

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, September 12, 2011
Immediately following the ARA meeting

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:09 p.m.

Konopa said that former Councilor Ralph Reid Jr. passed away. He will be missed. He had been an Albany City Councilor for several years.

Councilor Floyd Collins gave details about his last visit with Reid. He also provided information about the family's requests regarding memorial services.

Councilor Ray Kopczynski said that earlier in the week, he was able to take the freestanding plaque that is engraved with "Ralph's Office" from the upstairs hall table to show Reid. The plaque will remain on the upstairs hall table as a tribute to Reid. Kopczynski said Reid appreciated the gesture.

ROLL CALL

Councilors present: Councilors Dick Olsen, Jeff Christman, Bill Coburn, Floyd Collins, Bessie Johnson, and Ray Kopczynski.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

There was no business from the public.

INTERSTATE 5 UPDATE

Public Works Director Mark Shepard introduced Amy Ramsdell, Project Leader and Darell James, Senior Roadway Designer, from Oregon Department of Transportation (ODOT).

Ramsdell and James gave a Power Point presentation which was included in the agenda.

James pointed out that after the intersection is selected, the next phase is to have another team work on how to connect city streets.

Collins asked, when will ODOT consider costs? Ramsdell said that during the screening phase they will consider each alternative to see if it is cost effective. Also they will test the design to see if future construction and expansion can be phased in.

Ramsdell said that at this time, there are no funds. The funds won't be available until the environmental document is done, perhaps in 2015. She directed the Council to the ODOT website for more information: www.i5sj20.com.

Konopa said that she and Councilor Bill Coburn are on the Technical Advisory Committee and the Citizen Advisory Committee, in which the City is a stakeholder. She asked if the meetings have concluded. Ramsdell said that ODOT will meet with both groups again, prior to releasing the document.

GOAL 5 QUESTIONS AND ANSWERS

Community Development Director Greg Byrne introduced Greg Winterowd, the consultant for Goal 5.

Planning Manager Heather Hansen handed out a list of suggestions by the Council, titled "Sections Identified by Councilors for Further Discussion" (see agenda file). She explained that some of the suggestions came in after the staff report was already submitted for the agenda packet, so there will be some duplication in the staff report and the spreadsheet.

Byrne said staff wants to meet the Council's needs today in preparation for the next public meeting.

The Council began review of the staff report.

Byrne said staff supports items 1 through 5 because they will improve the Goal 5 protection program. Discussion followed.

Councilor Dick Olsen asked, when did people have to start getting permission to fill? City Attorney Jim Delapoer said that in the 1970s land use laws were passed. Different cities adopted them at different times. It is a longstanding law.

Councilor Bessie Johnson asked which overlays would impact parks the most. Collins asked if the recommendations would conflict with the Parks Master Plan. Discussion followed.

Coburn is concerned about making regulations now, which might hamstring the City later. Delapoer explained land use laws and the process to change them. In land use regulations the specific trumps the general. Conflicts are interpreted by courts in such a way as to make them go away. He doesn't think there is a conflict in the Parks Master Plan, though they may have to do things differently. Parks & Recreation Director Ed Hodney agreed, explaining that the Parks Master Plan presents concepts. Once the engineering and design take place they would need to conform to whatever regulations were in place at the time. Hodney can't think of any facilities that would be harmed by these proposals.

Under item 3.a), Collins requested that the process that is ultimately adopted be reasonable, logical, and easy to understand for the Erosion and Sediment Control Permit (ESCP) process and other permits, so that the customer is clear about what permits are necessary. Hansen described how flags are put in Permits Plus to notify staff of other possible permits the customer may need. Byrne said that he and Shepard work towards meeting Collins' concern for streamlined customer service.

Byrne said that "reasonably feasible" is a defined term that conveys that the decision maker is making a discretionary decision based on reason, by comparing three areas: what efforts have been taken to comply with law; allows decision maker to take economy into account; and if allowed to encroach, what are mitigating efforts to balance.

Byrne said that items 6 through 21 are proposed amendments that weaken Goal 5 protection program. Staff does not recommend them.

Collins is concerned about temporary, emergency repairs.

For item 10, Collins is concerned about an owner that wants to change from one crop to another crop. This seems to restrict that. That is not the intent, and Hansen will draft changes to the verbiage.

The Council discussed how to get a plant added to the native plant list. Delapoer said they could add a process that would allow a plant to be added, but there would have to be a valid scientific process in order for the state to accept it.

Mark Azevedo, Vice Chair of the Tree Commission, said that there is documentation from the early 1820s about native plants. There are also ways to get those types of lists at reduced or no cost.

