

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, October 26, 2009
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:00 p.m.

ROLL CALL

Councilors present: Councilors Bill Coburn, Floyd Collins, Dick Olsen, Jeff Christman, Bessie Johnson, and Ralph Reid, Jr.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

There was no business from the public.

EROSION PREVENTION AND SEDIMENT CONTROL PROGRAM IMPLEMENTATION

Assistant City Engineer Jeff Blaine recognized Engineering Technician IV Kevin Hamilton for the hard work he has put into this program. This project is a display of Hamilton's initiative and his talents beyond his duties as an inspector.

Hamilton said this program satisfies regulatory mandates imposed on the City by the Department of Environmental Quality (DEQ). The program was first presented at a work session on August 24, 2009, and was then presented to the public in four meetings coordinated with the city of Corvallis. The meetings were offered on various days at various times to provide as much opportunity for attendance as possible. At the meetings, staff explained the regulatory requirements, the impact of erosion caused by pollution to water ways, and provided basic education for best management practices (BMP's). Albany and Corvallis presented their programs together since local professionals work at sites in both cities. There are a few differences in the policies between the two cities which Hamilton described to the Council.

Hamilton pointed out that the development of this program has been coordinated with several different workgroups throughout the Public Works and Community Development Departments.

Hamilton said that 250 invitations to the public meetings were sent by Albany and Corvallis sent an additional 164. Of that, 68 total attended the four forums. Staff sought certification from the state Landscapers Board for 1.5 hours continued education credits as an incentive for professionals to attend. There were also representatives from Benton County and Linn-Benton Soil Water Conservation District.

Hamilton said there were no significant changes made to the draft since the Council reviewed it in August. Attendees were curious about Albany's protocol to have the owner, rather than the contractor, apply for the permit in order to maintain constancy throughout the life of a project. Hamilton said that the proposed process was well received once he explained that the owner does not have to appear personally to get the permit; it can be facilitated by the contractor.

Hamilton said there is a link on the City's website for the program as well as a phone line and separate email address.

Hamilton said he did review Walmart's program, as Councilor Bill Coburn suggested. They do have a thorough training process and while it will not be incorporated into the City's process, it will be referenced as an external resource in the City's manual.

Councilor Jeff Christman asked, why did staff decide to use 2,000 square feet as a threshold for requiring a permit? Hamilton said the 2,000 square foot threshold is not a mandated requirement. Staff looked to other agencies for examples. Communities like Eugene and Portland have a 500 square foot threshold. Albany chose to use 2,000 to be consistent with Corvallis' threshold and to allow more flexibility for the development community.

Blaine said that during the public meetings staff informed participants that work remained to be done on fee structure development. Staff plans to follow up with participants to inform them of what the Council decides.

Blaine said there were four basic questions that staff considered in developing the permit fee discussion for Council:

- Management cost
- Fee structure
- Fees with the structure
- The typical profile of construction in Albany, also taking into account the current economy

Blaine noted that most cities have a full-time employee managing their program. Albany is not proposing that at this time; rather, Hamilton will work with Building Division staff to implement the program. This will allow time to analyze the true program needs and hopefully allow the opportunity to retain a Building Division employee that might otherwise be laid off.

Blaine described the "Community Comparison: Estimated EPSC Permit Fee" table on page 4 of the staff memo. He pointed out that most agencies subsidize this program, most often with stormwater fees. Water, sewer, and streets would subsidize Albany's program if they under-collect. The goal however, is to charge fees sufficient to make the program self-sustaining.

Blaine described the two options outlined on page 4. Both include a \$250 voluntary deferred site stabilization fee.

Councilor Bessie Johnson arrived at 4:37 p.m.

Councilor Ralph Reid said that another option to consider is to implement the higher EPSC permit fee with an option to potentially reduce the fees later and subsidize the program if the City adopts a stormwater utility at some point in the future.

