

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, January 23, 2008
7:15 p.m.

MINUTES

CALL TO ORDER

Council President 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: Jeff Christman, Bessie Johnson, Dick Olsen, Dan Bedore, Ralph Reid, Jr., and Sharon Konopa

SCHEDULE BUSINESS

Communication

Albany Visitors Association biannual report.

Jimmie Lucht, Director of Albany Visitors Association (AVA), passed out a packet which contained: an AVA brochure, a Calendar of Events, a Historic Albany Newspaper, a document about Nationally Registered Historic Homes, a document on Albany Visitors, the AVA Strategic Plan, the AVA Marketing Plan, two magazine ads, and a cooperative advertisement (see agenda file). AVA staff passed out seed packets to the Council. Lucht says they distribute 8,000 packets a year and provide them for Rotarians or missions trips.

Lucht gave a Power Point presentation (see agenda file).

Lucht introduced Rebecca Bond, Historic Resources Coordinator, and Kathy Hansen, Marketing Manager. Bond and then Hansen continued the presentation.

Councilor Dick Olsen asked, do you have owners of bed and breakfast establishments on the AVA Board or have you asked them for advice? Lucht said they have worked with the owners of the Train House in the past and he has been on a few committees with them. They are not represented on the Board now, but there are a couple of Board vacancies.

Olsen asked, does the AVA advertise the Albany Airport? Lucht said they have not had a publication that was applicable to the Airport, but he can look into it. Hansen is working with the Oregon Pilot Association on an upcoming event.

Olsen asked, does the AVA advertise that there is a train station in Albany so visitors could ride Amtrack and stop here? Lucht said they used to include Amtrack coupons with their materials but have not received any coupons lately. Olsen thinks it is good to advertise the Airport and Amtrack and the ease of access to Albany.

The Council thanked the AVA for the presentation.

Konopa asked for members of the audience to raise their hands if they wished to speak regarding the selection of a new Mayor. Due to the response she moved that agenda item up.

Consider selection of Mayor

On the dais was a web comment from Diane Hunsaker (see agenda file); a web comment from Jim Schulte (see agenda file); and a web comment from Carol Hiler (see agenda file).

Bill Root, 2634 Valley View Drive, is the Chairman of the North Albany Neighborhood Association (NANA). Root said that NANA would like to express regrets to former Mayor Doug Killin's family, residents of Albany, and to the City Council. Killin will be missed. Root said, it is time to move on and appoint a new Mayor. The challenge is to appoint the person that is the best qualified. The logical choice is a person that has been elected to the Council many times, has served on various committees, has devoted their life to making Albany a better place to live, and has been presiding over Council meetings in the absence of the Mayor. Root said that person is Konopa; she has done an excellent job as Council President. Root asked the Council if they have heard the Presidential debates. All the candidates say they want change. "Change" is a good word for Albany, too. We have not had a female Mayor yet, and it's time for a change. Root said Konopa is the most qualified, yet chances are she will not be voted in because there are four Councilors that tend to vote together. If the coalition

of four will not support Konopa, and will only support one of the four, then the most qualified person in that group would be Councilor Ralph Reid Jr. If he is not interested, then the next most qualified candidate would be Councilor Bessie Johnson. Root said that of the four, only one has not been elected by the people but rather was appointed, and that is Councilor Dan Bedore. Bedore was appointed to the Planning Commission, then ran for Councilor in Ward I and was defeated. Olsen is qualified to be Mayor and he has been an Albany Mayor in the past and would be a great candidate, but he is a realist and believes there is no chance he would be appointed. Root said there are other qualified people for Mayor such as Lloyd Henion, who ran a well-done campaign against Killin. Root said that any of the Councilors would work as Mayor, but he thinks the least qualified is Bedore because he has never been elected. Unfortunately, he will likely be appointed tonight. Root said, it is a shame that four of the Councilors can't vote to do what is right for a change.

Mark Azevedo, 1210 Skyline Drive, wants to share his perception of how this process has occurred and what he feels a Mayor should be. The process started at the last Council meeting, with a move made that he feels was inappropriate. There was a motion to appoint Bedore to be Mayor upon the Friday of the week of the last Council meeting. He feels it was not an appropriate time in relation to the passing of Killin. The public comment in the newspaper relative to the process, as well as interviews with various Councilors about who they prefer to be Mayor, seemed to hinge on single issues. For Azevedo, the issue is not a single issue such as being in favor or against PepsiCo or if meetings take too long. Rather, it's about leadership and doing what is right for the citizens of Albany. Whoever is appointed as Mayor needs to understand that the citizens of Albany want a leader with integrity, and a leader they can trust to represent the interests of the whole community, not small subsegments of the community. He asked the Council to give thought to who is the person that can lead with integrity. Obviously, this is a divided Council. The City won't move forward with 4-2 votes. Eventually, citizens will have an opportunity to weigh in on the performance of anyone who is put in the position of Mayor.

Mike Quinn, 4455 Sunset Ridge Drive, thinks this decision is already a "slam dunk." It has been that way for 4-5 years because at Monday work sessions, a lot of discussion takes place by the Council when public attendance is low, so lots of folks do not hear the discussion. Then on Wednesday night at the Council meeting when the Council makes the decision, they don't have "mud on their face". He hopes that the Council will listen to the people. He talked with Reid approximately three years ago about a Council meeting where only seven citizens showed up. Quinn said that Reid said, "those are the people we listen to." With all that is happening now in North Albany but no one is listening to its residents; and because North Albany is a cash cow for the City since only 50 percent of the properties have services such as storm water, sewer, and water all the while being taxed at the same rates as those in town; he hopes that the Council will listen tonight.

Quinn said he is here tonight to give a political view point. Personally, it doesn't matter to him who ends up in the Mayor position, but he thinks they should be elected. Because of the passing of a good Mayor, we now have to pick someone short-term. He thinks that by appointing Konopa, the Council can get away from having to fight dog, cat, and tree ordinances every six months by not having a consistent 4-2 vote. As Mayor, Konopa would be a non-voting entity. In November, if she has the support of all of Albany, it would be apparent in a Mayoral election between her and Bedore. There hasn't been a Mayor in a long time that has offered prospective platforms for visions for Albany. Quinn said a lot of people think that Konopa is narrow minded and that Bedore has the experience to bring PepsiCo to town; however, if anyone has stock in PepsiCo, like Quinn does, then they would know that 18 months ago PepsiCo was floundering and was looking at different entities and was not going to proceed full force, like they had in the last ten years. Quinn said that if PepsiCo comes, it won't be because Bedore brought it here, nor will Konopa be able to stop it singlehandedly because the Council majority would prevail. He hopes the Council does the politically correct thing. If someone is not a grass roots person but moved here because their family moved here to take a job, such as Bedore did, then there is also the potential that he may not be here in a couple of years if his wife wants to move on to bigger and brighter jobs in the school district. Quinn has lived in Albany his whole life. He thinks this a "grass roots" issue and the Council really needs to look at it.

Tony Nelson, 1515 12th Avenue, moved here in 1978. He graduated from Linn Benton Community College, was student body president, went to Western Oregon State University, married an Albany woman, has three kids in the Greater Albany Public School District, and is a public employee on behalf of Oregon's children and families for over 20 years. He is here tonight as a citizen of Albany but also because he cares about government and about the process. He encouraged the Council to step back from the vote they must take tonight, and consider that public trust is at an all time low, including with local government. He feels that if the Council continues with what he perceives as a rush decision, and appoint Bedore, it will send a bad message to the citizens when the Council is trying to get citizens more involved. This would send the exact opposite message. Nelson is asking the Council to make not the easy choice, but the difficult choice. If they appoint Bedore he would have been selected, not elected, and would be replaced with someone else who was selected, not elected. He encouraged the Council to consider what the job of Mayor is. It is not about who can run the most efficient meeting or for voting for the candidate that voted the same way on a particular issue, especially on an issue that involved millions of dollars of the taxpayer's money. He respects Konopa for posing questions about PepsiCo, not because he necessarily agrees with her vote but because she was outspoken about it on behalf of the tax payers. Nelson said, appoint a Mayor that can bring a vision and that can represent that vision to the public. He said the Council should choose Konopa. He does not know her personally, but as he read about it in the paper, the Council should consider what is in the public's best interest and think about how what they are doing is being perceived.

Tom Cordier, 2240 NW Park Terrace, has lived in Albany for 38 years. If the Council decides tonight to appoint a Mayor, then he advocates on Konopa's behalf. The previous speakers spoke to the discontinuity of appointing someone new to the City to this position. Konopa has served her constituents well for many years. She has openness about her and a demeanor that helps her to connect with and listen to folks. The idea of the Council voting Bedore into this position, in Cordier's opinion, is crazy. He does not know Bedore hardly at all, but at his recent experience with the Council regarding recycling plastic bags, he watched and listened to Bedore. When Bedore said to Cordier that if he doesn't want plastic bags then he should tell his wife not to shop at a place that uses plastic bags, to Cordier that shows that Bedore's demeanor is at odds with what Cordier wants in a Mayor. He urged the Council that if they want to proceed with an appointment, it should be Konopa since she has a long history of serving us well and has the right temperament for the job.

Bedore asked to respond to Cordier's comment. Bedore said he made no reference at all to Cordier's wife. What he said was, you have choices when you shop, you can shop and choose paper instead of plastic or take recycled bags. Cordier said that only applies to check-out bags, not to bags that are used in food packaging, such as at Costco. Cordier said this is a worldwide problem, and he urged the Council to take appropriate action and have Allied Waste Services return in six months with a recycling plan. He at least expected from Bedore a "thank you for your concerns, we will consider that", instead of being told, "you don't have to shop at Costco."

