

CITY OF ALBANY  
CITY COUNCIL (WORK SESSION)  
Municipal Court Room  
Monday, December 7, 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 Ralph Reid Jr., Jeff Christman, Bill Coburn, Bessie Johnson, Dick Olsen, and Floyd Collins.

Councilors absent: None.

**BUSINESS FROM THE PUBLIC**

There was no business from the public.

**CITY TREE COMMISSION**

Parks & Facilities Maintenance Manager Craig Carnagey introduced Tom Krupicka, Chair of the Tree Commission. Krupicka handed out a letter dated November 23, 2009 (see agenda file). Krupicka read the letter to the Council.

Krupicka introduced Vice Chair Mark Azavedo, and member Barb Bolden, who were in the audience. He also passed out an article titled "Trees Reduce Stormwater" from *American Forests* (see agenda file).

Konopa thanked the Tree Commission members for their work. She said they are the most proactive Commission in the City.

Councilor Floyd Collins acknowledged that the Tree Commission deals with controversial issues. He appreciates that they do their homework and make sound decisions, not emotional decisions.

**ALBANY MUNICIPAL CODE TITLE 12 REVISIONS**

Assistant City Engineer Jeff Blaine said the Albany Municipal Code (AMC), Title 12, Surface Water, revisions are ready to go to a public hearing in January. Today's work session will provide the Council with one more opportunity to discuss them.

Water Quality Control Supervisor Chris Bailey said, that besides the Erosion Prevention and Sediment Control (EPSC) changes, the proposed revisions to Title 12 address Illicit Discharge Detection and Elimination (IDDE) as required by the Total Maximum Daily Load (TMDL). Bailey said the first part of Title 12 adds definitions and explains what IDDE is, and what is prohibited. Its format has also been edited to be more in line with the EPA's model ordinance.

Bailey said another area that was modified was the enforcement section. An IDDE program with meaningful enforcement is required by the TMDL. This section gives staff options to apply consequences that range from warnings to criminal charges when people are found to be in violation.

Councilor Bill Coburn asked, can current staffing levels handle this new work load or will more staff need to be hired? Bailey said that for the EPSC program the initial contact will be done by engineers, and if that is not sufficient then the pretreatment staff and environmental staff will respond. However, Bailey said, in order to be proactive in identifying illicit discharges we may need more staff.

Blaine said that it is envisioned that additional staffing will ultimately be required to support the new EPSC program. However, for now, Public Works will be partnering with the Building Division to cover plan reviews and inspections. Through this partnership, Public Works can analyze the true needs of the program before making any requests for a new position and the Building Division can hopefully retain a building inspector that would otherwise be laid off due to a lack of building activity/permit revenues.

Collins thinks that Albany's regulations should be similar to other cities for IDDE. Bailey said staff used existing Chapter 10 language for wastewater, the EPA model ordinance, and references from communities that the Environmental Protection Act (EPA) recommended, including Portland, so it should be familiar.

Councilor Jeff Christman asked why projects that are exempt from permits are still subject to the EPSC enforcement. Bailey said that leaving it in place allows staff to apply consequences if a person is in violation of other sections of the ordinance. For example, a person redoing a 2,000 square foot or greater garden would not be required to get a permit; but if they were violating regulations by tracking too much dirt off of the property or were discharging

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inappropriately to Waters of the State or the public storm drainage system, then the City could hold them accountable. Delapoe said that “reasonableness” will be applied. Discussion followed.

Public Works Director Diane Taniguchi Dennis said that stormwater is becoming as heavily regulated as wastewater. Albany is behind but we are easing into regulatory compliance with the TMDL.

The Council and staff discussed public outreach and education.

Collins said, it is correct that Albany is 25 years behind because the Department of Environmental Quality (DEQ) decided not to come down hard on smaller cities like Albany, but rather to phase in requirements. Albany is now at the end of the phasing-in stage.

This item is tentatively scheduled for a Public Hearing on January 13, 2010.

