Troutdale for their comment or any proposed changes or conditions that MSD was anticipating were included in the certificate and also any other conditions that Mr. Obrist or the City of Troutdale would like to see contained in the D.E.Q. permit. The conditions MSD are basically the same as DEQ, MSD added extra requirements to DEQ requirements.

Agenda Item #4 - Summary of Terms and Conditions,

Mr. Murphy presented the permit conditions required from original conditions of C.5. zone; subsequent City requirements; D.E.Q. & M.S.D. requirements (copy attached). There are some areas that are more stringent, they do not conflict, however, sometimes MSD's requirements are more stringent than D.E.Q.'s in the reports that are requested, D.E.Q. requires quarterly reports, M.S.D. requires monthly reports.

Agenda Item #5

Mr. Murphy presented a time line and proposal from Lee Engineering dated December 13, 1977 (copy on file). This basically shows the proposed finish line by the Cooper Plan.

Agenda Item #6 - O & D Pres.

The Mayor called on Mr. Pete Blyth.

Mr. Blyth mentioned there was only one comment in representing Don Obrist, The new contour plan that was submitted was sort of arm twisting, Drinker and Obrist agreed to, most of those changes on the contours and have been on the assistance of the City, those who have been involved realize this. There are a lot of other changes. The Drinker Pit has had an operator that went way beyond the old plan, they had to re-contour. There are other problems with the fences and garbage that is dumped in the ravine and some of the paper that was blown by probably the worst storm we have had since 1962 and the neighbors know that Mr. Obrist has boys cleaning it up now.

The Mayor announced Mr. Franz Drinker.

Mr. Drinker stated that one on the steep slope between the Drinker & Obrist property, he can not help but agree that the slope is too steep for safety of community. Mr. Drinker feels that for the sake of himself and the benefit of the developer as well as the City and anyone else so this will have to be worked out. The next point is the storm drain at the base of the slope, this will have to be done before development can begin. This can be done this summer same as the time of the slope. Mr. Drinker has been talking to the developers, Commonwealth, regarding going in with them on planting trees on both sides. The trees will not be too high to restrict the view. They agreed that July will be too early for contouring. Mr. Drinker is not disagreeing with any of the City's suggestions.

Mr. Jean asked under what are the terms under which Mr. Obrist is working on his property, is there a contract on terms? Mr. Drinker said he is working under a contract that has the terms of the permits. Mr. Jean asked does Mr. Obrist understand he is to comply with the conditions that was placed upon Mr. Drinker's property? Mr. Drinker said Mr. Obrist has the plans presented by C.H.2 M.

Mr. Blyth said that when they went out there the other operators for Mr. Drinker had already gone way passed the CH2M proposal they had gone right to the edge of the property. This is why it is probably coming through.

Mr. Blyth said that the new plan, requested by the City, the City attorney was there, however, Mr. Freeman said he would not make a good witness as he has not seen the plan in question himself, the Cooper Plan.

The Mayor asked where the French drain is this going to drain? Mr. Lee said the intent is to have the drain to the south to the point at which they have presently mined. Where Jim Fujii's strawberries begin. Then go to Troutdale Road and continue south along Troutdale Road and enter Beaver creek in the area close to the southwest corner of the Corbeth development. They have been working with the engineers in the Corbeth Development

JANUARY 31, 1978

to get a storm sewer system extended north along Troutdale Rd. as the plan shows and the French Drain system from this operation would connect to the storm drain on Troutdale Road somewhere.

Mr. Jean asked for any information that the meeting is dealing with that is not complete or is there additional information that they have that is not known to the staff on Council that we all should be using as we try to reach this agreement.

Mr. Blyth the only thing the City can resolve is the contour and how it is going to be finished when they are through with the project.

Dale Crosby asked what was going to happen to Tax Lots 15 & 53?

Mr. Jean explained that, at this point, a community service zone has been awarded and remains in effect. The only conditions on this is the kind of landfill used.

Mr. Crosby asked if on tax lot 15 that maybe Glisan will be extended through?

Mr. John Carlson developer of Tax Lot 22 which is south of tax lot 16 has one concern and that is the requirement for Mr. Obrist to raise the berm on the west side of tax lot 16 which is to stop the newspapers from blowing out. He would like to object on his part that that berm is in now is all top soil and can be put back. If the berm is raised, it would hurt the subdivision he has proposed.

Break at 9:25 p.m.

Reconvened at 9:40 p.m.

Agenda Item #7 - Discussion of Draft Resolution

Mr. Jean reviewed that position of the City staff on this matter is before the Council in the form of Resolution #171. This is only for discussion. The intent of staff in the whereas clauses in proposed Resolution #171 (copy attached).

Mr. Jean summarized the history of recontouring. The issue of the landfill is clear and will be reviewed in the resolution. The CH2M proposal was to be in a two step approach to the contouring plan.

Mr. Milt Emerson, Mr. Franz Drinker and Mr. Don Obrist by mutual agreement that some sense of order would be achieved by running a midpoint where the two property lines would meet anywhere from the 270' - 275' elevation line. The intent was to connect the existing refill requirement on Obrist through the Emerson point down to the old CH2M proposal they were planning on Drinker. This requirement does not seem to have been done.

The shift in the point where the first drop in the Cooper proposal occurs it would vary back and forward on the site because the task force has a plan that will provide for amphitheater and possible of a recreation field.

Mr. Jean read Resolution #171 once in full and once by title. (copy attached)

Mr. Blyth does not believe the Resolution is what they were asking for. It goes too far, snap negotiation, that are not negotiated anymore, it is saying we are going to do it or else. All he feels the Resolution should say is the City instructs staff to meet with them and present a plan that is acceptable to all parties. There are rules and regulations that are not involved with this. Mr. Blyth feels that MSD should not be included.

Mr. Freeman feels that the only thing that needs some action to be taken by Obrist and the City is a recontouring plan. The rest of the resolution is summary.

Comm. Althaus feels she is not ready to commit herself to the resolution.

Mr. Jean said this is only a draft that can be changed according to the wishes of the Council.

Mr. Harry Fowler there are two problems. One is the contour and the other is the operation of the landfill. The MSD has the people to operate landfills and therefore that part should be taken care of by MSD.

Mr. Ervine the final is of some concern to the MSD, their code requires that as part of a permit a certificate that the operator submit to the district for approval the final contour so the district is aware the extent the landfill. MSD has requested the City of Troutdale to comment on the proposed certificate and add any conditions that they would like to see incorporated in the document, one of which would be the final contour.

Mr. Jean said the only reason for this resolution is to set a current policy statement from the City Council as to what is acceptable and the directions that they would like to give MSD as to the City preferences relating to the landfill.

More discussion followed.

Comm. Cox moved that the staff work with Mr. Drinker and Mr. Obrist on recontouring. Seconded by Comm. Edwards.

YEAS: 3

NAYS: 0 Motion carried

Discussion regarding the contouring of the landfill followed and persons would like to have the neighbors involved with the plans. Mr. Jean said that when working on the contour, all parties would be involved.


#### Agenda Item #8 - Adjournment


Comm. Edwards moved to adjourn the meeting. Seconded by Comm. Althaus.

YEAS: 3

NAYS: 0 Motion Carried

The meeting was adjourned at 10:30 p.m.

  
Robert Jean, Acting City Recorder

  
R. M. Sturges, Mayor