

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, January 24, 2011
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 Dick Olsen, Jeff Christman, Bill Coburn, Floyd Collins, and Ralph Reid, Jr.

Councilors absent: None. Councilor Bessie Johnson arrived at 5:09 p.m.

BUSINESS FROM THE PUBLIC

There was no business from the public.

NORTH ALBANY FLOODPLAIN STUDY

Assistant City Engineer Jeff Blaine said the purpose of this agenda item is to preview the preliminary results of the North Albany Flood Plain Study. Blaine introduced Seth Jellen and Roger Sutherlin from Pacific Water Resources.

Blaine gave a PowerPoint presentation titled *North Albany Floodplain Evaluation* (see agenda file).

Blaine used a whiteboard (see agenda file) to describe the consultant's identification of an unmapped floodway during a 100-year flood event and another whiteboard that compared Federal Emergency Management Agency's (FEMA) floodplain boundaries with the consultant's boundaries. Blaine said the two main results of the study are the unmapped floodway and the difference in flood boundaries.

Councilor Jeff Christman asked, what is the cost to get FEMA to concur with our study? Blaine said that it would cost approximately \$70,000 to have the consultant complete the work effort, do some public outreach, and submit an application to FEMA.

Councilor Floyd Collins asked, if FEMA concurs that the consultant's study is more accurate than theirs, will they reimburse the City? Sutherlin said it is not likely. FEMA has had a difficult time (financially) since Hurricane Katrina. There may be some application fees that can be waived but they will not make reimbursements.

Christman asked what happens if the City were to not submit the application to FEMA but were to use the study results when reviewing development applications. Blaine said that if the two don't reconcile it would weaken the City's position if we were to deny development applications based on the study results; and if the boundary were already vetted through FEMA it would strengthen our position. The Packard subdivision is an example of a project that we denied and it was a wise decision, given the results of these studies and maps.

Sutherlin said that when we create a floodway under FEMA rules it doesn't mean nothing can happen, it means there is a process called "no-rise certification." For example, road crossings could occur but they have to demonstrate that the opening is adequate so they do not create problems.

Blaine said this study will identify residents who don't have insurance but should; and it will also identify others who may be paying for flood insurance but don't need it based on this study. Also if we do public outreach to explain the study and property owners purchase flood insurance before they are incorporated into the FEMA boundary, they will get a cheaper rate that can potentially carry over after the maps are amended.

Councilor Ralph Reid Jr. asked if this is the same problem that Linn County identified and if staff was coordinating with Benton County. Planning Manager Heather Hanson explained the differences between what Linn County was concerned about and what this study has identified. Blaine said that coordination with Benton County is part of the overall public outreach plan.

Collins asked to see the impact of the North Albany Road project on flood patterns. Blaine said they are actually favorable; the flood levels dropped several feet and will bring the project cost for the remainder of the road down. The project costs have been updated in the Capital Improvement Program. Jellen used an AutoCad program to point out the FEMA boundary in the area compared to the study results.

Staff explained that if FEMA concurs with the study there may be some grant funds the City can get to match other funds for retrofitting or moving a house, or other options – should one of the five homes identified in the floodway want to pursue relocation.

Sutherland pointed out that if there were an event and the structure was damaged, they would typically not allow it to be rebuilt back in the floodway. Also, when a person is in a floodway it means the waters will be fast moving, not just stagnant.

Discussion followed about the 1964 flood and how the capacity of reservoirs has increased since then; and how dredging rivers impacts a flooding event.

Collins pointed out that there are three (fingers) that feed Thornton Lake across from Highway 20. He asked if ODOT will ever increase the height of that road. Staff was not aware of any plans to raise Highway 20

Assistant Public Works Director/City Engineer Mark Shepard asked if the Council is comfortable with staff moving forward with public outreach; and to spend the money necessary to get FEMA's concurrence with the study. There was consensus from the Council for staff to proceed.

