

**NOTICE OF PUBLIC MEETING**  
CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, February 13, 2008  
7:15 p.m.

**MINUTES**

**CALL TO ORDER**

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

Dan Bedore was sworn into office as Mayor.

Floyd Collins was sworn into office as Councilor for Ward I.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mayor Bedore led the pledge of allegiance to the flag.

**ROLL CALL**

Councilors present: Sharon Konopa, Ralph Reid, Jr., Floyd Collins, Bessie Johnson, Dick Olsen, Jeff Christman, and Mayor Dan Bedore

**SCHEDULED BUSINESS**

**Business from the Public**

Rick Rogers, Executive Director of the Albany Downtown Association (ADA), reported that the ADA would be going out for renewal of their Economic Improvement District (EID) in June, which is their major source of funding. They are having a dinner at the Venetian Theater this Saturday to acquaint the property owners within the downtown district of the advantages that ADA can provide. Their programs will be highlighted and he invited the Council to come as guests. It will be an opportunity to learn more about the ADA.

Richard Owen, 810 Cox Street, reminded the Council of his concerns with the Police Department. He added that he had to go to court regarding barking dog charges even though his dog was asleep in the garage. He said he wasn't given the opportunity to defend himself. He paid a \$170 fine. His son was falsely arrested by Police officers and he had a junk complaint, by an anonymous person, filed against him. Owen said the ordinances need to be changed. He wants the Council to do what they need to do to make changes. He is giving the City 60 days, and then will take them to federal court. He will file a \$1.6 million law suit. Owen agreed to meet with the new Mayor.

James Brooks, 3800 Dunlap Avenue, said that he operates two service stations in Albany and has an issue regarding signs. He received a call from the Code Compliance Officer to remove his moveable sign from the public right-of-way. He noticed that competing businesses along the highway continued to keep their movable signs in the public right-of-way. By putting it there it enhances the visibility of a business, is easily identifiable, and provides them with a competitive edge in the market. He didn't plan on moving his until he was able to see that his competitors had to remove theirs as well. The Compliance Officer confiscated his signs. Upon talking to her, she told him that she is charged with enforcing the code, not writing it. She suggested he talk to the Council. His sign is important to his business. His business has suffered since its removal. The 60 day limit imposed by the code doesn't help a permanent business. He is asking the Council to look at the code and consider a change. The manpower to enforce this code equitably to all similar businesses doesn't exist. Also, there seems to be different rules for the downtown area and the rest of the City. He is not asking for special treatment, but it impacts his business in a negative way.

Konopa asked, what would you suggest? Brooks said a business should have a sign. He provided examples in his handout (in agenda file). Every day that passes, is a day someone else has an advantage over him.

Councilor Olsen asked which sign was his. Brooks identified his sign. Olsen said he was disappointed with the Building Department picking on one person.

City Manager Wes Hare gave a history of the sign code and said the City has to enforce the Municipal Code. Short of having someone going around the City looking for infractions, the City policy is to respond to complaints. He believes the staff has been fair. It is up to the Council to consider policy. He is willing to participate in a dialogue regarding the sign code.

City Attorney Jim Delapoer said that procedurally this issue would need to go through the Planning Commission because it is a land use regulation. From time to time the Council will adopt regulations that they intend to enforce on a complaint basis. This is what happens under those circumstances.

Councilor Christman asked, would it violate the process to have a work session to review the ordinance? Delapoer said that is not legally a problem.

Councilor Collins thinks it should be reevaluated to see if there is a problem.

Assistant Building Official Melanie Adams said the Planning Division is actually looking at the sign code and it will be coming to a work session.

The Council agreed to have it put on the next work session agenda.

Proposal from David Anderer regarding "We the People" 2008.

Mr. Anderer was ill. The Council agreed to postpone this item for two weeks.

Adoption of Resolutions

Establishing a public records policy and setting fees.

Finance Director Stewart Taylor explained that the Oregon State Legislature passed a bill in the 2007 session that directs local Councils to adopt a policy for addressing the procedures for inspection of public records within the City. The proposed policy closely follows the process we have been following for many years.

MOTION: Councilor Johnson moved to adopt the resolution establishing a public records policy and setting fees. Councilor Reid seconded the motion.

Olsen had concerns about the costs associated with requests and the kind of records requested by the public.

