

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, August 22, 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, Floyd Collins, Bessie Johnson, and Ray Kopczynski. Councilor Bill Coburn arrived at 4:56 p.m.

Councilors absent: Councilor Jeff Christman.

BUSINESS FROM THE PUBLIC

There was no business from the public.

JOINT PARKING AGREEMENTS

City Attorney Jim Delapoer explained that current practice under the Albany Development Code (ADC) is for the City Attorney to approve joint-use parking agreements between private parties. Such agreements are becoming more frequent, so staff wanted to get input from the Council at this juncture.

Delapoer used the agreement between the Linn County Courthouse and a neighboring church as an example of a joint-use parking agreement that works well for both parties. This one parking lot essentially has two uses, with heavy use by Linn County during the week and heavy use by the church on the weekend. For many years this type of agreement was the exception, not the rule, since most businesses were required to build their own parking lot. Now, however, property owners are seeking joint-use agreements instead of building their own lots much more often. Delapoer is concerned about this trend.

Delapoer explained that the agreements only work if the uses of both buildings remain the same long-term, such as in the example of the Linn County Court and the church. For commercial uses of shorter duration, however, it may no longer work when one of the businesses change. There can be parking conflicts as a result and by that time, the land use permits have already been granted so there is no way to go back and require changes to the parking. The result is that one of the entities will suffer for lack of parking. He thinks they should consider changing the ADC.

Delapoer said a current compromise he is working out is for the Boys & Girls Club of Albany, which is expanding and is proposing to satisfy increased parking requirements with a joint-use parking agreement with a neighboring business. The business would unlikely want to make it a permanent agreement, since it could impact their ability to sell the business later on. In this case, Delapoer is crafting an agreement that must be recorded with the property and is irrevocable for 10 years; but the City can cancel the agreement if the Boys & Girls Club can substitute it with another agreement with a business in the same proximity. Delapoer cautioned that if the Council were to move to this new process, there would always be pressure on the City to accept less than satisfactory alternatives. Once the land use is allowed though, there is not much leverage. The current compromise Delapoer is working on is less than perfect and he welcomes additional suggestions from the Council. Right now the Planning Commission reviews the time frames and if they are compatible, they will approve the parking agreements; but this will not work if uses change and the ones who suffer are the citizens nearby, whose residential street parking may be compromised.

Discussion followed about if within 100 feet is the appropriate distance to require for an alternative parking lot. Konopa shared with the Council complaints she has heard.

Delapoer said he is trying to strike a balance. If they require a permanent parking solution it would be too restrictive, but likewise allowing an agreement to be in place so long as it is convenient, isn't going to work either. Instead Delapoer is suggesting that a new developer provide a substitute parking agreement.

Councilor Ray Kopczynski asked, can it be set up for a five-year review? Delapoer said it is already set for ten years in the ADC.

Community Development Director Greg Byrne said there are also concerns about the functional process. Currently, the ADC says parking can be up to 500 feet, and the Planning Commission or the Hearings Board considers it. In fact staff is currently reviewing an agreement for parking that is within 500 feet, so it meets the ADC, but functionally will not work because customers can't see the business from the proposed parking lot. Staff will be looking more carefully at conditions of approval. The burden should be on the applicant to monitor the use.

Councilor Floyd Collins asked, how are the number of parking lot spaces that are necessary determined? Byrne said the Institute of Transportation Engineers (ITE) Manual and the ADC dictate how much parking is required.

City Manager Wes Hare said the City has been using joint-use parking permits for awhile and has not had many problems, though he does anticipate the numbers may increase.

Collins said, if we don't address parking issues then folks may not establish businesses downtown and the result could be blight as businesses move to the fringes of the city. He thinks it behooves the Council to find a middle ground.

Councilor Dick Olsen asked, do they count -street parking? Byrne said, it depends on the use. They don't count residential parking spaces.

Delapoer will continue handling the cases status quo, on a case by case basis. In the future staff may introduce ADC changes.

Konopa said that Woodland Square may need additional parking in the future.

Collins said they should also allow some flexibility in cases such as the Boys & Girls Club, where most users come in by bus; so they don't really need as much parking as the ADC may require.

AIRPORT INSTRUMENT APPROACH UPDATE

Public Works Director Mark Shepard said that Oregon Department of Transportation (ODOT) will be meeting with the Council in September to discuss the I-5 interchange design. The big picture is that what the City does at the Airport impacts the interchanges and private property, and vice versa. There are policy items that will be in conflict that need to be balanced. Shepard said, we also need to keep in mind far reaching impacts for the interchange and future development.

Airport & Transit Manager Chris Bailey said that at the May 23, 2011, Work Session the Council discussed the Airport Advisory Commission's recommendation to develop a better instrument approach. Bailey and Transportation Systems Analyst Ron Irish are looking at interchange design in terms of instrument approach and runway extension. The purpose today is to give the Council the big picture concepts in preparation for the meeting with ODOT in September.

Bailey explained how the trapezoid of air space that must be protected is in conflict with the interchange signalization. She said, the further away things can get from the center line of the runway, the better.

Bailey said that a true non-precision approach would be difficult to accomplish. It would require shifting the runway to the right or left, which would conflict with Price Road on one side and with buildings on the other. The other possibility is GPS capabilities, but staff is still investigating that with the Federal Aviation Administration (FAA.) The runway extension seems to be more feasible, especially if we keep the approaches as they are. Both Airport improvements projects need to be in the Airport Master Plan.

