

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, January 28, 2015  
7:15 p.m.

MINUTES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

Councilors Present: Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Ray Kopczynski, Dick Olsen, and Floyd Collins

Councilors Absent: None

SCHEDULED BUSINESS

Business from the Public

Dan Miltenberger, 2825 Jackson SE, said he is a tenant at the Albany Municipal Airport and has built four hangars there. He keeps the buildings in good shape and abides by the rules in his contract. He has gone to meetings of the Airport Advisory Commission (AAC) to try and persuade them to sweep the asphalt and spray the weeds, but it seems those things are never done well. A rock can damage a propeller and cost thousands of dollars. He thinks the AAC has been a benefit to the airport, especially related to the budget; he thinks it would make sense if they held their meetings at the Airport.

Adoption of Resolution

Authorizing use of Sewer Economic Development Funds for completion of elevation certificates and technical assistance for North Albany residents facing potential negative financial consequences as a result of the Federal Emergency Management Agency's (FEMA) new floodplain maps

Assistant Public Works Director/City Engineer Jeff Blaine said staff previously provided Council with an update on the North Albany Floodplain Study and FEMA's plans to release updated flood insurance rate maps which show a previously unmapped floodway through North Albany and significant differences in both depths and extents of the floodway. This action will have flood insurance implications for some North Albany residents. Elevation certificates are tools that property owners can use to control their flood insurance costs. Staff had requested that Council consider providing a grant-style program using up to \$100,000 of Sewer Economic Development money to fund elevation certificates for people facing potential negative impacts as a result of FEMA's new maps. Council had expressed some concerns and asked that staff bring back a resolution to formalize the request and also to allow Council more time for consideration. A draft resolution is in the agenda packet.

Blaine said there were pros and cons to approving the proposed program. City funding of elevation certificates for some residents would be a good way to help people through the complex world of FEMA's insurance rating process, shift some of that burden to City staff, provide financial support, and demonstrate compassion on the part of the City. On the other hand, flood insurance and flood plain maps are FEMA's responsibility and the City's participation might blur the lines in an already confusing process. Even if Council chooses not to fund this grant style program, there is still an opportunity for staff to provide a significant amount of valuable information and nonmonetary assistance through the process.

In response to an inquiry from Councilor Bessie Johnson, Blaine reviewed a map distributed at the Council work session (see agenda file) comparing the 2010 FEMA maps and the 2015 FEMA maps, and he briefly discussed the effects to specific properties.

Councilor Rich Kellum asked if the City has given assistance in similar situations in the past. City Manager Wes Hare said there have been cases when Council has opted to pay for property damage that was not caused by City negligence and the City has assistance programs such as the sewer lateral replacement program.

Kellum said he would like to see the City help the people involved and that might involve things like organizing multiple properties in a single survey. Blaine said staff would attempt to combine surveying

activity to recognize some cost savings; however, it wouldn't be possible to do just one activity because of inconsistencies in how the banks respond to the release of the FEMA maps.

Councilor Ray Kopczynski asked if some of the precedent for City assistance has been for properties that have already incurred material damage whereas this is trying to anticipate damage that might occur in the future. Hare said this is different from some other assistance programs in that the City is only indirectly involved in the flood plain issue. Council has generally provided reimbursement for property damage on a case-by-case basis.

City Attorney Jim Delapoer said there is no legal precedent that is troublesome here and he urged the Council to make the decision based on whether this is an appropriate and suitable expenditure of public funds. This is strictly a policy judgment.

Councilor Floyd Collins said he likes that the proposal provides a systematic way to approach a problem that was neither the creation of the property owners nor the creation of the City. He feels that a systematic approach can help to ensure that everyone is being treated equitably.

Councilor Bill Coburn said some residents might be more concerned about procedure and others might need financial help. He would like the City to take the lead and become an asset to these folks in helping them through the process.

MOTION: Collins moved to adopt the resolution and Coburn seconded it. The motion passed 6-0 and was designated Resolution No. 6380.

#### Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) November 12, 2014, City Council Regular Session
  - b) December 8, 2014 City Council Regular Session
  - c) December 15, 2014, City Council Work Session
- 2) Accepting a dedication deed from Grace Point – A Church of the Nazarene
- 3) Accepting a street and utility right-of-way dedication from the City of Albany

Kellum requested that Item 2 be removed for discussion.

MOTION: Coburn moved to adopt the Consent Calendar with the exception of Item 2 and Kellum seconded it. The motion passed 6-0 and was designated Resolution No. 6381.

Kellum referred to the dedication deed from Grace Point and he asked if there is anything else holding that project up. Assistant City Manager/Public Works and Community Development Director Mark Shepard said not to staff's knowledge.

MOTION: Kellum moved to adopt Item 2 on the Consent Calendar. Collins seconded. The motion passed 6-0 and was designated Resolution No. 6382.

#### Award of Bid

##### SS-15-03, Century Drive lift station improvements

Coburn said the company he works for will be performing the electrical work on this project and he will recuse himself from any discussion or voting on this issue.