Ray Hiltz, 3012 Takena Street, met Bedore several years ago. Hiltz ran for the Ward I Councilor position against Bedore and Olsen. To Cordier's comment about plastic bags, Hiltz said he was at that meeting too and he did not hear Bedore say what Cordier accused him of, so there is a difference of opinion about what was said at the meeting. He has the results for the votes for the three Ward I candidates. The people in the audience that spoke before Hiltz are all, with the exception of one, from North Albany. They do not want growth. During their campaign, Olsen, Bedore, and Hiltz discussed growth. Bedore was the Mayor of Junction City and has been on the Albany Planning Commission. Hiltz's experience is that Bedore listens to the citizens of Albany, not just the citizens of North Albany. Bedore does believe in growth, if it is well planned, not scattered here and there. Hiltz believes the Council and Bedore especially, looks at issues, listens to people, and then makes a vote accordingly. It is not a matter of Olsen and Konopa voting for something and then the other four voting the opposite. He has observed Bedore sitting in the audience at Council meetings a year before he even ran for the Ward I Council position. He and Hiltz were there, in the audience, not the others - unless they had a specific agenda. He believes that because of his past experience, Bedore should be Mayor even though he was not elected to Ward I. He would do the best job. He listens to people and makes decision based on facts and also based upon what the staff advises. When he was the Governor of the Optimist Club, Hiltz said someone once suggested that a person who was not in the Optimist Club long enough shouldn't be the President; yet that person had lots of past experience in running other organizations. He feels the Council made the appropriate appointment with Bedore as Councilor and that the Council should appoint him as Mayor now.

Jason Katzenstein, 2878 41st Avenue SE, is a second generation Albany Fire Firefighter and is also the current President of the Fire Union. He thanked those on the Council for their continued support of firefighters. He has the opportunity to attend lots of conventions and he knows firefighters that work across state, and Albany definitely has a good reputation. Our City supports us more than other communities support their Fire Departments. The Fire Union supports Konopa as Mayor. Katzenstein worked with her during the last Public Safety Levy campaign. Both levies were successful due to her leadership and tireless work. Her work was truly amazing. The Union believes that she represents leadership, experience, and the respect Albany needs in a Mayor.

Dick Owen, 810 Cox Street, said that Konopa is a wonderful person, as is Bedore. He talked to Councilor Christman yesterday, and in Owen's opinion he does not represent Ward III. Owen thinks he may have a hard time getting reelected. The people in Ward III are for Konopa. Owen said he tried to call Councilor Johnson but she did not do the honor of returning his call, so he does not know where she stands. He hopes that Johnson will stand by Konopa. Owen feels that Christman needs to listen to the people of Ward III and hear what they are saying. If he is not going to listen and represent the people, then he has no business being on the Council. Owen said that Bedore should support Konopa as Mayor because she deserves to be Mayor. He said all the Councilors are wonderful people, and he wonders why they can't get together and come to an agreement. Owen said that no matter who wins the appointment to Mayor, he will support them 100 percent.

Janet Steele, 1540 Patrick Court, represents the Albany Chamber of Commerce (ACC). She has been the President of ACC and an Albany resident for 13 years. She has worked with every City Councilor, in some form, over the last 13 years. She said it is a disservice to the Council, especially to the four Councilors that have been told they do not have the right idea, or the experience, or the knowledge, or the trust of this community, because they do. They would not be elected if they did not have community support. Some have been elected more than once, and the people here trust the decision they are going to make. Steele represents the business community of over 720 people and 20 businesses with 18,000-20,000 employees. They do want someone selected for this position that believes in business, understands how important jobs are to this community, and will give an open voice to those that represent businesses. The business community supports Bedore as Mayor. Steele asked Councilor Dick Olsen to refrain from dismissing her when she speaks. She said she does not laugh at Olsen when he speaks, yet he does it to her often. She trusts the Council will make the right decision.

Mark Gasperino, 1417 NE Sherman, said the Council has heard strong opinions and points. One important point is that citizens of Albany wish to be heard and for the most part, they do not feel that they are. It has brought division between the City and the citizens, which is tragic. Gasperino said the Killin family is in our prayers, he

will be greatly missed. To the Council he said, the decision you make tonight will speak volumes to what you want to represent to the citizens of Albany. He thinks the Mayor should be an elected position. Also, it should be filled by an elected official. His family supports Konopa. Her leadership can bring our city back together.

Karen Elliot, 1427 Skyline Drive, asked, does the decision of whether to appoint the Mayor position have to be made right away, or could there be an interim period to recover from the loss, and then review candidates? She suggested asking former Mayor Chuck McLaran to step in for the interim until there can be an election. Konopa explained the City Charter says that a Mayoral vacancy can be appointed, so the Council has the authority to decide how to proceed.

Olsen said, there are a lot of audience members that have spoken, and most have been for Konopa. He finds that interesting. He sat on the Council for eight years in the 1970's and for almost nine years most recently. He knew many of those who spoke and they had good things to say about Konopa.

MOTION: Olsen moved to nominate Konopa for Mayor. The motion died for lack of a second.

Johnson said, Elliot had a good point. Johnson wants to assure the audience that the Council is making this decision according to the Charter's authority, which has been approved by the voters. She said she realizes some in the audience do not feel like they have been heard. This is not an easy decision for the Council, but they are doing the best they can. The Mayor is an ambassador for the City of Albany; not north or south Albany, but all of Albany. There are 45,000 citizens that are not represented in the audience tonight. She said that Christman, Bedore, Reid, and she do not always agree like they have been accused of. She and Bedore disagreed on the Human Relations Committee, and they had to work it out. These same four are accused of having agendas, yet Konopa and Olsen have agendas as well. If an issue is related to business and growth, they usually vote no, and Johnson does not feel like that is being an ambassador for Albany. Killin and McLaran listened, and made decisions for all of Albany when they were Mayor, not just their own agenda.

Christman said, there is not a lot he can say to those who spoke against him. Christman said that last night Owen told him that a recall for him will be started in the morning. Christman said, this is not easy regardless of what the audience thinks.

MOTION: Christman moved to appoint Bedore as Mayor with the appointment to be effective after the Council has voted to select a successor to his Ward I Council position; the motion seeks to avoid the occurrence of a vacancy among the voting members of the Council; and further requires that immediately after Bedore's successor is selected by the Council, Bedore will be sworn in as Mayor and his successor then sworn in to fill the Ward I vacancy. Reid seconded it.

Reid said that because he was unavailable for the NANA meeting, Root has come out against him. To Katzenstein, he said, because we had a discussion, you too have come out against me. Reid does not think Katzenstein's past actions have not been for Reid's betterment but aside from that, Reid has supported the Fire Department as well as North Albany citizens. He has voted to approve subdivisions because the criteria that were set in the Planning Department were met. When North Albany was annexed it became part of the City. With Senate Bill 100, all subdivisions would be inside city limits, and the population is going to grow and has to go somewhere. Since the property was zoned for residential, it was going to be developed that way. To the audience Reid said, you weren't here when the zoning was discussed, you weren't here when North Albany annexation was being discussed, but you come out against it when it is being developed. There is a group of folks in the audience who are interested in this one topic, so they came tonight. Reid thinks we need someone that will represent Albany as it should be represented, for everyone - not just those with specific agendas.

Johnson said Quinn alleged that Bedore might move from Albany in a few years based on his wife's employment. It may or may not be true, but regardless it is not relevant to this discussion. The Council cannot make decisions based on personal feelings. Rather, they have to follow rules for approval or disapproval of subdivisions. Just because some of the public do not like the final decision, does not mean that the Council was not listening.

Beverly Dumont, 1650 27th Avenue, wished to speak. She asked the Council how many phone calls they received after the *Democrat-Herald* ran the article about Konopa and Bedore vying for the Mayor position. Christman said he received four: two supporting Konopa and two supporting Bedore. Dumont said the Council already have their minds made up who they will vote for, so they did not listen to the public. She happened to see the meeting on the television and that is how she got involved. She said, your minds were made up and that is not fair.

Konopa allowed Root to speak a second time.

Root clarified that he did support Reid.

Konopa allowed Quinn to speak a second time.

Quinn asked Bedore, can you stand before all these people and say that you still want this position no matter what all these folks in the audience are saying tonight? Bedore said yes, he will answer Quinn's question. He too has support in the community and in fact many offered to come to the meeting tonight to speak on his

behalf. But Bedore told them not to come, because he did not want to turn the meeting into a public debate or into some sort of circus that would further divide the Council and the community. He has heard everything the people in tonight's audience have said. He thinks the kindest thing his non-supporters have called him tonight was a carpetbagger, which he is not. It is true he followed his wife to Albany when she accepted a job, but they intend to stay in Albany. He noted that it is unfortunate that those who do not know him whatsoever, have come out in opposition of him tonight rather than simply being in support of Konopa. He has enjoyed working with Konopa and he looks forward to working with her in the future in whatever capacity he will be serving the community. That is his primary interest, to serve the community, as he did on the Planning Commission as well as the other Boards he is a part of in the community. He understands there are those who disagree with decisions he has made, but he will echo Johnson's remarks when he states that he made those decisions based on the legal obligation he has to represent all citizens of the City of Albany.

Konopa said she thinks it would be an honor to be Mayor and it is a position that should be earned. She hopes that Bedore will do his best to earn it. She thinks if it is her path to be Mayor it will be by the electorate of this town. That would be the honor and that would be really earning the position.

Konopa called for the question.

VOTE: A vote was taken on the motion and it passed 4-2 with Konopa and Olsen voting no.

Konopa called for a short recess.

RECESS

The Council recessed at 8:59 p.m.

RECONVENE

The Council reconvened at 9:07 p.m.

Reid apologized to Root, explaining that they talked during the recess and it was the other North Albany group that came out against him, not NANA.