#### TRANSPORTATION SYSTEM PLAN: EXPO PARKWAY EXTENSION ALTERNATIVES

Transportation Systems Analyst Ron Irish said that the Planning Commission held a public hearing for the Transportation System Plan (TSP) on November 16, 2009. The Planning Commission recommended the TSP be forwarded to the Council with one change: to modify project L17-Expo Parkway Extension so that Timber Street is designated the major collector instead of Expo Parkway. Irish said that today’s work session is to show the Council the impacts of, and alternatives for, this change. The intent is to give the Council the background they need for the public hearing.

Irish showed the first overhead, an aerial photo of the East I-5 area (see agenda file).

Irish showed the second overhead, the TSP Update Figure 7-2 showing Year 2030 peak hour traffic volumes (see agenda file). Irish described traffic routes and where vehicles are headed.

Irish showed the third overhead, labeled #1 in the lower right hand corner (see agenda file).

The Council and staff discussed how property owners on Dunlap Street and Earl Avenue could access their properties. Irish said that Expo Parkway is the first location Oregon Department of Transportation (ODOT) will allow for a signalized street off of Highway 99. The Council discussed possible changes to Manor Street.

Irish said there was a neighborhood meeting two years ago. There seemed to be issues with mixing traffic from the Expo Center, which is largely RVs, with regional commercial traffic in neighboring properties.

Irish showed the fourth overhead, labeled #2 in the lower right hand corner (see agenda file). This option changes the major collector from Expo Parkway to Timber Street.

Troy Johnson, 3330 Ermine Street, said that Grace Point Nazarene Church owns property in the area and although they were not notified by the City, they have been following the progress of the TSP so are aware of the status of this project.

Christman asked, has there been discussion about Adah Street or Earl Avenue being continued to the east? Irish said, they are local streets so the TSP does not address them. However, there has been opposition to connecting them to other streets in the past. Collins pointed out that they do not have curbs or gutters.

Irish showed the fifth overhead, labeled #3 in the lower right hand corner (see agenda file). This is a hybrid of the third and fourth maps. The Council discussed improvements to the lot to the right, which is 100 feet wide and 600 feet long. It is not likely to be developed but if the City did improve it, the future owners could be charged. The property owner is willing to sell this strip of land for less than Linn County’s value.

Irish said, if the Council picks an option other than what is listed in the TSP at the Wednesday, December 9, 2009, Council meeting, staff will have to go back and recalculate.

Wanda Scheler, 125 Expo Parkway NE, handed out a map with yellow and green markings (see agenda file). She said, it is difficult for RV traffic to drive north. It would be easier to direct them onto Dunlap Street in order to return to the freeway. She sees a problem with getting the rigs in and out on Expo Parkway. The map she provided shows a straight shot, which she said is the easiest route. She said, now would be the time to do it, since the property is in foreclosure. Discussion followed

Bob Scheler, 215 Expo Parkway, said he owns a welding shop north of the RV park. He has lived on Knox Butte for over 60 years. He has been to these types of meetings before, given by the City and the county, for over 30 years. He has heard folks tell the City and the county half-truths. He offered a free right-of-way (ROW) access across his property on Timber Street going north, with nothing attached. It is a once in a lifetime opportunity and is critical at this time, because the property is in foreclosure with a Florida company. He said, by the time the street ROW is deducted the property is still over 600 feet. He said, Timber Street connects to the new school; all the busses come out that way and make for a lot of traffic. He said, a person has to know the neighborhood in order to find their way through. This month the property is in foreclosure, so it is a once in a lifetime opportunity and has to be taken care of at the Wednesday Council meeting. Discussion followed.

Councilor Dick Olsen arrived at 5:15 p.m.

Konopa said she doesn't like any of these options. She said, our goal is to reduce driving miles so whatever we can do to shorten the trip for residents would meet the goals of our TSP.