REQUEST FOR CITY TO COMPLETE STORMWATER WORK

Shepard said that Scott Lepman has requested the City remove one storm drain pipe on his property located at Columbus Street. The property is in the urban growth boundary but outside city limits. Lepman wants to do wetland mitigation on the property. Staff tentatively said he can remove the pipe and the City's storm drain system should work but it needs to be verified with an engineering study that he would pay for as part of his property development under a Site Improvement (SI) Permit. Shepard said staff offered to waive the SI fees, but Lepman wants the City to pay for engineering costs too.

Shepard said the two pipes were installed in the 1970s and are located in easements. The policy question for the Council to consider is if there is a public benefit to have the City pay for the removal of the pipe. The cost would be about \$15,000 for design, permitting, and removal. Discussion followed about the history of the pipes, the property, and permitting.

Lepman described the good faith efforts he took in this project, such as his contacts with City staff; concerns about the Goal 5 process; and why he wants the City to correct the problem at their cost, as outlined in a letter that he provided for the agenda packet.

Councilor Bessie Johnson arrived at 5:09 p.m.

Shepard said he checked with City staff and they do not recall or have a record of Lepman's contact to request permission to remove the pipe. Shepard did find a 1997 letter from the City to Linn County asking them to stop the fill permit on this property because there were some pipes located there. He did not find anything else.

City Manager Wes Hare said he toured the property with Lepman. There seems to be two issues: one is Goal 5, which is long-term and has to be completed for regulatory standards. The other is what to do with the pipes. Hare said, we can't decide anything relative to Goal 5 standards today; the decision today is what to do with the pipe.

Collins asked Lepman if he knew the pipes were in the easement when he made application to the Division of State Lands (DSL). Lepman said he did, although he did not prepare the information that was sent to DSL.

Shepard said if the pipes are removed the storm water will still end up in Oak Creek, but the question is if it will travel through a pipe or through a wetlands. Shepard said Lepman prefers it travel through a wetland and he thinks that would work, but they need to do engineering work to verify that. For example, there may be need for an energy dissipater at the end of the pipe.

Patrick Thompson, from Patrick S. Thompson Consulting, said it was designed so outflow would reestablish the flood plain and create wetlands. Currently it comes out of a big concrete culvert; but they were unaware there was one pipe below, so consequently the water flows to the old pipe below instead of straight into the creek. If the old pipe could be removed and filled in, it would help dissipate the water and that would be a public benefit.

Collins asked Lepman, if we agreed to shorten the pipe and change the point of discharge, can we have an easement for our storm water to go across your property? Also, who pays for the maintenance? Or if we have a defective culvert does it obligate the City to pay for that in the future? Collins takes issue with the fact that it showed up in a recorded easement which the owner would have had access too.

Collins asked if this was urgent. Thompson said they have to meet this year's goal performance standard or he is liable because he has the permit. If his monitoring doesn't meet the performance standard he will be in violation again. Konopa asked if two weeks would allow enough time. Thompson said yes.

Collins asked City Attorney Jim Delapoer what happens to the City's liability if a pipe located in a City easement is removed and consequently it changes the discharge location of the storm water. Delapoer said the City does have liability and anytime we change the water pattern we run the risk of regulatory violations. This is why staff wants to have an engineering evaluation performed. Delapoer pointed out that from a legal standpoint the City has no

obligation to pay for the study. They could choose to pay for it as a matter of policy, or they could choose not to and the liability rests with the property owner.

Lepman said his frustration is that he is creating a wetlands now, but Goal 5 remains an issue. He is reluctant to do anything with the pipe without the City telling him what to do. The goal is to create a bioswale but right now the pipe is acting as a drain.

Community Development Director Greg Byrne said that the status of Goal 5 will come to the City Council in March. They will be recommending safe harbor standards.

Shepard said the pipe needs to be removed or replaced.

Delapoer said that before the pipe was accidently crushed it was a working system. Now we don't know what we have and if in the future the property is sold or subdivided then the City could be liable if the City does nothing. The prudent course would be to have some knowledge of what the removal would do; in other words there needs to be an engineer's study.

Thompson said that DSL and the Corps of Engineers and the City reviewed what was taking place and he recalls there was consensus that removal was better than an open ditch. He said that they had pipe and was going to put it in, but was told it would be better to be left as an open ditch.