Consolidated Quasi-Judicial Public Hearing

SD-14-06, appealing the Planning Commission's approval of a Subdivision Tentative Plat that would divide a 3.77-acre parcel of land into 12 residential single-family lots (Links Club Estates).

Konopa apologized to the audience for delaying this public hearing.

Konopa said, next on tonight's agenda is a Quasi-Judicial Public Hearing regarding an appeal of the Planning Commission's approval of a Subdivision Tentative Plat that would divide a 3.77-acre parcel of land into 12 residential single-family lots. The applicants are Joan and Perry Packard. The appellant is Phyllis Vollstedt. This is City of Albany case file SD-14-06.

Konopa called the Quasi-Judicial Public Hearing to order at 9:10 p.m.

Konopa asked if any members of the Council wished to abstain. None did.

Konopa asked if any members of the City Council wished to declare a conflict of interest, or report any significant ex parte contact, or a site visit. None did.

Konopa said, for all those wishing to testify, please be aware that you must raise an issue with enough detail to afford the Council and parties an opportunity to respond to the issue if you later want to raise that issue on appeal to the Land Use Board of Appeals. Testimony and evidence must be directed towards the approval standards that staff will describe or other criteria in the plan or Albany Development Code (ADC) which you believe apply to the decision. If additional documents or evidence are provided by any party, the City Council may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension to the 120-day limit. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.

Konopa called for the staff report.

Planning Manager Don Donovan used several overheads from the Council agenda packet during his presentation.

Donovan used an overhead to show the location of the property. He explained that the application before the Council is a Subdivision Tentative Plat application to divide a 3.77-acre parcel of land into 12 residential single-family lots (Links Club Estates). The Planning Commission approved this application in October 2007. Phyllis

Vollstedt, an owner of nearby property, appealed the Planning Commission's decision to the City Council. This is a new hearing where the Council can discuss any aspect of the subdivision related to the review criteria.

The property is owned by Perry and Joan Packard and Gene and Margaret Klingler. The subdivision plat and application were done by K&D Engineering. A traffic study, a flood study, and a drainage study were submitted with the application. The property where the subdivision would be built is located on the north side of Quarry Road, west of Ferguson Drive in North Albany. Donovan used an overhead. The property is zoned Residential Reserve (RR), but the zoning will automatically convert to Residential Single Family (RS-10) when public improvement requirements for the subdivision are met. The minimum average lot size in RS-10 zoning districts is 10,000 square feet. The average size of the lots in this subdivision is 10,671. Donovan used an overhead of the subdivision plat. He pointed out Quarry Road.

Donovan explained the ADC includes standards for development in Albany. The ADC includes five review criteria that must be met if a proposed development is to be approved. When the City receives a subdivision application, City planning staff reviews the application and writes a staff report that explains how the proposed subdivision will meet the review criteria, or how the subdivision can meet the review criteria if conditions of approval are met. Sometimes the review criteria cannot be met and an application is denied.

Donovan said the staff report for Links Club Estates is 20 pages long. The staff report went to the City Council a week earlier and was also available to the public to review. The staff report lists the subdivision review criteria and explains how the proposed subdivision meets the review criteria, or how the subdivision can meet the review criteria if conditions of approval listed in the staff report are met. Donovan showed the criteria on an overhead.

Donovan said he will not go over everything in the written staff report at this meeting, but he would talk about some of the issues that staff found to be the most important and that people who testified at the Planning Commission hearing identified as important to them. People who testify tonight may bring up other questions.

The first subdivision review criterion requires that "development of any remainder of property under the same ownership can be accomplished in accordance with this Code." The proposed subdivision will divide the entire 3.77 acre parcel owned by the Klingler's and Packard's, so there won't be any remainder to be considered.

The second review criterion requires that "adjoining land can be developed or is provided access that will allow its development in accordance with the Code." All of the properties to the north and east are developed and have access to public streets. Quarry Road runs along the south boundary of the subdivision. There is a parcel of land to the west owned by the Rummerfield's, who requested that a street and utilities be extended with the proposed subdivision so the Rummerfield property can be divided into more lots in the future. The subdivision plat shows a street and utilities will be extended to their property.

The third review criterion requires that "the proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances." A first version of this subdivision plat showed that Country Club Lane would be extended from where it ends now, to Quarry Road. Donovan used an overhead. He said that neighbors objected to this plan because traffic from Quarry Road could drive through the subdivision to Springhill Country Club (Club). There were concerns that traffic that now goes to Springhill Road and uses Country Club Lane off Springhill Road, would cut through the subdivision and create more traffic on the west end of Country Club Lane.

The applicants submitted a revised plan that shows Country Club Lane will be extended into the subdivision, but the street will end in a cul-de-sac before it gets to Quarry Road. Donovan used an overhead of the plat.

The applicants submitted a traffic study with the subdivision application. The traffic study estimates that the proposed subdivision will generate 106 new vehicle trips per day. All of those trips will initially use Country Club Lane and travel to Springhill Road. The existing traffic volume on Country Club Lane now is estimated to be about 820 vehicle trips per day and volume of vehicle trips on the street with subdivision construction is estimated to be the 106 trips per day generated by the subdivision, for a total of 926 vehicle trips per day. The City generally considers that minor local streets like Country Club Lane should have less than 1,000 trips per day, so that standard would be met on Country Club Lane with construction of the subdivision.

The ADC encourages a connected street plan. Country Club Lane is a dead-end now. It does not have a turnaround at the end of it. The subdivision would provide a turnaround and a street stub to the west. Eventually, the street stub may be connected through the Rummerfield property to Quarry Road, which would provide a connected street system in a way that discourages cut through traffic. He said, this seems like the best street plan under the circumstances. There will be a 20-foot wide concrete pedestrian and emergency vehicle access between the cul-de-sac on Country Club Lane to Quarry Road.

Donovan said the traffic study shows that the three intersections nearest the subdivision property would all operate at acceptable levels of service. The intersections studied are the Quarry Road/Springhill Drive intersection; the Quarry Road/North Albany Road intersection; and the Springhill Drive/Country Club Lane intersection. The City's Transportation Analyst reviewed the traffic study and agrees with its conclusions. A condition of approval of the subdivision would require that Quarry Road be improved to City standards across the frontage of the subdivision now, so that the City won't have to come back later and ask the people who buy lots in the subdivision to pay their share of Quarry Road improvements.

Donovan said the fourth review criterion for subdivisions requires that the location and design allows development to be conveniently served by various public utilities. The sewer system proposed for the subdivision would drain to a private pump station on Quarry Road where the sewage would be pumped to an existing 3 inch pressure main now used by the Club to pump the sewage to the nearest public main near North Albany Road. The sewer system for the subdivision would be private to start, but must be built to City standards so that it can become part of the public system in the future. Staff has a letter from the Club from December, that says they have no objections concerning this plan.

Water service for the subdivision would be provided by looping a new main through the subdivision from an existing main in Country Club Lane to an existing main in Quarry Road.

A storm drainage system will be built in the subdivision to drain the lots and streets. A new pipe would be constructed along the north side of Quarry Road to the west where the subdivision storm drainage would be discharged to an existing drainage that runs toward the golf course.

The applicants submitted a "Drainage Study," done by K&D Engineering, Inc. The City's Engineering staff reviewed the Drainage Study and concluded that the study is complete and its conclusions are valid. Development of the Packard site will not cause flooding on downstream properties during local heavy rainfall events.

The applicants propose to construct drainage catch-basins on the south side of Quarry Road and near the north boundary of the subdivision to capture storm water that has previously affected the subdivision property. This was made a condition of approval by the Planning Commission.

Donovan said the last review criterion for subdivisions requires that "any special features of the site be adequately considered and utilized." Part of this property is shown on Federal Emergency Management Agency (FEMA) maps as being in a floodplain. The City participates in the FEMA flood insurance program and regulates fill and construction in floodplains. The object of the floodplain regulations is to make sure that any activity that takes place in a floodplain does not raise the water elevation of a 100-year flood more than one foot. New buildings must be built at least one foot above the 100-year flood elevation, so they will not be flooded in a 100-year storm.

The applicants submitted a flood study with the subdivision application that concludes that if the entire subdivision property is filled, it would raise the 100-year flood elevation about 0.2 tenths of a foot. This is less than the one foot allowed by FEMA regulations. The City hired a consulting engineer with experience in floodplain analysis to evaluate the flood study. He concluded, after the applicants did some revisions to their first submittal, that the flood study appropriately modeled the existing and proposed conditions, and that the study can be accepted as reliable. The City's Engineering Division was involved in reviewing the flood study throughout the process and agrees with its conclusions. The applicants would have to get a fill permit before they begin filling the property. The application for the fill permit will have to show the shape of the fill and where drainage from the property will go. Neighbors are mailed notice when the fill permit application is received and will have the opportunity to review it and comment.

Donovan said that Vollstedt filed the appeal of the Planning Commission decision to approve the Links Club Estates subdivision. Attorney George Heilig also signed the appeal. The appeal lists seven separate reasons that they believe the subdivision application does not meet ADC requirements, Oregon Revised Statutes and Administrative Rules, the Oregon Constitution, and the civil law of Oregon relating to drainage.

Donovan said Heilig also submitted a letter that says Rummerfield, the owner of an adjacent property, made a claim in Benton County Circuit Court to part of the subdivision property. Benton County records show the subdivision property is owned by the Klingler's and a court has not made a decision that would contradict this evidence.

The applicants provided a response to the issues raised in Vollstedt's appeal. Planning and Engineering staff generally agree with the responses in the letter.

Donovan said the applicant's attorney Ed Schultz, responded to the drainage issues raised in the appeal. Planning and Engineering staff do not have opinions about the legal matters related to drainage raised in the appeal, however the City Attorney will be able to advise the City Council.

