

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, January 11, 2010
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, and Ralph Reid, Jr. Bessie Johnson arrived at 5:20 p.m.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

James Brooks, 3749 Dunlap Avenue, spoke to the Transportation System Plan (TSP) scheduled for the January 13, 2010, Council meeting. Brooks said he understands that there was a proposal brought to the Council's attention about the possibility of a road crossing his property. He is frustrated that while the TSP has been made public, it should still be the obligation of the City to notify him if it is right next to his house. He found out about it at the "eleventh hour" and it will have a drastic and serious financial impact to his property. Regarding the potential closing of Century Drive and rerouting traffic through residential neighborhoods and vacant land, he sees lots of options. He is concerned about what happens and doesn't want to see it in the TSP without more discussion. There should be a fair chance for all affected property owners to have a say in it, before the TSP is adopted. He just found out about this last week and he doesn't think that is enough time. It is difficult for him to say what option is better than another. It is fair for all property owners to have an opportunity to address this.

Transportation Systems Analyst Ron Irish described the outreach that was done 1.5 years ago for the original plan. There has not been outreach for the new proposed plan yet because it has just recently been forwarded to the Council from the Planning Commission.

Councilor Dick Olsen asked, do we have a proposed route? Irish said, the route is not firm. We have a preferred alternative. It has not been decided and there was not enough direction to complete the plan. This came to the Council because the Planning Commission forwarded it. At this point staff cannot make up a new plan. The Council will need to resolve the alignment issues before it can be adopted. Staff is seeking direction from the Council not only on this project but on others in the TSP.

Mike Newman, 3747 Dunlap Avenue, said he is surprised. He said, the state has held meetings on the whole area, and the City participated; then all of a sudden a couple guys who don't like the plan come up with a new plan and Newman doesn't even know about it. He owns property out there and not one person asked him about it. He thinks it is not right that one person can come in and negotiate using another street because they don't want it to go by their own property. He also heard at the last minute that there is a new street design but no one has mentioned it.

City Manager Wes Hare thinks there may be a misunderstanding about what transpired. He said that yes, someone came forward with a proposal, but no agreements or decisions have been made. The ball is now in the Council's court to make a decision.

Public Works Director Diane Taniguchi-Dennis clarified that nothing has changed since the last work session. She said, there are folks in the community that are debating the use of Expo Parkway or Timber Street, but there have been no changes to the plan. There has not been a broad second notification yet because the plan has not changed. The Council could, if they so choose, direct staff to notify the public about the recent proposals; but they are just proposals at this point.

Olsen asked, has the closure of Century Drive been decided or is it still being negotiated? Konopa said she will be meeting with ODOT tomorrow at a Steering Committee meeting, and she will ask. The Council consensus was that they do not want Century Drive to be closed.

MOTION: Councilor Ralph Reid moved to direct staff to prepare a Resolution for the Wednesday, January 13, 2010, Regular Session, stating that the City Council wants Century Drive to remain open. Olsen seconded the motion.

Councilor Floyd Collins noted that this has been in the planning stage for ten years.

Hare pointed out that we don't know what ODOT would identify as an alternative to closing Century Drive; it could be worse.

VOTE: A vote was taken on the motion and it passed 4-1 with Collins voting no.

LONG-TERM PLANNING FOR DEERFIELD AND BURKHART PARKS

Parks & Recreation Director Ed Hodney said that the Council directed staff in a previous work session to secure the continued use of Deerfield and Burkhart Parks. The parks are owned by Greater Albany Public Schools (GAPS). There is a proposal for the City to build soccer fields and a track at the new Timber Ridge School, and in consideration for the City making those improvements GAPS would convey ownership of Burkhart Park to the City and lease Deerfield Park to the City for \$1,000 annually. The Council did not take action other than to ask staff to continue discussions with GAPS. Hodney said three options are outlined in the staff memo.