Collins asked, what is the impact on the runway extension and non-precision instrument on the community commercial zoning? Bailey said the runway extension to the north will make the Knox Butte building height drop 20 feet. Currently they have slope easements and may need to require more. Collins is concerned that there may be a significant impact.

Bailey said that Irish came up with a table and map of properties that would be impacted. The impact would be significant, with over 25 properties. Some could be mitigated, and others could not.

Collins asked, what is the value of a non-instrument precision approach? Bailey said it allows more types of aircrafts to use the Airport and allows more flights in less than ideal weather conditions. It provides more options to land. Collins asked, but how many times will that happen? And, is it worth the impact to I-5 and the commercial businesses in the area?

Bailey said the Airport Master Plan process will help to answer some of these questions. Also, FAA won't provide funds if they deem the cost versus the increased use is not worthwhile.

Olsen thinks the Airport has been whittled away at over the years and we should hang onto as much as we can.

Dan Miltenberger, 2825 Jackson Street SE, explained how the pilot makes a decision to land or not, based on their height and weather conditions.

Shepard said that ODOT has indicated that in order to do what the City wants, which is to keep the traffic signals as close together as possible, it would cost \$15 million more and is not their preference.

Collins said that this could be a big decision package and he wants to have more information. He said, if we can achieve flexibility at a lesser cost that would be ideal. He wants to know how it would impact the zoning for community commercial, which will already be impacted by Goal 5 restrictions. Collins will meet with staff to discuss the issue further.

Councilor Bill Coburn arrived at 4:56 p.m.

PROPOSED CHANGES TO ALBANY MUNICIPAL CODE TITLE 2

Hare said the Public Information Officer/Management Assistant Marilyn Smith, Delapoer, and he have been reviewing the Albany Municipal Code (AMC) for areas needing updates. The proposed changes are outlined in the staff report. Hare thinks they can eventually reduce the size of the AMC.

Delapoer said the changes are non-controversial and not substantive. They either clean up language or they bring the AMC in line with current City practice.

Kopcynski noted that Chapter 2.04.050 says the Council shall be guided by Roberts Rules, but are not bound by them. He asked why it should be mentioned at all. Hare said it is so that they have a model to follow for meetings.

Kopcynski asked if for Chapter 2.100, a proposed addition to the AMC that gives the City Manager authority to delegate, Council approval should be involved in the event the City Manager and the Council are not getting along. Delapoer said the City Manager does this routinely already, as do most City Managers. As Chief of Staff he delegates authority to Department Directors. This protects the City from a legal challenge by giving the City Manager power to delegate.

There was discussion about Chapter 2.04.060 and the City Clerk repeating a vote.

Regarding Chapter 2.28.010, Johnson asked what the role of the Council is in the event of an emergency. Hare said, the Council can help to ensure the accountability of staff. Also if they had to take an action that was beyond the City's authority, and there were time, they could get Council approval in order to invoke discretionary immunity under the law.

COUNCILOR COMMENTS

Johnson thanked the Department Directors for cooking at the City picnic. It was a fun event.

Johnson will be gone September 14 and will miss the Regular Session.

Kopcynski said he was invited by the Albany Downtown Association to the VIP dinner at the NW Art & Air Festival (see agenda file). He asked if he can attend the event in terms of ethics now that he is a Councilor. Hare said that he can attend, but if he brings a spouse then he may have to reimburse for their meal.

Collins wants the proposal that Scott Lepman made in regards to the Draper house and System Development Charges (SDCs) to come back to the Council for discussion in September. He said, one issue is if a house is demolished and thus some use goes away, could the City keep those SDCs to use for affordable housing; and if so, could it be transferred from property to property within certain restrictions. They should become an asset and a tool to achieve the objectives of the Council.

CITY MANAGER REPORT

Hare addressed the article in the newspaper about the Wastewater Treatment Plant producing unusable sludge. Hare said this is not a new issue and the Millersburg/Albany Joint Management Committee have been discussing it for some time. The plant produces very good effluent but is creating more sludge than it should and it is not the quality they were promised, so they are taking it to the landfill instead. Staff has been working with Siemens, the vendor who sold the equipment, to correct the issue. The Committee is holding an Executive Session this week. Hare said, this is not unlike the issues with the Water Treatment Plant, where there were problems with equipment that took time to get corrected. He is optimistic they will be able to do the same in this scenario.

Shepard said that in order to land-apply sludge, and let farmers use it, the sludge must be treated to a certain quality.

Hare said if they cannot reach a solution with Seimens they have a backup plan to ensure that the citizens of Albany get value for this investment.

Collins said the two-year test period began in July 2011. They have two years for testing and it has only been two months. Only one component can be tested at a time. If the City incurs greater costs during the two year period, there are ways to be compensated.

Kopcynski asked for an update on the Hydropower Plant. Shepard said the Operations Manager just gave the information to the local newspaper and there will be an article printed tomorrow. Shepard will send a staff report to Kopcynski.

Hare will be at the International City Managers Association (ICMA) Conference in Milwaukie and on vacation in September. He will be gone September 10 -20.

ADJOURNMENT

There being no further business, the Work Session adjourned at 5:26 p.m.

Respectfully submitted,

Mary A. Dibble, MMC
Deputy City Clerk

Reviewed by,

Stewart Taylor
Finance Director