Donovan said the applicants also provided a letter that explains some history that they believe is important for the City Council to know. Each of these documents referred to were included with a memo that went to the City Council with the staff report.

In addition, Donovan said staff placed on the dais tonight a letter dated January 17, 2008, from Heilig which addresses Schultz's opinions about drainage laws (see agenda file). This letter was not received in time to include in the Council agenda packet. Staff also received a letter from Douglass and Diana Stennett, whose property abuts the proposed subdivision on the east (see agenda file). This letter is also on the dais tonight. The Stennett's have two specific questions: what will be required for a drainage system along the east boundary of the subdivision to keep runoff from going on to the adjacent properties, and if the required drainage is not adequate, what is their recourse? The applicants responded to these questions at the Planning Commission

meeting and should do so again tonight.

Donovan asked if the Council had any questions.

Christman asked Donovan to explain the improvements to Quarry Road. Donovan said the staff report conditions, on page 42 of the agenda packet, explains improvements under item 3.3. Donovan read that section. In other words, Donovan said, they are responsible for partial improvements to their half of the street for the full frontage of the subdivision.

Johnson asked, are drainage ditches normally considered City property or private property? Donovan said the attorneys would have to answer because it comes down to a question of laws.

Olsen asked, for the partial improvements to the street, is there a way to collect partial funds in-lieu of doing the paving and put them in the bank and do it when it's an appropriate time? Donovan said yes, we can accept cash payment in-lieu-of doing the improvements now, so that the full street can be improved at the same time later on. He added that it is Benton County's road so they would have to be included in that decision.

Konopa asked if it is common to have subdivisions with private sewer. Donovan said it is not common, but deferred to Public Works Director Diane Dennis Taniguchi to explain the sewer situation. Dennis said the only way to provide sewer to this property at this time is to provide a pump station for this subdivision. When a gravity line comes through the sewer will be redirected to the City sewer. But at this time, this is the only way to do it and it does not make sense for it to become a City facility since it is for the sole benefit of this subdivision. She said, we do not do this very often.

Olsen asked, is the City limits one lot over from the lot that is to be improved? Donovan said Vollstedt's property is outside the City limits and the urban growth boundary (UGB). Olsen asked, on the map on page 55 of the agenda packet, does the flooding route mean it is a flood way? Donovan said the FEMA map is used to determine if it is a flood way or flood plain. The water comes into this property from the south, from West Thornton Lake and sits there, and also backs up from the Willamette River on the north. The flood study looked very carefully at this. Discussion followed.

Olsen asked, would the Vollstedt's be able to add fill to the point that their property can be developed sometime in the future? Donovan said the property is outside the UGB, and he is not sure what Benton County would allow. If this property were inside City limits, they would be allowed to fill the flood plain, but not the flood way. He suspects the Vollstedt's may have been allowed to add fill on the property, but the City has not been involved.

Olsen asked, would it be difficult to get this annexed to the City? Donovan has no opinion on that.

Olsen read item 3.3 on page 41 of the agenda packet, regarding street connectivity and cul-de-sacs. He asked, how can the stub be connected to Quarry Road if they can't fill up the flooding route? Donovan said the staff report says that someday, the street stub could be extended into another property and then brought down to Quarry Road. Olsen said the road would run down a very narrow strip of land right next to a house on the Rummerfield property. Donovan agreed it was narrow, and explained that the original plan asked for an easement but it was the Rummerfield's that said they wanted a public street. They may have determined, at some point, that a road was more advantageous to them. Olsen explained that his point is, the City has rules about the length of cul-de-sacs and connectivity, and this subdivision violates those rules. Item 3.3 seems to excuse those rules and he thinks that is inadequate. Donovan said the review criteria makes provisions with the caveat "best possible under the circumstances." Ultimately it would be a decision of the Council if it meets the criteria or not.

Konopa asked, was there consideration to have the cul-de-sac on the north and access on Quarry Road so there is less impact to neighborhood? Donovan said it was considered but he does not remember why it was rejected. Other Engineering staff could answer that if Konopa is interested.

Konopa asked for the applicant's presentation.

Dan Watson, 710 East Thornton Lake Drive, works for K & D Engineering and represents the applicants. He hopes the Council has read the letter by the Packard's about the history of this subdivision and why it has been going on so long.

Watson said, we came to the City in 2004 with a request to handle the sewer in the fashion we have proposed. Staff reviewed it and did capacity studies as directed by the Council. In 2005, the City concluded it would work and the Council approved it. The sewer system they would build meets all the standards of a public system. It would eventually be connected to a gravity system once the City extends lines to that area. In the meantime, it will run from that connection point to a private pump station and our pressure line will adjoin an existing pressure line that is already out there. It is very likely we will be upsizing the discharge line. In effect, it will be akin to having public sewers in the street. Homeowners will be in charge of running the pump station and incurring the costs in the interim between now and when the City brings a gravity sewer to the area.

Watson said that Joan Packard grew up on this property and her father, husband, and brother have assisted others in the neighborhood when they needed back up drainage for their septic systems as they built their homes. Now it is the Packard's turn to develop, and they have been trying to do everything they can to address the reasonable concerns of neighbors. At neighborhood meetings there were concerns. The first concern was that those visiting the Club would cut through the new street. Traffic studies typically are not required for subdivisions with less than 50 lots; Links Club Estates has just 11 lots, but they did a traffic study anyway. The City was concerned about a site distance at a proposed intersection at Quarry Road; our traffic engineer was not. Watson received a written request from the Rummerfield's for a public street to be stubbed to their property instead of the easement which was originally proposed by the applicant. They wanted a public street so they could subdivide their lot in the future. To solve both issues, they wanted to make a circuitous route so fewer vehicles would cut through, and provide a public street to the Rummerfield's to the west in such a way that they would not lose the lot. The plan before the Council is the Packard's best attempt to solve all issues brought by the neighbors. There is one issue they cannot solve, and that is that the neighbors do not want more homes there.

Watson said the last big issue with neighbors and staff is flood and storm drainage. They did two different studies. One was a major flood study that reviewed a 100 year storm and how it runs through the project to see what the impacts would be to the neighbors. One of the questions asked was, how does the water travel at different elevations of the flood as water rises? The flood route, which Olsen referred to earlier in the meeting, is where the water goes before the water is high enough to get to the Packard property. This was reviewed by an expert hired by the City. The Packard property is not the lowest property there. The lowest is a drainage channel that runs across Quarry Road where all the culverts are, down the edge of the Vollstedt property, onto the Club property, back onto the Vollstedt property, back onto the Club property, and then through a field. They knew intuitively that filling the small area would not have significant impact with floods and that was verified with the study. When they had the other consultant review their work, they provided them with the computer models so they could use them.

Watson used a series of overheads and pictures that are in the flood study submitted by the applicant or that are in the staff report.

Watson used an overhead to show the profile on Quarry Road, and the culverts across it. The top of the road is at elevation 190 and moves to 196, where the Packard property sits. During a major flood the water could enter the Packard's property but it would have to get up to elevation 196 to even begin to get into the property. By that time, the water would be flowing over Quarry Road at six feet deep. The 100 year flood zone is at elevation 197.3. There is a small area that would flow through the Packard property, which is shaped like a bowl.

Watson used an overhead to show that the lowest area on the property, at elevation 192, is higher than Quarry Road. The Sackron home was built across what was historically a floodway fringe, also known as floodplain.

Watson used an overhead to show the floodplain. The dark area shows what FEMA identifies as floodplain, which is not necessary for the capacity carrying portion of the channel. He pointed out the Sackron property.

Watson used an overhead of a cross section view that shows the fill on the Sackron property. Before the house was built the water flowed to the road. The applicant would put a storm drain in at the low spot to catch the water that is currently draining onto Packard's property.

Watson used an overhead to show a picture of the 1996 flood. The water did not get as high as Packard's property.

Watson used an overhead to show a picture of the 1964 flood.

Watson showed an overhead of a map that shows the flood control dam system by the Army Corp of Engineers. The dams are marked with the year they went into operation. Since 1964 there have been four new dams added to the river system which will help to mitigate floods of the Willamette River. Also, there are the Green Peter Dam and Foster Dam on the Santiam River. The Army Corp of Engineers told Watson that in 1964 the South Santiam flooded so heavily that it created what they call a water dam at the confluence, and it backed water all the way up into Albany. The good news is that there are more dams now and we should not see a flood like 1964 again.

Konopa asked, have you seen studies on how much pavement has been added to the valley since 1964? Watson said flood elevations have been updated fairly recently and the elevations were raised about one foot to accommodate those types of issues.

Watson said the second study was to address concerns the Vollstedt's had about water from the new subdivision entering into the existing drainage course that runs through the Vollstedt property. Watson used an overhead of a picture that shows the location of the culverts. He traced the route the water flows currently. The Vollstedt's are concerned that with the new subdivision water will be piped down Quarry Road into another drainage way, which is a different course. Watson evaluated the results of a 100 year flood to the route. He put up an information sheet on the overhead that showed the results would be 13 cubic feet and a depth of .8 feet. They also used a profile to figure out the hydraulic equations and depth of the grade and plotted it along the ground surface, which Watson illustrated on a large map attached to a foam core board. Once the water from the

Willamette River starts to flow over Quarry Road, the 13 cubic feet increases to 12,000 cubic feet. The magnitude of difference is dependent on whether the evaluation is for a Willamette River flooding event or for water from the subdivision site. Instantaneous maximum peak flow that could come off the site, assuming full build out, is an increase of 5 cubic feet per second.