Hodney said that the GAPS Business Director does not support Option 2. Options 1 and 3 are possible with some revisions. Staff is seeking direction today from the Council about the best solution.

Konopa said her goal is for the City to own the parks in the long-term. She asked, could the City make other improvements in exchange for the property to reach the real market value? Hodney will look into that option.

Hodney pointed out that the City does not have funds to purchase the property outright. However, there are Park System Development Charges (SDCs) that are targeted for construction of soccer fields. This would be one of those fields.

Collins agrees that we should secure both parks. He thinks the City should pay the assessed value, use the \$300,000 in SDCs as a down payment, and then pay off GAPS in an agreed-upon timeline. GAPS would have the soccer fields and the City would have use of them.

GAPS Business Director Russ Allen said, GAPS is looking for a win-win outcome so he supports a creative solution. To Collins suggestion, Allen said they consider Burkhart Park less valuable than the improvement of soccer fields. He wanted the Council to know that they had considered that.

Councilor Bill Coburn is comfortable with Hodney and Allen working out the details. He recognizes that the City has had use of the two parks for many years in exchange for very little money.

Hare suggested the City acquire Burkhart Park and proceed with the construction of the soccer field. Then they would have an opportunity to come back with a plan to acquire Deerfield Park.

City Attorney Jim Delapoer said he will not be drafting an agreement between the City and GAPS due to a conflict of interest.

BICYCLE-FRIENDLY CITY APPLICATION

Bill Pintard, Chair of the Bike & Pedestrian Commission, said the American Bicycle League has been recognizing cities that are "bike friendly." This recognition program operates similar to the City Tree Program. There is no filing fee or membership fee or other obligation. Albany would be listed on their website, so it could boost visits. The Bike & Pedestrian Commission has the application completed but wanted to get the Council's buy-in first. Cities are rated as gold, silver, or bronze. Pintard said some applications are denied and the League occasionally reevaluates its members so a city's rating can go up or down.

MOTION: Olsen moved that the City of Albany submit an application to be recognized as a Bike-Friendly City. Coburn seconded the motion and it passed 5-0.

COMMUNITY DEVELOPMENT INCREASES

Community Development Director Greg Byrne described the City's current fees in the building and development programs, and how they are not in compliance with current Council policies.

Byrne gave a Power Point presentation (see agenda file).

Konopa said this was a good presentation because it shows how the City has not dealt with the gap between costs and revenues. Year after year our fee structure has not kept up with program costs and it has finally reached a critical point. She would like to see a comparison of numbers for 2001 and 2009 for the Building and Planning Department.

Hare said, when building activity was high the Council didn't backfill with full-time employees (FTEs); instead, the work was completed by using contracted employees. The net result is that the cuts Byrne has shown are not indicative of all the cuts that have been actually made.

Collins said the alternative to having building and planning programs offered by the City, is that citizens must go through the county; and if the county doesn't want the responsibility, it falls to the state. Or, the City can contract the work out. This is a service that is being demanded by the public. He asked, what would the fee increase to the citizen be if the county or state issued permits, or if the City contracted it out? Byrne showed fee comparisons for state of Oregon, City of Albany, and Linn County permits. The City fees are lower, and in the case of specialty permits, Albany is hundreds of dollars lower.

Collins asked, if the City were to increase our fees to match the states' fees, would that close the gap? Byrne said the state only provides this level of service for a few counties, so it is difficult to compare. It would be easier to compare Albany to other cities. Compared to Corvallis, Springfield, and Salem, Albany's fees are 35-45% less.

Byrne said that last year, the Council didn't want to raise fees and approved a subsidy from the General Fund instead. But, that is no longer an option.

Olsen asked if keeping the fees low encouraged building activity. Byrne said no, and pointed out that when Linn County temporarily waived fees, they only got two permit applications.

Olsen asked, do builders prefer faster service or a lower permit fee? Coburn is in the private industry and said that in Portland, where half of the inspectors were laid off, it takes too long to get the electrical inspection and it brings a halt to other building activities, like insulation, dry walling, painting, etc.

