

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, October 13, 2010
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Konopa called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Konopa led the pledge of allegiance to the flag.

ROLL CALL

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

PRESENTATION

2010 League of Oregon Cities (LOC) Good Governance Award.

City Manager Wes Hare recognized Graphics and Web Specialist Matt Harrington and IT Data Base Administrator Russ Pearson, for receiving the 2010 LOC Good Governance Award, for their work on the City's website interactive financial model. Hare also acknowledged Team Leader and Management Systems Director Bob Woods.

PROCLAMATION

Mental Illness Awareness Month.

Konopa read a proclamation declaring October 2010 Mental Illness Awareness Month (in agenda file).

SCHEDULED BUSINESS

Communication

Accepting David L. Smith's resignation from the Building Board of Appeals and the Traffic Safety Commission.

MOTION: Councilor Coburn moved to accept the resignation of David L. Smith from the Building Board of Appeals and the Traffic Safety Commission, and send him a letter of thanks for service to Albany. Councilor Johnson seconded the motion and it passed 5-0.

Business from the Public

No one wished to speak.

Adoption of Consent Calendar

- 1) Accepting right-of-way dedication deeds from:
 - a) D.R. Horton, Inc. – Portland, a Delaware Corporation. RES. NO. 5951
 - b) Victor L. Wright Trust. RES. NO. 5952
- 2) Authorizing the prepayment of the City's limited tax pension obligations, series 2002B and related matters. RES. NO. 5953
- 3) Accepting an annual distribution from the Rodney W. and Martha G. Tripp Memorial Fund of the Oregon Community Foundation for the Monteith House. RES. NO. 5954

Councilor Christman asked for item 2) to be pulled for discussion.

MOTION: Coburn moved to adopt the Consent Calendar with item 2) pulled for discussion. Johnson seconded the motion and it passed 5-0.

Christman explained that item 2) is partial payment of the debt involving the 2002B Tax Pension Obligations or bonds. It is being paid with a portion of the Pepsi funds. Long term, the City will save about \$1 million with this payment. He wanted to make sure the people who wanted the Council to use Pepsi proceeds to pay down debt knew that the Council is doing that.

MOTION: Christman moved to adopt item 2) of the Consent Calendar. Councilor Collins seconded the motion and it passed 5-0.

Reports

American Public Works Association – accreditation and assessment audit.

Public Works Director Diane Taniguchi-Dennis provided an update explaining that the Public Works Department is working on becoming an Accredited Public Works Agency through the American Public Works Association (APWA) Accreditation and Assessment process. She explained the five phases of the process. The City of Albany is scheduled for an APWA audit “site visit” on October 20-22. This is the fourth, or “Evaluation Phase”. The last phase is the Accreditation Phase.

Lowe’s update.

City Attorney Jim Delapoer gave the Council an update on the Lowe’s Infrastructure Funding Agreement (in agenda file) and included a timeline of progress starting June 9, 2010. Also attached was an email from Mark Stoner, Lowe’s representative. Lowe’s is running into delineation problems. Enough time has passed since the original delineation was prepared that a new one is required. The revised Wetlands Delineation needs to be evaluated and considered. Lowe’s also needs to determine that they can get a permit from the Army Corps of Engineers. The City is not delaying them. The City and Lowe’s are in agreement with the main points of the Funding Agreement. He suggested the Council read through the materials.

Hare said one of the big constraints in the Valley is wetlands. He met with the Consers and they have re-submitted an application regarding wetlands. In order for the City to meet the Intergovernmental Agreement (IGA) timeline on the Lowe’s project, staff needs to be working now on design, but the City does not have written assurances that Lowe’s will go forward. He has told the City Engineer to move forward with the design anyway. He thinks it is a fairly low risk that Lowe’s would pull out.

Christman asked, how much money is in the design stage? Hare said about \$500,000 for the total design work.

Christman asked, will the work stop at the design phase if we don’t have a signed agreement with Lowe’s? Hare said yes.

Johnson asked if Lowe’s taking on a new person to head the project will hamper the project. Delapoer said he doesn’t think so. He believes that is a common practice.

Collins asked if the City had already purchased the property for the punch-thru. Delapoer said the City won’t spend money to purchase property until Lowe’s gives the City a written commitment on construction. Staff has been working with the Perlenfeins but does not have an agreement with them. He foresees no problem between the City and that property owner.

Collins said, so the holdup is with the state of Oregon. The rules have changed from process one to process two and Lowe’s has to resubmit their application to conform with how the state and the federal governments handle wetlands in Oregon. Delapoer said yes.

Collins said one of the major elements was the signal on Oak Street. What is the status on that? Taniguchi-Dennis said that staff is working on the project and they have a consultant working on it as well. Any plans have to be submitted to the Oregon Department of Transportation (ODOT) before going forward.