Konopa asked, will there be fill all the way up to the property lines of the properties on the eastern boundary of the subdivision? Watson said along the east side the property is about five feet above the flood elevation. They will remove 1-2 feet of fill from those lots and make them lower than the neighbors behind them, so the lots will not drain to the neighbors behind, but will instead drain to the street. Konopa asked, will it be an abrupt edge, or will it be sloped, or will you use drainage tile? Watson said it will be sloped. The subdivision will be lower so it won't be adding to neighbor's drainage problems.

Konopa asked if any member of the audience wished to speak in support of the applications. There were none.

Konopa asked if any member of the audience wished to speak in opposition to the applications.

George Heilig, PO Box 546, Corvallis, represents Phyllis Vollstedt. He introduced Links Club Estates Appellant's Exhibits, Tabs 1-7 (see agenda file).

Heilig said Tab 1 is the property viewed from Quarry Road. Tab 2 is looking west along Quarry Road from the southwest corner of the property. The road dips and turns, which will impact public improvements to this area, the transportation of drainage, and the location of the private septic system. All of this is in the Benton County right-of-way (ROW).

Heilig said the first criterion is ADC 11.1804, which requires the subdivision to be conveniently served by various public utilities. However, there are no public utilities to this property. The Council would be setting a precedent that public utilities are not necessary by approving this application.

Heilig said under Tab 3 is a November 16, 1992, letter from the City to Val Nova. The letter says that the Club septic was failing and in order to keep the Club afloat and eventually build a new club house, there was an agreement by which the City allowed a 3 inch sewer line to connect to North Albany sewer. As a condition to the approval, no additional connections to the force main or pump station could be made. Additions to mains by the Club would require approval by the City and additional connection charges. Heilig said this Council's predecessors have already decided this issue about whether this development can connect to the Club's 3 inch sewer line. He hopes this Council will keep faith with those conditions of approval and not allow others to connect to it. In the staff report the proposal for the sewer line is to connect 14-15 homes to a 2 inch pressure line connected to 3 inch pressure line. Yet, the City standard is an 8 inch line which the City wants in the cul-de-sac, and this will be a private facility. Discharge from 14 homes through a 2 inch line does not make sense. Heilig submits that the technical specification for this many dwellings is not correct.

Under point D listed on the letter, Heilig asked the Council, what will you say about the next development that is immediately adjacent to the City limits and wants to connect to the public system? Think of the precedent you set by saying it is necessary to do it in this case. Why is it necessary? Why are you treating this subdivision differently than you would a subdivision in east Albany, where the City demands that properties are annexed and connected to the public facilities? Setting this precedent could be far reaching.

Heilig said the sewer line would go 1,500 feet to the North Albany sewer and will be privately maintained. But if it breaks and the health of residents in 14-15 homes is at risk, and the homeowner association is not adequately capitalized, what is the likelihood the City would fix it anyway? His point is that merely saying on paper that the homeowner's association is skilled and adequately capitalized, should require some pause.

Heilig said Rummerfield worked in California on privately maintained systems and would like to speak to this issue.

Bruce Rummerfield, 325 Quarry Road, said he started doing underground work in 1962, and retired from city government as the senior maintenance position for sewer and storm drainage for all their pumps. He installed, maintained, and sometimes designed. He said the 3-4 inch pipe proposed will not hold eight hours of sewage. When it breaks, where will the sewer go? It will go into the stormwater and cause a big contamination problem. He said he does not want any contamination on his property. He has experienced failures in privately maintained systems in his previous employment. Once it spilled onto city property, the city was responsible for it, including using HAZMAT resources.

Heilig explained that the map under Tab 3 shows the sewer lines in relation to the property. When compared to the photograph under Tab 2, it is clear the line is in Benton County ROW. He wonders if Benton County has agreed to allowing the use of their ROW.

Heilig said one of the criteria is for safe and efficient circulation of traffic. Olsen has already raised the issue that this cul-de-sac is over 400 feet long, and in fact if built as proposed it will be 1,825 feet serving 31 residents in addition to the new subdivision. The Club has 556 members. It has not been shown that there is a need for 12 additional homes in the City. With the tradeoffs being made for the inability of the subdivision to connect to

City facilities, and the issues with the length of the cul-de-sac, Heilig believes the Council should proceed carefully. The City engineer has not made a formal written opinion about the length of the cul-de-sac.

Heilig called on two residents of Country Club Lane to speak.

Patti Daskalos, 255 Country Club Lane, said her house abuts the property to the north of proposed subdivision. She is a stay-at-home mom of three school age kids. She is concerned about this proposed subdivision for the safety issues it creates. She believes that one of the focuses of the City Council should be to ensure safe neighborhood conditions. In 1965 when Country Club Lane was developed, sidewalks were not included. The street was designed to be 45 feet wide with no sidewalks. The new subdivision has sidewalks and the street is only 30 feet wide, making for an awkward transition from one neighborhood to the next. When pedestrian traffic leaves the new neighborhood and enters the Country Club Lane neighborhood, they will most likely walk across Daskalos' driveway, or they will be funneled into the street. Daskalos said, our street is unique with joggers, walkers, and golf carts in addition to regular vehicle and pedestrian traffic. There are a lot of children on the street. The street is often peppered with overflow parking when the Club has large tournaments. She is concerned about neighborhood traffic, especially for the kids. As it is, when kids ride bikes they have to pick their way through parked cars and oncoming traffic since there are no sidewalks. With no sidewalks and extra traffic from the Club, adding more density with this proposed subdivision will only exacerbate the problem.

Daskalos said the design of the subdivision is also very concerning to her because of the stub-out towards the vineyard. It may look harmless, but it was added when site distance issues in the original plan became obvious. It is scary because that road is intended to eventually connect Country Club Lane to Quarry Road. She hopes it is not feasible because of continuing site distance issues, but if it were allowed it would make her street completely unsafe, as it would become a thoroughfare for the 500 plus members of the Club to get to the parking lot. In closing, Daskalos said that in February 2006, she got a letter from Joan Packard, stating, "We live on a very busy corner now, that when we bought the house 14 years ago was quiet with very little traffic. Now my daughter has to be very careful retrieving her basketball from the road as she plays in the driveway." Knowing that, Daskalos doesn't understand why Packard would want to put someone else's children into the same position. She thanked the Council for keeping the safety of her neighborhood and the children their priority.

Heilig noted that the letter Daskalos read from is under Tab 5. Another passage has been marked on the letter, which states "Our original intent was to have Country Club Lane end in a large cul-de-sac, as that would increase the value of the lots and keep a nice quiet neighborhood. The City opposed that idea and has wanted that street to go through from the beginning. They say it is a hazard to have such a long dead end street with not a large enough area for a fire truck to turn around in quickly and safely." Heilig pointed out that the current design is just that, a long cul-de-sac, which City staff said was dangerous previously. He added that the Club is attempting to gain 500 full members and 150 association members.

Alyson Richards, 245 Country Club Lane, spoke about Quarry Road. There is a picture of Quarry Road under Tab 2. She thanked the Council for their time and effort. She has run with her dog regularly since 2001 on Quarry Road. It is hazardous for pedestrians and bicyclists. They are proposing to widen it and put in a sidewalk along a small portion of the road, and only on one side. She thinks that will create even more of a distraction and hazard for children, pedestrians, and bicyclists. She has two young kids who have been going onto the Packard property, along with other children, for the last seven years. While she appreciates all the work Watson has done, he has not lived in the neighborhood so has not experienced kids in the mud. Rainwater doesn't just come across Quarry Road, but it comes around the back side as well. It comes from behind the Club. Her kids come back with knee high mud. She is concerned for her neighbors if this subdivision is approved.

To Olsen's suggestion of depositing a sum of money now for future road improvements on Quarry Road, Heilig said, whatever is deposited now would pale in comparison to the inflationary pressures of the cost of building roads so the City would eventually be subsidizing the developer. This property, the way it is designed, cannot support itself so it seems the solution is to export problems to the neighbors. The way to control surface water is at the risk of diminishing the number of lots, but could be done by building an onsite retention facility that would catch the water and then release it at the same rate it is naturally released into existing natural channels. If the Council won't require the property to bear its own load, then by default the Council is considering the exportation of problems to the neighbors. The exportation is the sewer and traffic on an extended, non conforming cul-de-sac.

The flood impact to Vollstedt's property is also unacceptable. Heilig displayed two maps taped to poster board, which were the same flood plain maps Watson used, and also a photo of the property. He said Tab 6 shows the pertinent elevations and has a picture of the 1964 flood with the Packard property outlined in black. Watson said the water would go to the west, but when a dam is created by filling in the low level, from elevation 192 up to elevation 200, the water would migrate east in a greater volume than Watson claimed. Legally, the Council probably cannot approve the exportation of water onto a neighbor's property, however Heilig would argue that it is a "takings". The water, in its natural drainage way, goes to the north by the Club. The applicant wants to export it the other way, because the Club won't give them an easement for an additional channel, nor will the adjacent property owner. Rather than having a retention pool on their own property, the applicant wants to export water to the Vollstedt's property. It is a taking of the Vollstedt's property for a public purpose. Even if it is not a takings it is a trespass, and the Council would be allowing it to occur. If Watson is wrong and staff

approves this, yet should have known that they should not have, then the City will have liability issues. To avoid that, the Council should tell the developer to make the subdivision take care of itself, even if they lose lots or have to spend money. Heilig said, don't let this subdivision export its problems to its neighbors.

In closing, Heilig argued that this subdivision does not comply with the approval criteria for public utilities, for safe and efficient traffic, and the development standards for cul-de-sacs. To manage the floodway they would be taking someone else's property for the financial gain of the developer which is something the Council should not allow. Also, if the Council denies a North Albany resident connection because they are outside the UGB, yet have allowed this development, they would have a difficult time explaining why. He urged the Council to follow the law.