Hare said that when permit processes take too long it also leads to a lot of unpermitted activity. He foresees problems if the programs were to be diverted to Linn County.

Byrne said that if the City were to consolidate it would make sense for Linn County to merge with us because we provide fire-life safety inspections, and because the fire districts are bigger anyway. Fire Chief John Bradner agreed, and added that Building/Planning and Fire work well together. Bradner's preference is to keep building permits at the City because then fire-life safety issues are addressed before a structure is built.

Byrne added that Code Enforcement is also an important service the City provides. Currently there are 68 active cases with one inspector working all of them.

Reid pointed out that in today's economy any home being built or remodeled is not a spec home; rather, it is a job that has to be done quickly so that the buyer can move in. Thus, timing is critical. He thinks that inspectors getting to a site quickly is a benefit both to the City and to citizens.

Hare said, other jurisdictions raised fees or had significant layoffs in their Building Departments driven by the current economic crisis. Albany had one lay-off and did not raise fees. Albany made most cuts with attrition and reorganization in order to keep service levels high. But Albany is at the point now that if the City has to lay-off employees, it will not be able to provide critical services.

Konopa thinks the City should consider sharing services with other cities and counties. The dialogue should be started right away. She does support an increase in fees now, but that won't sustain the department if this trend continues.

Collins said he has heard from those outside the community that they enjoy working with Albany's Building and Planning Departments because they are easy to work with. Regarding the Building Department, Collins thinks fees should be raised to the point to sustain current core staff.

Councilor Bessie Johnson arrived at 5:20 p.m.

Discussion followed about options.

Byrne asked if the Council supports average-cost recovery for the development review side. Discussion followed. Byrne returned to the Power Point slide titled "permit raw data". The core business for Planning is site plan review. The Council discussed how fees could be equitable for different lot sizes and the varying efforts required in their review.

Collins pointed out that the "pre-app" meetings are very constructive and that getting the information to consumers at the front end saves lots of headaches for the consumer and staff in the long run.

The Council asked staff to schedule a work session for this topic and to prepare fee options.

Johnson supports raising fees. She is thankful the Council did not raise them last year given the economy, but feels that we are now at the point where we must raise them.

Olsen would like for this service to pay for itself at some point in the future.

AMBULANCE FEE INCREASES

Bradner introduced EMS/Operations Division Chief Mark Bambach. Bradner said that it has been 3.5 years since ambulance fees were raised. He pointed out that Albany used to charge extra for out-of-district runs but tracking it became difficult and cumbersome. It was rarely charged. A new charge being proposed now is for bariatric services.

Brander said that as of January 1, 2010, Medicare implemented a new fee schedule that cut an additional 11.5% for Medicare reimbursement. In Albany, approximately 55% of patients the ambulance transports are on Medicare. On an average ambulance bill of \$1,078, under the fee increase being proposed, Medicare will only pay \$408. This is a revenue significant loss.

Bradner pointed out an error in the staff memo: the additional revenue received over the last six years was from the Public Safety Levy, not the General Fund.

Bradner said fee increases were proposed to the Public Safety Commission. They were presented with three options: 10%, 15%, or 20%. They unanimously chose 20%.

Reid said to keep in mind that when we raise rates it only impacts 45% of the customers (those without Medicare.)

Councilor Jeff Christman said he supports the increase but pointed out that it is a substantial one. He feels that it would be better for citizens to make smaller increases over time as opposed to one big increase.

Hare noted that the only two increases that will be coming to the Council this year are for Ambulance and Building. They are scheduled for the Wednesday, January 13, 2010, Council meeting.

AIRPORT ADVISORY COMMISSION

Taniguchi-Dennis said there are substantial issues for Council to consider for the ordinance setting the Airport Advisory Commission.