Winterowd said that most organizations he works with recognize that these lists may change. Most keep the lists in their Planning Departments and keep a historical record of why changes are made.

There was discussion about impervious surfaces and the impact of Goal 5. Staff will refer to the ESCP process to make it clearer.

Regarding item 17, Grand Prairie Water Control District, Byrne passed out a document about a flood control exemption in the proposed ordinance (see agenda file). He said that the Economic, Social, Environmental, and Energy (ESSE) analysis would exempt Grand Prairie from Goal 5.

Winterowd said that if Goal 5 requires anything, it would require steps to review categories and compare to criteria. He doesn't see a reason to exempt certain creeks and not others. Also, it would not pass muster with the state. Instead, he recommends that with ESSE analysis there are huge flood control benefits from a social and economic standpoint to be recognized. It should be consistent with flood management for Albany. He passed out the memo from WinterBrook Community Resource Planning (see agenda file).

Konopa said last week she and Hansen met with the Federal Emergency Management Agency (FEMA). It is FEMA's responsibility to make sure that cities are protecting the floodplain because in the event of a flood, folks are going ask FEMA for financial help or they will be making insurance claims which will raise rates for everyone. Konopa said it is important to remember FEMA's role.

Johnson asked what the process is to have an overlay changed. Hansen said it can be changed if a wetland scientist says the boundary is incorrect and the Division of State Lands (DSL) approves it. If that doesn't apply, they would have to do a comprehensive plan and prove why it was not a significant wetland. If DSL accepts it, then there would be a boundary change.

Winterowd said that Oregon is the only state that works so closely with DSL to have wetlands identified ahead of time, so that developers aren't surprised when they are unable to develop. It is a large investment in time and government money. He thinks it is good process and can't think of a better way to do it.

The Council began review of the "Sections Identified by Councilors for Further Discussion" for any items not already addressed through the review of the staff report.

For item 31, Collins asked about using three-sided versus four-sided footing and crossing structures for bridges. Shepard said the City has used them several times. Hansen suggested they defer to what Oregon Department of Fish and Wildlife (ODFW) requires.

Coburn suggested for item 40, that staff eliminate the extra verbiage and just refer to the Albany Municipal Code (AMC). Delapoer explained the AMC provisions for general penalties. Discussion followed.

Hodney explained the tree ordinances and the different areas they address, such as the Albany Development Code (ADC), the tree's health and condition, and if it's a heritage tree.

Collins is pleased that the Council took the time to listen at the public hearing. He is pleased with the process.

Councilor Jeff Christman stated that his silence on different items under discussion tonight, should not be interpreted as acceptance.

The ordinance to adopt Goal 5, which includes amendments to the Comprehensive Plan and Development Code, will come to the Council at the September 28, 2011, Regular Session.

COUNCILOR COMMENTS

Collins said that one of the traffic control signs on North Albany Road, alerting traffic to construction on Highway 20, is not working. Shepard will investigate.

Coburn asked Hodney why the COOL! Pool was closed on the hottest day of the year. Hodney explained that every year, they close the pool when school starts because attendance drops off and they also lose most of their temporary employees, who are also students. It just so happened that this year, the hot weather occurred right at that same time.

Collins noted that the ordinance regarding garage sales allows three days for three instances. He asked if there is a permit for an exemption. Public Information Officer/Executive Assistant Marilyn Smith said the exception would be a temporary merchant, but that would not apply for an extra garage sale.

Konopa said that there will be a tour of Talking Water Gardens at 10:00 a.m. on Wednesday, September 14, 2011.

CITY MANAGER REPORT

City Manager Pro Tem Ed Hodney had nothing to add.

Airport & Transit Manager Chris Bailey gave an update about the Request for Proposal (RFP) for the Fixed Base Operator (FBO) at the Airport. They have issued a second RFP which closed in August. They received two proposals. The Airport Commission discussed the proposals and voted to have the Council close the RFP without awarding to either applicant. Staff wants time to consider the FBO and the goal of meeting a long-term operating budget.

Coburn would like to review the proposals.

Shepard explained that neither of the responders seems to be responsive. One wanted financial help from the City, and the other proposal was to buy the property and lease it out as they see fit, but neither was responsive to the RFP. By having the Council close the RFP without awarding, the Airport Commission can consider other options.

Collins wants a written memo about the review and the recommendation.

Bailey said the runway is closed currently, as new runway lights are being installed. This project is funded by the Federal Aviation Agency.

ADJOURNMENT

There being no further business, the Work Session adjourned at 7:07 p.m.

Respectfully submitted,

Mary A. Dibble, MMC
Deputy City Clerk

Reviewed by,

Ed Hodney
City Manager Pro Tem