Bill Root, 2634 Valley View Drive, thanked Reid for apologizing. To Bedore, Root said his only objection to him being Mayor is that he had not been elected to the Councilor position first. He congratulated Bedore on his appointment as Mayor.

Root said he has four issues with this subdivision. First of all, he talked to the neighbors and they complain that now, during heavy rains, their septic fail. The drain fields do not drain effectively and if the City allows property to be developed it will get worse. Secondly, as has already been discussed in detail, is the flooding. Root's third issue is the rule about connectivity and the cul-de-sac. Finally, regarding the privately owned sewer system, it is a clear violation of the requirement to provide public utilities before a zoning change is made from RR, its current zoning, to RS10. The development will clearly impact adjacent owners without providing them with any improvements. If private sewer systems are allowed, he suggests that other neighbors and future developments also be allowed to connect to the system. He thinks things can be done so it can meet the criteria. He suggests that storm drainage should not be allowed to leave without treatment and should only travel through pipe, to its final destination whether that be Thornton Lake or the Willamette River. The Council made the same requirement for Fabian Estates.

Linda Hallmark, 250 Country Club Lane, said her property sits on the lowest elevation in this area, at 191. She pays flood insurance and believes she may be the only one on that side that does. Her house has a foundation of only 6-8 inches. She does not understand how this will work without water being dumped onto her property from the street. There are two other houses next to her, and all three have water behind them following heavy rains. Their septic may be compromised if there is even more water poured over the area. Her home was built in 1967 and was legally permitted at the time. She doesn't understand how this will keep her property safe, or even dry. This is not even addressing the fill that could be used. Water goes downhill and it will flow onto her property.

Linda Sims, 451 Quarry Road, thanked the Council for listening. Her primary job at Vollstedt's Farm is to take care of the cow herd, which she has done now for 40 years. It is not always an easy job. Sims said, sometimes when you, the Council, make decisions, you impact others by making their lives harder. That is why she is here tonight. She explained that in a normal year, water that flows through the ditch on the property does so by coming through the culverts or coming off the pastures and goes through a normal filtration. During a flood, water comes barreling through even faster and is carrying pollutants. They are always aware of that. When it floods, they worry about the cow herd and the pollutants. Increased nitrates in the water can cause a cow to abort. She can't say that in 1996 the nitrate levels were high because she did not do water testing, but she does know that on occasion during a flood year they do have a cow abort. The Council is now considering allowing water that has flowed over sidewalks, streets, and driveways, and could include such contaminants as soap and fertilizer, to gather in a pipe, and be pumped directly into that ditch. That is polluted water. She is now forced to decide what to do with the cattle. Now she will have to make the decision about how much risk to withstand for the sake of the herd. She is the one that buries dead calves, and she hates it more than anything else in the world. After the Council makes their decision, the rest of the decision is hers about how to handle the herd.

Sims described what happened this year. In December there was a lot of rainfall. There was no standing water in the ditch, even in the first part of January. If the Council is now allowing water that would normally percolate into the soil to be piped into their ditch, they will have water in the ditch that would not have been there under normal circumstances. It would be polluted. She can't tell the cows not to drink the water. If nothing else, she asked the Council to please require filtration systems. It is a basic requirement in the City. It only makes sense. It makes even more sense to require that they retain the water on their own property. Sims said that the path Watson described the water taking, is not correct. She has walked those pastures for 40 years and the water did not follow a route that went to the Club and then back to Vollstedt's. The water went north, across the Club, along where the golf carts are, and back into the ditch. She said, this is an area of North Albany with no sewer or storm drainage systems, yet the Council will allow it to be developed and she does not understand why. She is not opposed to development in North Albany, but she is opposed to bad development. That property could support five homes on the high ground with a swale system to contain its water. But to impact the neighbors, isn't fair.

Konopa asked Sims to show on the map the path water flows through. Sims used Exhibit A to illustrate the path the water takes. She has not seen the water come across Quarry Road during a flood stage, but rather it comes in behind the houses.

Phyllis Vollstedt, 425 Quarry Road, used a map to show where the water flows. By looking at the topography, the water won't flow like Watson said it will. The northwest corner of the subject property is 191 feet. The

applicant is not taking into consideration the natural terrain or where they will dump it. She said she is only two houses away from the applicant's but she has never been invited to a meeting or talked to about the subdivision. Yet, they want to dump their water on her land. She said, it would be like if your neighbor wanted to dump garbage on your land instead of his. We are talking about water, not garbage, but the principle is the same. Vollstedt said if the applicant wants to make money off this development that is fine, but they should stand the expenses. Don't put the expense on the neighbors; it is not right. She said if the farm loses a good bull calf, it is a loss of \$50,000-100,000. Economically, they can't afford to have polluted water. If she were to fence off the area where the water will run, she would lose about 15 acres, or \$15,000 worth of land, that could not be used for fear the cattle would get sick and die.

Andy Cyrus, 435 Quarry Road, owns the property where the storm water will discharge to. He reiterated that the untreated water will have all the chemicals that are used on rooftops, driveways, and yards, and it will be dumped directly onto his pasture where his pet goats and alpacas graze. If the development were required to retain their own storm water then he and the Vollstedt's would not have to deal with it.

Konopa asked, does any member of the audience wish to speak who is neither in favor nor opposed to the applications?

Mark Gasperino, 1417 Sherman Road SE, said this is the first time he has seen a development in North Albany that is holding true to the character and livability of North Albany with its lot sizes, by not piling houses on top of houses. He does have a couple of questions. How high will the property be raised? He is concerned because he remembers floods across Quarry Road, and for three days it was like a river and was so bad it undermined the road. They had to put large culverts in. If this is raised eight feet, then everything from the south, where the water comes from, and given the recent approval of Thornton Lake Estates, there will be consequences. This proposed subdivision creates consequences for neighbors with its run off. He supports reasonable, responsible development. He thinks that with all the development that has been done in North Albany, and Albany as a whole, it will be a disaster if we have a significant event. He is very concerned.

Konopa asked, does the applicant have any rebuttal testimony?

Ed Schultz, PO Box 667, Albany, is the attorney for the applicant. He said he has not seen Heilig's submitted material until tonight. Schultz pointed out that they did provide a letter, which Donovan referred to at the beginning of the hearing, that addressed each of these particular issues. Schultz said one of the issues that faces this project, and which has been discussed, is that the natural drainage goes out to the northwest. The problem is that when the house was constructed, in addition to the fill where the house is, there was a fence made from tires with fill in it. As has been discussed tonight, the water now pools on that property then goes out. The Packard's offered to pay for an easement on that property but their offer was rejected. Schultz said, we do not have the physical ability to put the water in its natural drainage. As a result, in discussions with the City, there was a conversation about where to put the storm water so it would do the most good. One issue that apparently has not been made clear, is that the City requires, and the project will have, a manhole at the end to do the filtering process. The water is not just discharged, but rather has to go through the City-required system before it is discharged. One other issue is that in 2004, the applicant asked the City, and the City studied, if we were now at a point in time to reconsider the 1992 agreement regarding the Club. A year later the City approved the pressurized system, so the applicant moved forward with this project. While Heilig may have presented the 1992 agreement, it is the 1994 agreement and the 2005 letter from City staff instructing the applicant they can move forward which the applicant has been relying on for the last two and a half years. If there is one thing to be said about the people on this project, it is that they have tried to meet every one of the concerns that have risen to the best of their ability.

Schultz said, under Tab 2 of Heilig's submittal you can see the house and the contours and how the angle of the property runs off to the northwest because of the existing dwelling. Schultz said Watson will address the natural drainage issues. Regarding road access and the cul-de-sac, Schultz explained that when the project was started, because of the connectivity requirements of the City, the applicant proposed that Country Club Lane be extended to Quarry Road. Donovan indicated there was substantial opposition to that idea, so the applicant asked the City how to address the problem. They looked at a variety of solutions, including turning the subdivision upside down. The City was not in favor of that because it did not provide a turn-around at the end of Country Club Lane. Once there was a request to put in the stub street, they went with that proposal to allow two ways for emergency access to Country Club Lane. It would also allow the ability for the roadway to be extended. In trying to resolve this problem, we talked about the length of the cul-de-sac. As the applicant understands the City's code and after discussions with City staff, the length of the cul-de-sac is the distance from where there will not be an existing street. The cul-de-sac that will be created is from the end of the street, to the west, and will be approximately 350 feet. The street width and sidewalks are necessary to be in compliance with City code. They were designed to meet the City standards and were not intended to do anything more than that. Regarding the development across the front of the property on Quarry Road, they thought the best way to do that was to pay the City imposed sum of money, so that when the City and the County decided to improve the road the money would already be collected. Regardless of when or how that happens, the question will be, what will happen to the water that runs off of Quarry Road? Throughout the City, the water is collected in the storm water system. The water then travels to the point where the City chooses to have it discharged back into the system. Sometimes the water is treated, sometimes it is not; but the idea of maintenance of the City system is to discharge the water into the most applicable natural drainage way that

exists. The applicant's understanding is that that is one of the reasons for City approval, because if and when Quarry Road is brought up to City standards, the water off of that road will go into the natural drainage. We can modify, by construction, the heights of the dips and curves that are in the road now, but we must discharge that water in some location where it has the ability to flow away. It won't just be water from the Packard property, but also from the property to the east, properties along the Quarry Road, and the road surface itself. Schultz said, this is not a case where the applicants have chosen to discharge to the neighbors without having given any thought about it whatsoever. One of the reasons the City asked Watson to do a second set of studies was to find out, if the water was placed there, would there be likelihood of any damage to that property. The study was also reviewed by City staff and an outside expert. In the materials cited by Heilig, in each case the issue was whether or not damage occurred; not whether the water was there, but whether the water caused damage. The issues that exist for rural property owners in Oregon and elsewhere is whether or not there is a legal obligation to fence animals out of drainage ways. Simply, if the animals are not in the drainage way, then their fecal material does not become dissolved and it reduces the amount of not only contaminants, but coliform bacteria. So, there are other issues beyond just the discharge of the water.