Irish pointed out that the map Scheler provided is essentially the same as the first map he used. The difference is that there could not be a left turn access to the regional commercial area if there is not a signal. If the regional commercial area developed without a signal it would get harder and harder for traffic to get out of the RV park. Discussion followed.

Konopa noted that Century Drive is used as a bypass for I-5 when traffic backs up. ODOT needs to understand this. Coburn said he is meeting with ODOT this week and he will address it with them.

Collins fears the Wednesday night agenda is too full already and he does not want to rush this decision. Discussion followed.

MOTION: Councilor Ralph Reid moved to direct the Public Works Director and the City Attorney to make an offer on the property in foreclosure in the Expo Parkway area, up to the asking price, and Collins seconded it. The motion passed 5-1 with Christman voting no.

Christman noted that the only reason he voted no was because there is no accompanying report and \$190,000 is a lot of money.

Collins said he wants to see a report on what Mr. Scheler is offering.

MOTION: Collins moved to move the Legislative Public Hearing on the Wednesday, December 9, 2009, agenda to be the first item on the agenda. Reid seconded the motion and it passed 6-0.

#### FLOODPLAIN DEVELOPMENT ORDINANCE UPDATE

Planner III Heather Hansen said that staff has been working on a draft floodplain development ordinance that will need to be adopted along with the new FEMA flood insurance rate maps once they are final. Albany became part of the FEMA National Flood Insurance Program (NFIP) in the mid-1980s. This enables residents to get federally-backed flood insurance.

In the late 1990s Albany joined the voluntary FEMA Community Rating System (CRS) program. If the City performs above and beyond the minimum NFIP requirements, our citizens get a discount on their flood insurance. Albany's current rating gets residents in the 100-year floodplain a 15 percent discount.

An interdepartmental team has been meeting for two years. The goal is to improve Albany's CRS rating so residents in the 100-year floodplain are eligible for a 25% discount. The team is also working on the draft floodplain development ordinance, but we can't start the adoption process until we get a letter from FEMA that says we can move forward. Hansen said, staff is preparing in advance so that we are ready to go as soon as we get FEMA's approval.

Collins supports this project but he has a major objection to the maps provided by FEMA. The newest map shows that his house is three feet below base flood elevation, which is incorrect. He is concerned that if we adopt FEMA's map the consequence is that some citizens will have to pay \$600-1,000 more for insurance. Linn County is challenging FEMA's map and Collins wants the City to join the challenge. Discussion followed. Staff will contact Linn County about their challenge to FEMA's maps. Staff will also check into Councilor Collins' particular situation. It may not be an error, but a change in how the base flood elevation is measured. The datum – or zero point – has been changed to one specific location. It changes all the elevation measurements by about 3 feet.

Community Development Director Greg Byrne pointed out that Hansen and two other City employees took the FEMA training and certification exam; they are now certified floodplain managers. Hansen has also applied to take additional training to be paid by the federal government if she is accepted.

#### COUNCILOR COMMENTS

Reid said he got Konopa's letter about the event to honor the homeless in Albany that have died. He questioned the difference between a 21 gun salute and a three gun salute. Discussion followed. Staff will research the appropriate gun salute and contact the agency that is sponsoring the event.

Konopa said that the Takena Park neighborhood had a meeting last week about the park's wading pool. Councilor Bessie Johnson attended as well. Konopa met with artist John Boock this afternoon along with others. Boock wants an art feature to accompany the fountain and will contact people to make donations. Konopa asked Parks & Recreation Director Ed Hodney to contact Boock.

Hodney suggested Boock contact the Arts Commission as well. Hodney said there may be an anonymous donor for the neighborhood wading pool.

Johnson would like the plaque to be preserved.

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ADJOURNMENT

There being no other business, the Work Session adjourned at 5:46 p.m.

Respectfully submitted,

Mary A. Dibble, MMC  
Deputy City Clerk

Reviewed by,

Stewart Taylor  
Finance Director

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