Johnson asked, when the mitigation for the wetlands expires, does a company have to start all over? If so, how long does it take? Community Development Director Greg Byrne said it takes between a couple of weeks to six months depending on the complexity of the project. Lowe’s consultant has a good reputation and does good work, so hopefully it will be quickly reviewed.

Johnson commented that it is frustrating that the rules change so often. Hare responded that there is a regional effort that the City is involved with regarding wetlands. They are trying to come up with ideas for folks to be able to do development and at the same time value the purpose of the rules. Byrne said the life of wetland delineation is around five years. They have met with the Governor’s Economic Revitalization team to work on the issue.

Hare added that so much depends on what they are trying to do with a property and more time is required when several agencies are involved.

BUSINESS FROM THE COUNCIL

Christman reported that at the League of Oregon Cities conference, as the City’s representative, the only item he voted on had to do with basic housekeeping.

Collins said that he would not be at the next Council meeting and asked the Council to approve a “Guest Councilor” to fill his position. He would like to appoint Mike Huycke.

MOTION: Johnson moved to accept Mike Huycke as the Guest Councilor in Councilor Collins' absence at the October 27, 2010, City Council meeting. Councilor Olsen seconded the motion and it passed 5-0.

Collins passed on praise for Building Official Manager Melanie Adams and Transportation Systems Analyst Ron Irish that he received from citizens.

Olsen said he also has heard from a citizen that was pleased with advice from the Building Inspectors.

Konopa said she has received questions from citizens about paying off debts for water and sewer and Senior Accountant Jeff Babbitt has provided a hand out (in agenda file) for the Council to use to explain why it doesn't save the City any money.

Olsen asked what interest the City was paying on the sewer and water loans, and bonds. Taniguchi-Dennis said the water debt is just under 4% and so is the sewer debt.

Hare will be out next week attending an International City Management Conference in California. He commented that Woods and Harrington will be demonstrating the City's Internet Dashboard.

Emergency Called

Taniguchi-Dennis reported that there is a lot of activity going on at the Riverfront Interceptor down by the Willamette River on Water Avenue, where the previous Inland Quick Freeze used to be. The Wastewater Treatment Plant (WWTP) was expanded so the City could minimize the number of raw sewage overflows into the Willamette River; a requirement that the Department of Environmental Quality placed on the City. With the new treatment plant on line the City has experienced pumping 45 million gallons per day, which is way more than the 20 million gallons per day that it was limited to previously. Staff did notice that there is a hydraulic restriction on the Riverfront Interceptor itself, even though pumping was taking place. What was found is that the sewer line is back graded and there is a hydraulic restriction caused by all of the 90 degree bends that are in that area. There are two manholes in particular that are causing a lot of the restrictions. Staff is out there right now fixing the manholes, and because it is the main line to the WWTP they are having to bypass pumping around the work area. The City has the bypass pumping being done by Emery and Sons. The City had bid a project to do a bigger repair and part of the bigger repair was to include bypass pumping. It was decided to first fix the manholes, do the bypass pumping, and see if that alleviated the restriction before starting a major construction project. First she declared an emergency in order to award the bypass pumping contract in conformance with Oregon Revised Statutes. It was to protect the environment through the winter. She wanted the Council to be aware and that they are working as efficiently and effectively as possible.

Taniguchi-Dennis said that the "Talking Waters Gardens at Simpson Park" wetlands project is going to be a beautiful project with the earth work nearly completed and some of the seeding has begun. With a couple miles of paths, she suggested the Council visit it.

Byrne said the Planning Department expects a Wal-Mart application tomorrow.

RECESS TO EXECUTIVE SESSION TO DISCUSS REAL PROPERTY NEGOTIATIONS AND TO DISCUSS PENDING LITIGATION OR LITIGATION LIKELY TO BE FILED IN ACCORDANCE WITH ORS 192.660 (2)(e)(h).

The Regular Session was recessed into an Executive Session at 8:00 p.m.

RECONVENE

The Regular Session was reconvened at 8:53 p.m.

MOTION: Christman moved to give authority to the City Attorney and the City Manager to settle the Reliant Aviation litigation along the lines of the letter dated October 7, 2010 (in agenda file). Johnson seconded the motion and it passed 5-0.

Hare commented on rumors of high-speed rail coming to Albany and told the Council that staff has told ODOT Rail that the City opposes any attempts to use Water Avenue for high-speed rail. His advice is to be vigilant, stay in contact, and continue to support policy meetings that include ODOT Rail.

NEXT MEETING DATE

The next scheduled meeting is a Joint City Council/Landmarks Advisory Commission Work Session on October 25, 2010, at 4:00 p.m., in the City Council Chambers.

The next scheduled Regular Session is October 27, 2010, at 7:15 p.m., in the City Council Chambers.

Albany City Council Regular Session Minutes
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ADJOURNMENT

There being no other business, the meeting was adjourned at 9:00 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, MMC
City Clerk

Stewart Taylor
Finance Director