Councilor Bill Coburn said he is concerned that Udell Engineering says the City said to remove it, but staff has no record of that directive. As far as he is concerned, that is a "draw". The next step is to remove the whole pipe since it has been damaged. He thinks it falls on the owner to remove it.

Lepman thinks he knows who he talked to but he is reluctant to say, because that person trusted him to go out and do the work.

Collins asked Thompson if there was a grade analysis and grade conflict done. Thompson said he will have to check.

Lepman said he would pay for the engineering work. He pointed out that he was trying to do something good; but Goal 5 is his concern.

Shepard and Lepman will work together to resolve the issue.

PUBLIC TRANSIT AND PARATRANSIT PLANS

Airport & Transit Manager Chris Bailey said the Albany Public Transit Plan and the ParaTransit Plan have been finalized. Staff will request the Council adopt the Paratransit Plan at the January 26, 2011, City Council meeting and the Transit Plan at the first City Council meeting in February in order to meet the deadlines associated with the Transportation System Plan (TSP). Tonight's work session is to receive the Council's comments about the final plans.

Collins asked if they are considering an increase to bus fares. Bailey said they considered increasing fares from .75 to \$1.00. Most users are low income so this may be difficult for them; but there is also a long-standing goal for Transit programs to become more self-supportive. Increasing the fares would give the City the ability to increase Call-A-Ride fares as well, because they are limited to double the price of Transit fares. Bailey said any fare increase would have to come to Council for approval.

Johnson is concerned that many bus routes end at 4:00 p.m. so are not helpful for the working folks. Bailey said extending the evening runs is one of the most requested changes by the public. The City did get grant funds for a pilot project and will extend midday routes until 6:00 p.m.

Bailey described how they track the rider's needs, and the changes in ridership after routes are changed.

Bailey spoke to the ParaTransit Plan. The City is required to have a separate plan under ParaTransit to meet American's with Disabilities Act (ADA) standards as a requirement to continue funding. The last update was in 1997.

Councilor Dick Olsen is concerned that fares for kids are the same as adult fares. That could be cost prohibitive for parents with multiple children. He suggested lower fares for kids.

CITY MANAGER

Hare said staff has been meeting with representatives from the city of Millersburg and Albany Millersburg Economic Development Corporation (AMEDC) regarding the use of the old International Paper (IP) properties. They are also discussing what will happen to the wastewater system that IP operated for themselves and Duraflake. If Duraflake loses access to IP's wastewater system it could cost millions to devise a wastewater solution. The last meeting

included discussion about donation of the IP property. A solution needs to be found by 2012. It is only processing industrial effluent and stormwater now but has additional capacity.

Reid said if particle board is the only material in the effluent it could stagnate the flow. He suggested diverting it to Talking Waters for additional cleaning. Hare said that is an option to consider.

Hare said the Mayor of Tangent approached the City to see if we would be willing to declare that we have no interest in annexing them. Hare explained that Albany can't legally annex Tangent anyway, but Tangent would still like a commitment from Albany saying that we don't intend to do that. Hare asked Delapoer to craft a non-binding statement of intent. The Mayor of Tangent will be coming to the next City Council Meeting.

Reid noted that he has asked others if we want to provide Call-A-Ride service to Tangent and he was told no. It may also be a concern to Tangent that they may become part of a Metropolitan Planning Organization (MPO). Reid does not want to see this agreement in a Resolution at the Council meeting; he prefers the two Council's get together to discuss their concerns. Discussion followed.

Hare will suggest a joint meeting of the two Councils. He said Albany's relationship with Tangent thus far has been good.

COUNCILOR COMMENTS

There were no Councilor comments.

RECESS TO EXECUTIVE SESSION TO DISCUSS REAL PROPERTY NEGOTIATIONS IN ACCORDANCE WITH ORS 192.660(2)(E)

The Executive Session was canceled.

ADJOURNMENT

There being no further business, the Work Session adjourned at 6:15 p.m.

Respectfully submitted,

Mary A. Dibble, MMC
Deputy City Clerk

Reviewed by,

Stewart Taylor
Finance Director