Shepard reviewed the project to update the lift station which should cut down on the required maintenance. The bids came in well and the project is under budget.

MOTION: Collins moved to award the contract to the low bidder and Kellum seconded it. The motion passed 5-0 with Coburn abstaining.

#### Reports

##### Code Enforcement Team Semiannual Report for Fiscal Year 2014-2015

Konopa drew attention to the report in meeting packets and brief discussion followed.

Management Assistant/Public Information Officer Marilyn Smith said this weekend will be the beginning of a huge cleanup effort at the Waverly Masonic Cemetery. The LBCC Horticulture Club is taking the lead and will be cleaning up a wooded natural area at the back of the cemetery. This will

address a problem area for the Police Department and the hope is that we will end up with a nice open area that is an amenity rather than a problem.

Smith announced that the neighborhood around the Wastewater Treatment Plant has been chosen for the Big Pick Up this year on Saturday, May 16.

Albany Municipal Airport Fixed Base Operator (FBO) Contract

Assistant Public Works Director/Operations Manager Chris Bailey said the Albany Municipal Airport has been without an FBO for about five years and it has been an ongoing goal to attract a new FBO. With input from the AAC, a Request for Proposal for FBO services was issued twice in 2011 but no responses were received that were worthy of consideration. The City has been responsible for managing fuel sales at the Airport and has worked with volunteers to keep the FBO building a welcoming place. The City has been in discussions with Tony Hahn who has proposed to operate an FBO under the business name "Infinite Air Center." She reviewed the services the FBO would provide, specifics of the proposed contract, and budget implications as detailed in the written staff report.

Johnson said the proposed FBO operator has been advertising this on his website as a done deal. She expressed concern that Council didn't know anything about this previously.

Shepard said he recalls giving Council an update that there was a potential FBO and that staff was working through the process. He said the gentleman running the FBO may have advertised in an effort to generate interest and excitement. He acknowledged that staff could have done more to inform Council through the process.

Johnson said an FBO is needed, and it sounds like the applicant has good ideas.

Collins asked staff to share more about the applicant's background. Bailey said the business is a new corporation formed by a partnership, and Hahn is the managing partner for the Albany Airport site. Hahn is a pilot with a background in information technology management. This is a new business for him.

Collins asked if one of the partners would be in the community and able to respond to the Airport, given the 24-hour access. Bailey said that 24-hour availability is not currently part of the contract. Unless it is added to the contract, that would be a business decision for the FBO.

Kellum asked who would be responsible for ongoing maintenance at the Airport. Bailey said the FBO agreement is only for services provided as a tenant in the FBO building and the City would remain responsible for maintaining the Airport property.

MOTION: Kopczynski moved to authorize the City Manager to enter into an agreement with Infinite Air Center as the Airport Fixed Base Operator. Coburn seconded.

Johnson said she would like to see the agreement. Delapoer said it has been staff's general practice to give Council an overview of financial impacts and broad outlines of agreements; however, if Council would like to request additional information or ask that specific things be added to the contract, they have every right to do so.

Konopa said there hasn't been a solid FBO at the Airport for many years. She appreciates the business investing in Albany and wishes them well.

Collins said he supports the motion. He clarified that this is an agreement for a business at the Airport and not for an Airport Manager who is responsible for the entirety of the Airport.

VOTE: A vote was taken on the motion and it passed 6-0.

**BUSINESS FROM THE COUNCIL**

Kellum said that Innovative Housing, Inc., has invited Council to take a tour of the new housing project. Economic Development Director Kate Porsche said she will be setting up a tour for the Central Albany Revitalization Agency Advisory Board, which includes Council.

Kellum expressed concern that the Human Relations Commission recently put out public information about an initiative prior to it coming to the City Council. Hare said that was actually a staff initiative to develop an English Language Proficiency plan in response to a requirement for federal funds. It was staff's thought that it would go through a process similar to the Planning Commission process, whereby there is an opportunity for

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public review prior to coming to Council. That process is not mandated and a process could be used which involves the Council at an earlier stage. Brief discussion followed.

Konopa drew attention to a draft letter to Oregon Congress members related to transportation funding (see agenda file). Shepard said the Consortium of Oregon Metropolitan Planning Organization's has voted to endorse the letter; its Council's choice if they want to endorse it as well. There was brief discussion.

MOTION: Kopczynski moved that Council send a letter to Oregon Congress members related to transportation funding issues. Johnson seconded. The motion passed 6-0.

Hare said that Lowe's has signed the modified agreement and is expected to have the work completed by the end of 2015. Collins asked that staff issue a press release. Hare commended Delapoer on working through some of the details with Lowe's.

Hare referenced a letter signed by hotel owners expressing concerns about the use of transient lodging tax dollars. He recommended that the letter be forwarded to the group that is working on TLT review to see if some of the concerns can be addressed prior to that issue being brought back to a Council work session.

#### NEXT MEETING DATE

Work Session: February 9, 2015  
Regular Session: February 11, 2015

#### ADJOURNMENT

There being no other business, the meeting was adjourned at 8:33 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix  
Administrative Assistant

Wes Hare  
City Manager