Councilor Floyd Collins said, timing is an issue. The Total Maximum Daily Load (TMDL) is triggering the urgency to implement this program. In order to comply with the DEQ, Albany committed to have this program implemented at the end of this year. He has no problem with the program itself, but is concerned with the impact to the economy - especially with very recent job losses in Albany.

Christman asked for an explanation of why there are two permits required for subdivisions. Blaine said there is a distinct difference between the construction of a subdivision versus individual home construction. Hamilton added that home construction has the greatest exposure and is actually more problematic than subdivision development. A developer could permit the public improvements of a subdivision as a whole unit or they could acquire permits for separate phases as they may choose.

Coburn asked, would this new permit require a separate inspection or could it be combined with other inspection visits? Blaine said it is proposed as its own inspection but if there are others at the site, staff could certainly combine the trips.

Johnson asked if extensions are provided. Blaine said yes.

MOTION: Councilor Dick Olsen moved to set a public hearing for November 18, 2009, to consider adoption of the program. Collins seconded the motion and it passed 6-0.

The Council directed staff to bring back more information on the two program funding options as described in the staff report, as well as Reid's suggested option based on the stormwater program implementation.

PURCHASE OF STEINER PROPERTY AT TIMBERLINN MEMORIAL PARK

Parks & Recreation Director Ed Hodney is requesting the Council to authorize the purchase of the Steiner property and to authorize the City Manager to enter into an agreement with the YMCA to assume the option they have on the property.

Hodney said, in February 2009 the Council reaffirmed their commitment to work towards the YMCA project. Approval of the conversion of four acres at the north end of the park is still in the hands of the National Park Service (NPS). The Steiner property is the replacement that the City would be required to secure if the NPS allows the other conversion to take place; and if the Council approves the conveyance of the four acre parcel to the YMCA at a public hearing.

Hodney said with Council approval, the City would reimburse the YMCA \$55,000 to secure the option. The City would then have 120 days to close on the property. If final permission cannot be secured from the National Park Service to construct the YMCA, then the City can back out of the purchase of the Steiner property. If the 120 day closing deadline passes, the City may be out the \$55,000 but would not have to move forward with the \$500,000 purchase of the property.

There was discussion about the improvements that might be made to the park portion that is accessible from Goldfish Farm Road, such as limited parking, American Disability Act (ADA) accessibility, and a pedestrian bridge.

Hodney said Konopa asked via email for clarification of the appraisal values. City Manager Wes Hare was included in the email string. Hodney said the \$55,000 would be deducted from the \$500,000 if the sale moves ahead. The owner can choose to extend beyond the 120 day closing period, but the buyer (the City) cannot.

Coburn asked, why do we have to replace the acreage with a parcel that is twice the size? Hodney said, we have to replace value for value dollar-wise.

Collins asked why a decision must be made by November 12. Hodney said Steiner is not willing to negotiate an

extension so that date is critical. If the date passes we will be able to negotiate down the road, but the price could increase. Hodney is awaiting a second appraisal which should come the week of November 12.

Hodney believes the City should proceed, in order to secure our interests. He said this action may be approved by motion; a resolution is not necessary.

Hare suggested the Council put a condition on the approval based on a minimum appraised value. This item will come back to the Wednesday, October 28, 2009, Council meeting in the form of a resolution with the minimum appraised value condition.

DUMBECK WATER DISTRICT BOUNDARY ADJUSTMENT

Public Works Director Diane Taniguchi-Dennis introduced Jay Simpkins from the Dumbeck Water District Board.

Taniguchi-Dennis explained that the district is requesting a boundary change. The proposal is to remove 4000 NW Camala Drive from the boundary. This property should not have been included in the original boundary because it receives service from the City of Albany and not the District. With this boundary change the total number for potential connections would be reduced from 133 to 132. The District would like to add 6941 Quailwood Drive NW to the boundary. The property owners would like to connect to the District because they are experiencing water quality problems with their well. Staff is seeking Council approval to execute the agreement with Dumbeck Water District.