Delapoer said the fundamental issue is that membership should not be allowed for those who have a substantial financial interest in the Airport. This is unlike other Commissions for this reason. Under state ethics laws those with a personal stake cannot vote or participate in the discussion. The Airport has a relatively narrow user base. Delapoer asked the Council, do you want to attract those who use the Airport, or do you want to attract those from the broader community? For example, it would be unethical for a person that owns a hangar vote on what the hangar fees should be. Discussion followed about what defines "interest".

Delapoer said that another issue is if members should be required to live in Albany. Current language supports this for other City Commissions. A pilot might use our Airport but live somewhere else. Is it important that members be Albany taxpayers?

Taniguchi-Dennis recognizes that several pilots have been active already and that this is one of their biggest fears – that this Commission would not have a fair representation of pilots.

Reid asked, do Commissions spend City money? Delapoer said, generally speaking, yes. Reid said, if all decisions have to be ratified by the Council anyway, then why would we have to bar pilots from being on the Commission? Delapoer said, it is up to the Council to determine what should disqualify a person from being a member. He wanted to point out potential conflicts of interest, but ultimately the decision is the Council's.

Christman said he wonders if this Commission is trying to solve a problem that does not exist. Collins does not believe so; he said there has been conflict between staff and citizens in the past. This is a way to ensure that the Airport's care is not dependent on whether the staff person in charge of it happens to be interested.

Collins thinks members should be either a resident of, or have their primary place of employment in Albany. Secondly he thinks they could own improvements at the Airport so long as they are not a pilot. Third, there should be a limit of four pilots on the Commission. Olsen added that they should be an Albany taxpayer, and Johnson agreed.

Daniel Miltenberger, no address given, said he just listened to the Council discuss building and ambulance fee increases. He asked, who does that benefit? He said he got into the business of hangars because finally after a long time, the City let him put them up. Then he started investing in buildings by investing in the Airport. He asked, so have I disqualified myself from being on the Airport Commission? He asked the City not to tear down the old hangars. If he doesn't have extra space he calls other hangar owners to see if they can squeeze other planes in. He said in the past there has been staff in charge of the Airport that knew nothing about it at all.

MOTION: Collins moved to add language to the draft of the Airport Advisory Commission, Section 2.26.30, Term of office, that persons with an improvement on the Airport site are allowed to be members; that pilots are allowed to be members; that four of the seven members must be current holders of pilot certificates; and that four of the seven members must be City of Albany residents. Christman seconded the motion.

Olsen thinks they should be Albany taxpayers and that this should be an advisory group only.

MOTION: Johnson moved to table the original motion to a future work session, with the date to be determined by the City Manager's Office. Olsen seconded the motion and it passed 4-2, with Collins and Reid voting no.

Taniguchi-Dennis introduced Water Quality Control Supervisor Chris Bailey, who is on a special assignment to the Public Works Director with the Transit and Airport programs in preparation for the retirement of the current manager.

KISH TREE-CUTTING COMPLAINT

Planning Manager Don Donovan briefly described the Kish tree-cutting complaint. Donovan had been talking to Bob Kish while Parks & Facilities Maintenance Manager Craig Carnagey had been talking to Bob Stewart. When

Donovan and Carnagey decided that Carnagey would notify “Bob” about the tree’s health, neither was aware they were talking about two different people. Carnagey said the tree was a hazard so cutting it was appropriate.

Konopa passed out a flyer about the Grand Opening of Duraflake on January 21 (see agenda file).

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

The work session recessed to Executive Session at 6:34 p.m.

RECONVENE

The work session reconvened at 6:54 p.m.

COUNCILOR COMMENTS

There were no Councilor comments.

CITY MANAGER REPORT

There was no report from the City Manager.

ADJOURNMENT

There being no other business, the Work Session adjourned at 6:54 p.m.

Respectfully submitted,

Mary A. Dibble, MMC
Deputy City Clerk

Reviewed by,

Stewart Taylor
Finance Director

G:\Mary\CCWorkSession\2010\ccwks 01-11-10.MTS.doc