Schultz said the applicant would be willing to look at reasonable conditions that would not be unique to this project. Schultz does not believe that any other project in the City has been required to keep all of its storm water onsite. The Council has required storm water systems, and our system design has been approved by City staff. In addition to fill, there will be storm drainage collection points to pick up the drainage water so it will not flow to the north or east, but to the center of the property and be collected in the same manner as every other City street in a City-approved storm drain system. Regarding the septic system proposal, Schultz said he has sat through at least 100 hearings involving sewer. Tangent has a sewer system that is all pressurized. Bend does also, because Bend sits on rock and it is not possible to dig 20 feet deep through rock. This is a standard system that is used successfully throughout Oregon. The system works because it is under pressure. It does not use an 8 inch line, because an 8 inch line would be used in a non-pressurized gravity system. This system would use hydraulic pressure to move waste in a standard design system that is very similar to what the City uses. For example, lift stations take waste from south of Oak Creek, put it through the pump station, move it north, lift it up, and move it into the natural drainage to the system.

As far as funding for backup systems, Schultz said that is something the Council can discuss and require in the final plat approval as a condition of approval. It could be a threshold that is reasonable for when the system is turned over to a homeowner's association. The other issue is whether or not the Council wishes to impose as a condition of final approval that they want a City staff person to be designated as ex-officio to serve on the homeowner's association board. This would allow the City to have a liaison on the board so the Council could be apprised of any shortfall of leadership or financial capabilities in time to address them before a problem occurs. There are practical alternatives to address these concerns.

Watson said regarding Hallmark's concerns about drainage, they are extending a storm drain to their common property line so that any water on her property can get into the storm drainage system. With respect to treatment of the storm drainage, before we discharge water to a natural drainage we have to put it through a state of the art pollution control system, so there will not be raw runoff from that location. Regarding detaining runoff and then releasing it at a slower rate, it can be done with a larger pipe in the ROW. Typically cities and engineers try to reserve that for areas where a large peak flow could cause a flooding problem. In this case he does not see that it is necessary, but it could be done. Regarding sewer, the subdivision sewer would discharge to the same location where the Club sewer is pumped to the lift station. K & D Engineering has designed pump stations for the City of Albany, so they know how to do it. Pump stations are designed with extra capacity so that the pumps can continue to go off and on, and so that if there is a power outage there is time to remedy the problem. Also, there are two pumps. The pump stations are usually maintained by a contracted employee. The pump station will actually call the contractor's cell phone to alert him of a problem in the pump. In other words, this is a standard, competent system.

Regarding traffic safety, Watson said Quarry Road was not connected for safety reasons and a circuitous route was proposed instead. Currently, it is a dead end street with no turn around. The subdivision would be providing a fire-code compliant hammer-head style turn around. Additionally, they will be providing a secondary emergency access, which is something that does not exist now. Regarding frontage improvements, there will be eighteen feet on the subdivision side and six-foot bike paths.

Christman asked, at what point will filtration of the storm water happen? Watson said at Quarry Road, at the last manhole before the water leaves the ROW. There are 2-3 proprietary systems in the ROW already.

Konopa asked, what is the elevation of the road in the cul-de-sac? Watson said, about 199-200, which is the same as the terminus of Country Club Road. The road will be above the flood plain.

Konopa asked, what is the elevation of the lots? Watson referred Konopa to the correct map.

Johnson asked, is there any place that will be built up eight feet? Watson said yes. He described the fill on lots 7, 8, 6, and 5. The street will be lower than the lots.

Konopa asked, does any staff member wish to respond to any testimony presented?

City Attorney Jim Delapoer explained that Oregon drainage law prohibits one property from disrupting the natural drainage pattern in a way that damages another property. Delapoer said both attorney's are correct, in part. If damage is caused, it creates a civil liability. It works both ways, though, with the property that is discharging water, and the property that is receiving the water. The property discharging cannot discharge to an unnatural place or in an unnatural manner that causes damage. The property that is receiving water cannot block the natural drainage in a way that that causes the water to back up upstream. It is always the City's preference to have public storm drain systems where the City has easements and control over the ditches, and can pipe water around, change its location, and discharge into public ditches. It is more problematic when we don't have public ditches; in that case, our goal should be to try to have private development discharge its water at the same places and in the same volumes as the natural flow. Delapoer said it was interesting to listen to what would happen when Quarry Road is ultimately improved to City standards and the need to deal with water issues. The same burden will be on the City then, to acquire an easement to have a public drainage system, or to make changes which will have to conform to the existing drainage patterns. Delapoer said he is addressing the law, not the facts as stated by each party. He is not comfortable with the notion that we would allow a development that knowingly is discharging in a way that does not mirror the preexisting drainage pattern. Part of the problem here, is the testimony that there is a blockage in the drainage pattern caused by someone else's property many years ago. The solution for a blockage is to seek legal recourse, although it may be time-barred at this point, to remove the blockage and restore the natural course. The fact that there is a blockage, or that it is difficult or impossible, does not create a legal justification to depart from the natural drainage pattern.

Delapoer disagrees with Heilig's assertion that the City's approval of this subdivision would constitute a "takings." A takings is a situation where a government, by its action, is taking property away from the owner to use for a public purpose. He does agree with Heilig, however, that if we err in the analysis and approve the system, and damage is caused, there is civil liability for the City and for the property owner responsible for the damage.

In closing, Delapoer said, if the City approves the subdivision, we are not effecting a change in the ownership of land. We cannot give someone permission to violate Oregon drainage law. City approval, in other words, does not exempt someone from the Oregon drainage law and the consequences of their actions. Subdivision approval does not create a new right that did not already exist; all we have said is that, for purposes of our regulation, we are satisfied.

Donovan said there is one more Council meeting before the 120 day clock ends. The decision will be made on February 13. They need a tentative decision tonight, unless the applicant wishes to extend the 120 days again.

Delapoer reiterated that he is not comfortable with the Council knowingly approving a departure from the natural drainage pattern, although he agrees with Schultz that civil liability only follows if that departure causes damage.

Reid is concerned about Department of Environmental Quality (DEQ)'s recent tightening rules on storm drainage. The Council took a positive action with conditional approvals of Fabian Estates, and he wonders if the Council should take a more proactive approach for handling storm drainage now.

Konopa closed the public hearing at 11:36 p.m.

Olsen asked, when the public meeting was held, who was notified? Donovan said neighbors within 300 feet were notified, using the same mailing list as the application mailing. Olsen wonders if the owners on the far side of Country Club Lane were notified. Olsen said in his neighborhood, on 8th Avenue, the canal attracted kids but parents of school age kids use it as a thoroughfare. Yet he could not, in good conscience, pursue the closure of 8th Avenue because he believes connectivity is important. He intends to vote no for this subdivision because he feels strongly that the street should connect with Quarry Road. If sidewalks are needed on Country Club Lane, the City could supervise their construction.

Bedore asked, is the property currently zoned RR? Donovan said, yes. At the point where public utilities become available it will be automatically rezoned to RS-10. The staff report quotes the ADC. Donovan said this scenario is not an exception. Portions of sewer are always private, though this subdivision had a larger private component than most. Bedore asked, have there been any subsequent connections to the Club? Staff said no, it is just serving the Club. The homes on Country Club Lane are on septic. Staff is not aware of any septic failures, though some of the lots on the north provide drain field easements.

Konopa asked, since this property will have a higher elevation than what is north and south, how will it be different than the flooding issues experienced on Springwood Road, 13th Avenue, and Montgomery Street? Will this affect properties south of Quarry, or to the north? Dennis explained that on 13th/Avenue and Montgomery Street, the ground water raises to the ground level and causes the septic tanks to fail. When it occurs, the City institutes pumping. The contaminated ground water is pumped by Operations. Dennis is not sure what will happen to the septic tanks in this neighborhood. Olsen said that in 1998 the Council considered putting in a pump for that purpose. He thinks it is time to look at this whole area again and find a way to deal with storm water, other than dumping it onto the Vollstedt farm. He thinks this whole area is being planned in a vacuum. We need to decide what to do with storm water and septic.

Konopa agrees with Olsen and added that she has not seen any development on Quarry Road since Cascade Heights. She asked, why are we adding to capacity of storm drainage that goes outside the City limits, such as onto Vollstedt's property, instead of keeping it inside the City limits? Dennis said drainage does not follow political or jurisdictional lines. It drains downhill to a water body and in this particular case, the water body it is trying to get to is the Willamette River. Historically the drainage in this area travels through these ditches, such as those on the Vollstedt's property. Dennis said on the Packard property, the drainage currently goes to the north. Because of the issues with this proposal, the engineers tried to design a system that would deal with the drainage, though it is changing the drainage to travel south to a different location. In the end it will go into the river; the change is the point at which it will enter the drainage ditch. Konopa said, since we are adding to the capacity to the ditch that is on the Vollstedt's property, we should have an easement. Dennis said ultimately that is the goal, to try to get easements for these natural drainage areas. As Delapoer said, if we dealt with the drainage off of Quarry Road with a road improvement, then we would be seeking easements through that process.

Delapoer clarified an easement is not necessary if the effect of the drainage is going to be at the same location and of the same character of the natural drainage flow. The drainage law applies regardless of political boundaries. If we alter the natural drainage through development, that is where we need to plan for public drainage systems so we can reroute the water in logical ways consistent with development patterns. When we don't have public drainage, then by default the Oregon drainage laws apply.