MOTION: Coburn moved to direct staff to work with the Dumbeck Water District Board to amend the boundaries of the Dumbeck Water District. Johnson seconded the motion and it passed 6-0.

I-5 ENVIRONMENTAL IMPACT STUDY UPDATE

Vivian Payne, Region 2 Cascades West Area Manager from the Oregon Department of Transportation (ODOT), distributed Highway Project Information (see agenda file). Payne pointed out that this is a draft document only and should not be distributed.

Payne said this document is no longer being called an environmental impact statement. This is a National Environmental Policy Act (NEPA) study. As ODOT looks for alternatives for traffic problems around this area they use this process. They can get contracts for technical staff for this NEPA study. Payne described the different expertise necessary for these projects. They have also been working with the Federal Highway Administration (FHA) because NEPA is approved by federal highways.

Payne has been discussing the boundaries of the study with FHA. They suggested to her that ODOT might need to do it in two phases in order to encompass the larger boundaries. The FHA has agreed to look at traffic in and around the Albany area and how Albany interfaces with I-5, and will call it an Environmental Assessment (EA), which is different than an environmental impact statement. So ODOT is moving forward with the assessment to review traffic flow in and around Albany and I-5, from north Jefferson to Santiam Highway.

Payne described the types of studies this would require. This EA will allow ODOT to start addressing the problems cities are describing. While this wasn't ODOT's ideal plan for improvements, it will allow for some. The process will involve interchange area management plans to be adopted by ODOT and jurisdictions. What this won't do is look beyond the interchanges and I-5. Payne noted that this EA won't look at how Highway 20 comes in from Benton County or alternate transport modes such as air and rail, as they are outside of this scope.

Highway 34 is being designated an expressway in the Highway 34 Expressway Management Plan. The study started with Corvallis and Phase I is now in draft form. Once the review reaches 99E and the I-5 interchange, the management plan will be completed.

Christman asked, is there a study from I-5 to Highway 20? Payne said no, but the Council of Governments has applied for funds in the past for those types of studies and was not successful. But, she said, we can try again.

The Council discussed bridges.

Payne reiterated that a portion of the document, the Preliminary Draft Partnering Protocols, is a draft and is not for distribution, because all of the teams have not met yet. She pointed out that the FHA reserves the right to make all final decisions.

Payne's goal is to give the Council periodic updates on the project.

Payne said that improvements for vertical clearance for over-height loads is taking place now on I-5, by dropping the level of the pavement. This improvement will allow trucks to stay on I-5 rather than exiting and taking detours.

Collins thanked Payne for coming to the Council. He appreciates that ODOT is at least listening to Albany. He senses that we are developing a better partnership with the local ODOT than we have had in the past.

COUNCILOR COMMENTS

Reid said he thought CARA's goal was to make Water Avenue into a pedestrian and automobile showcase, and that in order to do that we would ultimately remove the railroad tracks; yet plans by the Railroad to improve the trestle over the Calapooia River would seem to indicate that they don't plan on ever removing the tracks in Water Avenue.

Hare said, we are hoping that at least part of the tracks will be pulled with currently approved railroad projects, but the application for the second phase of the left turn strategy was delayed, moving from a Connect Oregon 2 project to a Connect Oregon 3 project. Hare doubts the tracks would completely be removed. Hare said he talked to the railroad to see if they want to turn in an application for Oregon Rail 3. They said they would wait until they saw the results of the high-speed rail study, which is still two and a half years out. Hare said that like Reid, he too is frustrated with ODOT Rail and Union Pacific. Staff said that some of the Connect Oregon 2 work is underway. Discussion followed.

Collins would like Hare to give a short report on the impact of the recent closure of the International Paper mill at a future work session.

CITY MANAGER REPORT

There was not report from the City Manager.

ADJOURNMENT

There being no other business, the Work Session adjourned at 6:08 p.m.

Respectfully submitted,

Mary A. Dibble, MMC
Deputy City Clerk

Reviewed by,

Stewart Taylor
Finance Director