

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, March 23, 2016
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

Konopa led the pledge of allegiance to the flag.

ROLL CALL

Councilors present: Mayor Sharon Konopa and Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Ray Kopczynski, Dick Olsen, and Floyd Collins.

Councilors absent: None.

PROCLAMATION

Child Abuse Prevention and Awareness Month.

Konopa read the proclamation in the agenda packet. She commended the Albany Downtown Association (ADA) for participating in a diaper drive for disadvantaged children.

SCHEDULED BUSINESS

Business from the Public

Greg Hansen, representing GQG Consulting, 2532 Santiam Hwy, Albany, passed out and read portions of a document titled "Data-Based Democracy" (see agenda file). He said he is impressed with the openness and transparency with which the City of Albany conducts business. He described "data-based democracy," and asked if the City Council would be open to serving as the first community in the United States and worldwide to use its processes.

Doris Johnston, 2780 19th Avenue NW, Albany, invited the Council to attend the ABC House Celebration of Hope on April 7, 2016, at 5:30 p.m. at the fairgrounds.

First Reading of Ordinance

Amending Albany Municipal Code Chapters 12.01.010, Intent and purpose, and 12.01.040, Definitions, and creating Chapter 12.30, Stormwater utility.

City Attorney Jim Delapoer read the Ordinance for the first time in title only: AN ORDINANCE AMENDING CHAPTER 12.01.010 INTENT AND PURPOSE, AND AMENDING CHAPTER 12.01.040 DEFINITIONS, AND CREATING CHAPTER 12.30, STORMWATER UTILITY, OF THE ALBANY MUNICIPAL CODE.

MOTION: Councilor Ray Kopczynski moved that the Ordinance be read a second time. Councilor Bessie Johnson seconded the motion, which passed 5-1, with Councilor Rich Kellum voting no. The Ordinance will come back to the April 13, 2016, Regular Session for a second reading.

Councilor Floyd Collins asked for an update on the remand from the Ninth Circuit Court to the Environmental Protection Agency (EPA), and for a redefinition of the Department of Environmental Quality's (DEQ) permit development process.

Utility Services Manager Mark Yeager said the DEQ is in the process of developing a new general permit for Phase 2 communities. Yeager serves on the advisory committee that has met for the last couple of years. DEQ says that on May 2, 2016, they will release the latest draft of the permit. On May 10, 2016, the committee will meet to discuss the new draft. Collins asked if the meeting will be a public meeting. Yeager said yes. The meetings are usually held in Portland or Eugene.

Yeager said about the remand that the United States Environmental Protection Agency (EPA) is in the process of changing the Phase 2 rules. The initial rules were adopted in 1999. Several communities in Oregon have received Phase 2 permits since 2006 or 2007. An environmental group sued the EPA, alleging that the permit process did not provide adequate public notice or opportunity for public input, and that they didn't adequately review communities' best management practices. The Ninth Circuit Court required EPA to do rule making to fix

the problems. Those rules were published in January and the comment period closed on March 21, 2016. The EPA will issue the new rules by November 2016. The EPA's response to the court ruling is broader than the three issues in the lawsuit, so many stormwater agencies and interested parties are commenting on the new rule.

Collins said that with new DEQ rules due to be adopted soon, and new federal rules in November, we might go through the permitting process and then face new rules in the fall. Yeager agreed that that is possible. Yeager said the DEQ is not doing a rulemaking, just developing a permit under existing rules. They expect to release the new permit in September or October.

Collins said it is all uncertain. Councilor Dick Olsen asked, do we need a stormwater ordinance, or not? Collins said he thinks there are two separate issues: the ordinance sets the framework and the permit implements the DEQ and EPA rules.

Olsen asked Yeager to briefly summarize the ordinance for the viewing audience. Yeager said the ordinance creates a stormwater utility like those for water and sewer. It creates a structure that allows the Council to segregate assets, and it creates a stormwater fund. We're currently using street and sewer funds to manage stormwater. The ordinance would give stormwater its own fund for clarity. And finally, the Ordinance authorizes the Council to impose a service charge in the future if they choose to do so. The adoption of the ordinance and creation of the stormwater utility would not result in any fees.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) January 13, 2016, Regular Session minutes.
 - b) January 25, 2016, Work Session minutes.
- 2) Authorizing the reinstatement of three Firefighter/EMT positions and funding for four Firefighter/EMT positions effective June 1, 2016. RES. NO. 6488

MOTION: Councilor Bill Coburn moved to adopt the Consent Calendar with Item 1) a) removed for discussion. Kellum seconded the motion, which passed 6-0.

Coburn, speaking on behalf of Johnson, asked for the following amendment to page 9 of the January 13, 2016, Regular Session minutes: "She thinks we need to consider more ~~Public Service~~ public safety staff in the next budget year."

MOTION: Coburn moved to adopt Item 1) a) with the amendment described. Kellum second the motion, which passed 6-0.

BUSINESS FROM THE COUNCIL

Olsen said he wants to be sure John Bradner invites Amanda Jergens to come back to be recognized for her life-saving award. Fire Chief John Bradner said he will contact Jergens and ask her to come back.

Kopczynski said he would like to remind the public of the public safety levy. He is allowed to advocate, so he is advocating strongly for the levy's renewal.

City Manager Wes Hare said Greg Hansen's contract with Linn County to promote the Expo Center has been terminated, by mutual agreement. It's not certain what will happen. The Council budgeted \$90,000 for that purpose and some of it has been spent. The Linn County commissioners will need to consider how to proceed.

Public Information Officer/Management Assistant Marilyn Smith said the community survey on options for the intersection at Crocker Lane and Gibson Hill Road was posted early today to the website and social media. As of 7:15 p.m., sixty-two people have responded. The survey will be open until the community meeting, which will be scheduled early next week. The estimated cost of each alternative is posted on the website.

RECESS TO EXECUTIVE SESSION TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO CARRY ON LABOR NEGOTIATIONS IN ACCORDANCE WITH ORS 192.660 (2)(d)

The Council recessed to Executive Session at 7:43 p.m.

RECONVENE

The Council reconvened at 7:55 p.m.

MOTION: Kopczynski moved to approve the ratification of the AFSCME contracts for the General unit and the Transit unit. Coburn seconded the motion, which passed 6-0.

Albany City Council Regular Session
March 23, 2016

NEXT MEETING DATE: Work Session: April 11, 2016; and Regular Session: April 13, 2016

ADJOURNMENT

There being no other business, the meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
City Clerk

Stewart Taylor
Finance Director