Christman asked, how many other private systems do we have in the City? Dennis said, less than five. In cases where we cannot gravity the system, but it is in the City's interest to allow it, we do allow pump stations. Pump stations are the only way it can be done now, but if the trunk line down Quarry Road and Springhill Road is built in the future, it has been set up so it could migrate to that line. That may be a long way out though, as there has not been any interest shown.

Johnson asked Delapoer, as currently designed, will this subdivision disrupt the natural drainage way? Delapoer replied that if in fact this proposal will discharge the water at a location where it would not otherwise discharge, it could potentially violate Oregon drainage law if it causes damage. Property owners do have the right for the water to flow in the natural path. Delapoer is troubled by the notion that as presented, this subdivision would allow water to flow at a location where it would not otherwise naturally flow.

Delapoer said if the Council is not comfortable with the drainage issue, they could direct staff to prepare findings for denial unless, staff, working with the applicant, can come up with conditions that could be presented at the next meeting. This would require that the applicant allow for an extension so that staff and the applicant have time to work together.

Schultz said they are willing to work with the City further.

Johnson said she feels the Packard's have gone above and beyond trying to work with the neighbors. They have had this land for generations as an investment. She would like staff to work with the applicant to address the drainage concerns.

MOTION: Johnson moved to direct staff to work with the applicant on a drainage system that will not discharge the water onto another property and change the natural course of the water.

Delapoer asked to clarify. He asked if the motion includes that during the continuance that was offered by Schultz, the Council would be tabling the decision tonight, and have a continuance for 30 days. At that point, the Council can decide if the conditions of approval are adequate. The problem is that there needs to be a mechanism for the opponent's to equally weigh in. Delapoer suggests that the Council table the hearing until a date certain; direct staff to work with the applicant to find a technical solution to the storm water discharge; and then reopen the public hearing so that those who have testified tonight can see if they agree with the solutions. The Council can limit the public hearing to testimony about the proposed conditions and their adequacy only; issues other than drainage would not be discussed.

Heilig said they have not heard discussion on the other issues they have raised. Delapoer said, they may or may not hear discussion on the other issues.

Delapoer asked Schultz if he is in agreement with Delapoer's suggestions. Schultz said yes.

SECOND: Christman seconded the motion for the sake of discussion.

Christman has an issue with the private sewer and the ability for it to be maintained. He asked, can capitalizing the homeowners association be a condition of approval? City Manager Wes Hare said yes, he thinks it can be done. Delapoer said he is not aware of a condition of capitalization to a maintenance fund in the past. Christman asked, if the motion on the table passes as is, could we add other conditions, such as capitalization requirements, at the future meeting date? Delapoer said no. If the Council is uncomfortable with the private sewer system, they may want to direct staff to do findings of denial. If the Council wants to allow private sewer, then ask staff to come up with the best conditions possible to minimize City risk.

Konopa thinks the private sewer goes against City policy and is reminiscent of the five lots outside the UGB originally owned by Dr. Wood, that eventually asked for sewer connections.

Bedore clarified that this private sewer is not being proposed as the result of a failing septic. Dennis agreed. Bedore asked, are there other properties that may propose this? Dennis said, any property that is adjacent to Quarry Road in this area, if they wanted to develop, would need access to sewer. Discussion followed.

Konopa called for a vote on the motion. Konopa restated the motion, which was made by Johnson and clarified by Delapoer, to be: that the Council table the matter and direct staff to work with the applicant to find technical solutions to the storm water discharge. Delapoer said, his issue with the motion as it was restated is that it may be a set up for failure, because there may not be a technical solution. He suggested the Council direct staff to work with the applicant to see whether or not there are conditions that can resolve the concern, and report back to the Council if a condition that was negotiated makes staff comfortable. If not, then staff will say they are not able to resolve it.

Delapoer said if there are conditions other than storm water that the Council wants to explore, staff needs to know what they are. He cautioned though, that if there were simple solutions, certainly they would have already been discussed. Solutions may be costly and thus prohibitive. Delapoer said that legally, the City cannot deny that which we can lawfully condition in a way that satisfies the criteria.

Given the late hour, Council and staff discussed scheduling a meeting on January 30, 2008, in order to finish the rest of the agenda.

Bedore has concerns about the private sewer system, but is not comfortable making a decision tonight. He would like to table the rest of the subdivision discussion to January 30, 2008.

MOTION WITHDRAWN: Johnson withdrew the motion and Christman agreed.

CONSENSUS: There was Council consensus to continue this discussion at the January 30, 2008, Special City Council meeting at 7:15 p.m.

Schultz said they will agree to a corresponding extension of the 120 day clock.

Business from the Public

There was no business from the public.

Konopa moved item h.2., under Reports, up on the agenda.

Reports

Update of sale of Archibald property

Assistant Public Works Director/Operations Manager Mike Wolski said staff is seeking direction on the selection of a preferred offer for continued negotiation on the Archibald property.

On December 3, the Council discussed two offers on the property, from Ralph and Diane Nauman and from Kim and Cory Koos. The Nauman's made two offers, one for cash and the other for land plus cash. The Koos had one offer for land easements plus cash. Details are in the staff report. At that meeting, Council directed staff to get updated appraisals on the Archibald property and on the Koos' easements. Council also established a deadline of Friday December 7, 2007, at 5:00 p.m. as the deadline for any additional offers.

Wolski said both parties turned in amended offers. The Nauman's amended their offer from \$1,050,000 to \$1,100,000. The Koos' amended their offer from \$900,000 to \$1,101,000, including the value of the easements. The easements still need to be appraised. The Koos' have asked for the option to pay cash instead if they do not agree with the appraiser's value of the easements. Wolski said the Koos have the higher offer.

For the Archibald property appraisal, Wolski contacted Duncan & Brown, who did the original appraisal. The offers on the table are 41 percent higher than the appraisal done in April 2006, when it was appraised at \$780,000. Duncan & Brown said it would not be useful to reappraise now because there is no way the land would appraise at a value higher than the current offers. The cost of an appraisal would be \$3,300. Staff recommends we do not conduct the appraisal.

Wolski said the appraisal for the easements on the Koos property was more difficult to schedule. It is set for early March with Williams Appraisal. It is a very specialized appraisal and they are booked until then. Other appraisers were contacted, including Duncan & Brown, but all suggested Williams would be the best option for this type of appraisal. The cost would be \$4,200. These appraisals would be necessary eventually anyway with the construction of the Burkhart Creek project.

Hare said staff recommends that we negotiate with the Koos', recognizing that their offer contains easements the City has been interested in for some time. If for some reason the negotiations break down, staff can then pursue

negotiations with the Nauman's. He agrees with Wolski that we should not proceed with the appraisal on the Archibald property.

Delapoer clarified that the Nauman's could remove their offer from the table at anytime if they choose to.

MOTION: Bedore moved to authorize staff to continue negotiations with the Koos' in preparation for the sale of the Archibald property and Johnson seconded it.

Reid asked where the easements are. Wolski said they are south of the Albany-Lebanon Canal, east of Burkhart Creek, and through a field where construction will take place. The value of the easements will be decided by the appraiser and will be included in the cash offer for \$1,101,000. Dennis clarified that some of the land will be new.

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

Hare gave an update on the PepsiCo project. The City is expecting a payment of \$910,000 according to the contract. They still plan to come to Albany, with the timing dependent on the demand for their product.

Adoption of Resolution

Establishing a public records policy and setting fees.

There was Council consensus to move this item to the January 30, 2008, Special City Council meeting.

Adoption of Consent Calendar

- 1) Accepting right-of-way dedications from:
 - a) Jim Hammel. [Pages 87-91]
 - b) Mary Morris in her capacity as Trustee of the Evelyn F. Brandis Family Charitable Trust #1 and Charitable Trust #2; John S. Brandis, Jr.; Trinity O. Lind; fka Gail Brandis Jacob, Gail Brandis Yarborough, and Gail Brandis Coleman; Susan B. Decker; and Timberhill Corporation, an Oregon Corporation collectively as their interests in the property may appear. [Pages 92-100]
- 2) Accepting warranty deeds from:
 - a) Patton Park LLC. [Pages 101-104]
 - b) BBF Development (Clover Ridge) LLC, and Breadner Parker & Associates (Clover Ridge) LLC. [Pages 105-110]

There was Council consensus to move this item to the January 30, 2008, City Council meeting.

Award of Contracts

SS-07-04, North Albany Lift Station property acquisition.

There was Council consensus to move this item to the January 30, 2008, Special City Council meeting.

WWTP 08-02, Wetlands Treatment Project.

There was Council consensus to move this item to the January 30, 2008, Special City Council meeting.

Personnel Request

Approving FTE increase for a regular, part-time Transit Operator position.

There was Council consensus to move this item to the January 30, 2008, Special City Council meeting.

Reports

Receiving Code Enforcement Team Second Quarter Report for Fiscal Year 2007-2008.

There was Council consensus to move this item to the January 30, 2008, Special City Council meeting.

Update of sale of Archibald property.

This item was moved on the agenda to take place after Business from the Public.

BUSINESS FROM THE COUNCIL

Consider selection of Mayor.

This item was moved on the agenda to take place after Communications.

There was no other business from the Council.

Albany City Council Regular Session
January 23, 2008

NEXT MEETING DATE: Work Session, January 28, 2008
 Special City Council Session, January 30, 2008
 Work Session, February 11, 2008
 Regular Session, February 13, 2008

ADJOURNMENT

There being no other business, the meeting was adjourned at 12:24 p.m.

Respectfully submitted,

Mary A. Dibble, CMC
Deputy City Clerk

Reviewed by,

Stewart Taylor
Finance Director