

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, September 21, 2009
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 Ralph Reid Jr., Jeff Christman, Bill Coburn, Bessie Johnson, Dick Olsen, and Floyd Collins.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

There was no business from the public.

AFFIRMATIVE ACTION PLAN

Human Resources Director David Shaw said the City's current Affirmative Action Plan (AAP) policy has been in place since 1994 and was adopted via Resolution. Shaw has revised the policy and it is ready for Council approval. There is not a legal requirement for the Council to adopt the policy via Resolution, but since they have in the past Shaw is seeking Council direction. Shaw said he checked with other Willamette Valley cities and learned that some do not have a plan at all; and for those that did, the plan was not adopted by their Council.

Shaw pointed out the chart included in the agenda packet indicates that Albany is at, or above, the labor market in most categories for diversity.

Councilor Dick Olsen arrived at 4:04 p.m.

Councilor Bessie Johnson asked Shaw if there have been complaints about the City for unfair hiring practices. Shaw said there was one employee complaint regarding sexual orientation, but the Labor Board did not find merit to the complaint.

City Attorney Jim Delapoer said it is his preference to have most City plans adopted by the Council. State law affords discretionary immunity to governments in cases where there is not a clear right or wrong answer. The disadvantage is that it limits staff's flexibility; though he still recommends that the Council adopt all plans.

Councilor Floyd Collins supports adoption by resolution so that if there is a change to the policy, the Council would be aware of it.

Councilor Bill Coburn asked for a marked-up copy that shows the changes. Shaw will try to provide it to the Council at the next Regular Session.

ADJUSTING PROPERTY LINE BETWEEN TO CITY PROPERTIES

Civil Engineer III Gordon Steffensmeier described the property transaction using the map in the agenda packet. The property owner adjacent to the property that the City purchased in 2006 from Linn County has requested that the City do a property line adjustment and trade land for an easement to more accurately reflect the location of an existing ditch. The adjustment would result in a thin strip of land which could be sold to the adjacent property owner. The City would have an easement over it. Steffensmeier said the property owner making the request tried unsuccessfully to resolve the ditch issue with Linn County, so is pursuing it through the City since the City is now the new property owner. Realignment of the ditch would be expensive and would involve tearing up Knox Butte Road, so this is a much less expensive alternative. No money would be exchanged; it would be a trade of land for the easement.

Councilor Ralph Reid asked staff to look back at the records to figure out where this property came from in the first place. For example, perhaps it is supposed to be shared by two owners. Reid also thinks Linn County should waive the closing fees since they did not declare this item during the purchase transaction.

Collins said that having an easement over more than the 20 feet will be helpful to maintain flexibility in the future when Knox Butte Road is improved.

Olsen prefers that the City retain the property and move the ditch instead. He asked how much that would cost. Public Works Director Diane Taniguchi-Dennis explained that the bigger issue is the alignment of the culvert; she believes moving ahead with this transaction would resolve the adjacent property owner's issue and would also allow the City to retain the easements.

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Olsen wants to retain the property until the City has determined a plan for the Knox Butte area.

MOTION: Coburn moved to authorize staff to proceed with the transaction; and to request that Linn County waive the recording fees since they failed to notify the City of Albany of the property line issue during the purchase transaction. Johnson seconded the motion and it passed 5-1, with Olsen voting no.

REQUEST TO ESTABLISH AIRPORT ADVISORY COMMISSION

Airport & Transit Manager Guy Mayes said that Reid introduced the idea of establishing an Airport Advisory Commission. Currently, interested parties meet unofficially about once a month to discuss the Airport. The discussions generally focus on current activities rather than long-term planning or vision. However there are some long-term funding issues on the horizon, and there needs to be an analysis of the long-term sustainability for the Airport.

Reid wants to be sure the Commission is included in the budget process so they understand the money flow and have the opportunity for input. He thinks this group could help staff do better short-term and long-term planning. Discussion followed.

Councilor Jeff Christman wants to make sure that City residents are part of this committee, as we do with other City committees and commissions.

Collins thinks having a group that has some ownership for Airport decisions, would be very beneficial.

Johnson supports the formation of an Airport Commission.

Collins prefers that each Councilor appoint one at-large member, not to be restricted by Ward boundaries.

Delapoer asked if the Council wants an ad hoc Commission or if they prefer the Commission to be established via Ordinance, like other City Commissions. The Council concurred that this Commission should be consistent with others, so Delapoer will prepare an Ordinance for adoption at a future Council meeting. The Council agreed that members should be Albany citizens, because it is important to have members that actually contribute to Albany's tax base making the decisions.

Mayes updated the Council on the pending land donation at the south end of the Airport. The appraisal came in at \$700,000 and will be presented to the land owner. There is also a pending Federal Aviation Agency (FAA) grant for \$1 million to do runway overlay.

Collins asked, since the time the Council decided to maintain the Airport, how much in private donations has been made? Staff will research that information.

Olsen would also like a summary of property tax revenue for the parcels that were sold, because the long-term plan was to use those revenues to support Airport functions specifically.

RECESS TO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION OR LITIGATION LIKELY TO BE FILED IN ACCORDANCE WITH ORS 192.660 (2) (e)

The Council recessed into Executive Session at 4:55 p.m.

RECONVENE

The Council reconvened to Regular Session at 5:42 p.m.

MOTION: Coburn moved to authorize the City Manager or the Public Works Director to enter into the settlement agreement that has been outlined with the Department of Environmental Quality (DEQ) and Metropolitan Wastewater Management Commission, which includes the settlement of pending litigation; and to authorize the City Manager or the Public Works Director to continue to work out the terms of the Implementation Order. Johnson seconded the motion and it passed 5-1, with Collins voting no.

Collins clarified that he voted against the motion based on principal. He is extremely displeased with the process that DEQ uses.

RECESS TO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION OR LITIGATION LIKELY TO BE FILED IN ACCORDANCE WITH ORS 192.660 (2) (e)

The Council recessed into Executive Session at 5:48 p.m.

RECONVENE

The Council reconvened to Regular Session at 6:01 p.m.

COUNCILOR COMMENTS

Coburn asked if the issue with the bid for the 40th Avenue Bank Repair project was resolved. Delapoer said staff is still trying to resolve it.

Coburn asked the status of the slurry sealing. Taniguchi-Dennis said there are some streets left to seal. She will get an updated list to Coburn.

Konopa said she met with Parks & Recreation Program Manager Rob Romancier about the City participating in some sort of water feature at Takena Park. Staff will meet with neighbors first to see what they want and then will put together a cost and design depending on the donations they get. A business in town has already offered to do a fundraiser. There could be a lot of community interest.

Konopa asked if anyone got an email or phone call from Mr. Frazier. Public Information Office/Management Assistant Marilyn Smith said Mr. Frazier's complaint is about two very large travel trailers parked at 1520 Main Street. The property owner has been cited for parking in the set back. The property owner is disputing the citation and it is going to trial in Municipal Court on October 23, 2009.

CITY MANAGER REPORT

City Manager Wes Hare will give a report on the City Manager's Conference at the next Council Meeting.

ADJOURNMENT

There being no other business, the Work Session adjourned at 6:11 p.m.

Respectfully submitted,

Mary A. Dibble, MMC
Deputy City Clerk

Reviewed by,

Stewart Taylor
Finance Director