VOTE: A vote was taken on the motion and it passed 5-1, with Olsen voting no, and was designated Resolution No. 5546.

Authorizing the City Manager to sign a power sales agreement with Pacific Power for hydroelectric power generation.

Public Works Business Manager Bob Woods explained that when the ownership of the hydroelectric generator facility located in the Vine Street Water Treatment Plant transferred to the City of Albany, a component of the original contract provided for the sale of power generated to Pacific Power. Since that time, actions by the Federal and State governments have resulted in mandated power purchase agreements whose terms are much more favorable to the City than the terms of the existing agreement. The City wishes to take advantage of the additional income that would be realized by the adoption of a replacement agreement. Completing this agreement is also necessary for grants, loans, etc.

Christman asked, what are the City's costs for electricity? Woods said that the City buys electricity now, but he doesn't know at what rate. As an industrial consumer, the City does get a break.

Collins thinks changing the agreement would be a good move forward for the City.

MOTION: Reid moved to adopt the resolution authorizing the City Manager to sign a power sales agreement with Pacific Power for hydroelectric power generation. Johnson seconded the motion and it passed 6-0, and was designated Resolution No. 5547.

Waiving competitive bidding and awarding sole source contract to L.N. Curtis & Sons for the purchase of Task Force Tips brand fire hose nozzles.

Fire Chief Kevin Kreitman said the Fire Department is in the process of purchasing fire equipment to supply the two new engines, which are expected for delivery in February 2008. Purchase of Task Force Tips nozzles for the new vehicles will maintain the same equipment on all fire emergency services vehicles, promoting firefighter familiarity and efficiency, and increasing safety to firefighters and the public. L.N. Curtis & Sons is the sole vendor for Task Force Tips fire hose nozzles and accessories for Oregon customers.

MOTION: Christman moved to adopt the resolution waiving competitive bidding and awarding a sole source contract to L.N. Curtis & Sons. Reid seconded the motion and it passed 6-0, and was designated Resolution No. 5548.

Waiving competitive bidding and awarding sole source contract to Ward Diesel Filter Systems for the purchase of "No Smoke" exhaust filtration systems.

MOTION: Reid moved to adopt the resolution waiving competitive bidding and awarding a sole source contract to Ward Diesel Filter Systems for the purchase of "No Smoke" exhaust filtration systems. Johnson seconded the motion.

Reid asked, when the City built stations #13 and #14, weren't the filter systems put in? Kreitman said they found that they were designed for a specific vehicle and it became a maintenance problem.

Olsen asked, will it equip all vehicles? Kreitman said they will be placed on the last five diesel vehicles.

VOTE: A vote was taken on the motion and it passed 6-0, and was designated Resolution No. 5549.

Authorizing a capital purchase for an additional detective vehicle.

MOTION: Johnson moved to authorize a capital purchase for an additional detective vehicle. Christman seconded the motion and it passed 5-1, with Reid voting no, and was designated Resolution No. 5550.

WWTP 08-02, Wetlands Treatment Project.

Woods said this resolution will provide staff with the legal authorization to adjust the anticipated revenues paid by ATI Wah Chang and the city of Millersburg in the Sewer Fund and to authorize the appropriations necessary to the project.

MOTION: Reid moved to adopt the resolution amending the FY 2007-08 annual budget by providing for the receipt of additional funding and authorizing additional appropriations in the sewer fund relating to project #511021 – WWTP-08-02, Wetlands Treatment Project. Christman seconded the motion and it passed 6-0, and was designated Resolution No. 5551.

#### Approval of Contract

Municipal Court Judge contract.

Reid asked if this contract included the discussion regarding pro-tems that was held on Monday. Hare said that it was included in the contract.

MOTION: Reid moved to approve the Municipal Court Judge contract. Johnson seconded the motion and it passed 6-0.

#### Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) January 7, 2008, City Council Work Session
  - b) January 9, 2008, City Council Meeting
- 2) Accepting easements, dedication deeds and warranty deeds:
  - a) Easements:
    - (i) David and Denise Russell. RES. NO. 5552
    - (ii) Jaimy T. Patton and Sarah Castleton. RES. NO. 5553
    - (iii) Jason and Lisa Bethell. RES. NO. 5554
    - (iv) James D. Gutierrez II. RES. NO. 5555
    - (v) Diana Garrison. RES. NO. 5556
  - b) Dedication deeds:
    - (i) Jim Hamel. RES. NO. 5557
    - (ii) Timberhill Corporation and Brandis Family. RES. NO. 5558
  - c) Warranty deeds:
    - (i) Patton Park, LLC. RES. NO. 5559
    - (ii) BBF Development, Breadner Parker & Associates. RES. NO. 5560
- 3) Approving abandonment proceedings for the construction of sanitary sewer improvements:
  - a) SS-07-02, Thornton Lake Place Sewer Extension. RES. NO. 5561
  - b) SS-98-05, Columbus Street sanitary sewer LID. RES. NO. 5562
- 4) Approving abandonment proceedings for ST-03-08, Grand Prairie Road LID. RES. NO. 5563
- 5) Reauthorizing appropriations for ST-07-05, pedestrian island installations for the construction of four pedestrian median islands. RES. NO. 5564
- 6) Authorizing the Fire Department to apply for a \$7,500 grant from the Fred Meyer Foundation and a \$2,000 grant from Joe's Sports & Outdoor Foundation to provide funding for scholarships, materials, and supplies for the Fire Department's Safety Camp program. RES. NO. 5565
- 7) Approving new outlet liquor license for Clemenza Inc., D/B/A Clemenza's Italian-American Café, 236 First Avenue W.
- 8) Accepting the 2007-2009 Biennium Oregon Department of Transportation Public Transit Division discretionary grants for the following:
  - a) Preventive maintenance for Albany Transit System, Linn-Benton Loop, and Albany Paratransit. RES. NO. 5566
  - b) Linn-Benton Loop operating funds. RES. NO. 5567
  - c) Linn County Special Transportation fund intergovernmental agreement for Title XIX Medicaid non-medical transportation grant match reimbursement. RES. NO. 5568
- 9) Appointing Municipal Court Judge Pro Tems. RES. NO. 5569

Konopa asked for item 4) to be pulled for discussion.

MOTION: Reid moved to adopt the Consent Calendar with item 4) removed for discussion. Johnson seconded the motion and it passed 6-0.

Konopa said that item 4) involved a Grand Prairie Local Improvement District. She asked, what would the process be to have those waivers of remonstrance removed from the properties? Public Works Director Diane Taniguchi-Dennis said that staff would be dealing with those to make certain they are removed from their deeds.

MOTION: Konopa moved to adopt item 4) of the Consent Calendar. Reid seconded the motion and it passed 6-0.

#### Award of Contracts

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

MOTION: Reid moved to authorize the City Manager to execute such agreements as are necessary for the acquisition of a portion of Benton County Assessor's Tax Lot No. 900, Map No. 11-30W-6CB, located at 110 NW Hickory Street. Johnson seconded the motion and it passed 6-0.

##### 53<sup>rd</sup> Avenue Park, authorizing an increase of \$67,510 to the original contract.

Parks & Facilities Maintenance Manager Craig Carnagey said the increase in the original contract reflects changes that were unexpected and needed to be made. They include but are not exclusive of: wetland negotiations, electrical lighting, and ADA parking and ramp. The changes regarding wetland avoidance basically altered the park. The redesign required that a larger amount of soil be hauled away, rather than spreading it on the site as originally intended.

MOTION: Johnson moved to authorize an increase of \$67,510 (28.2%) to the construction contract awarded originally on May 23, 2007, to Custom Sprinkling Specialist, Inc. Christman seconded the motion.

Reid asked, how many neighborhood parks have off-street parking? Carnagey said just this one. The ramp and parking cost around \$5,000.

Olsen asked, did you have to bring in a certain kind of dirt? Carnagey said they had originally thought they could balance out the park area by using the wetlands dirt on lower areas of the park. But, they ended up shipping it out.

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

#### Personnel Request

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

Hare said this item was discussed at the Council's work session. It is an increase from .91 FTE to a full-time position.

MOTION: Johnson moved to approve the FTE increase for a regular, part-time Transit Operator position. Reid seconded the motion and it passed 6-0.

#### Reports

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

Management Assistant/Public Information Officer Marilyn Smith explained that it was a slow quarter as the Code Enforcement team concentrated on Helping Hands.

Johnson asked, has number 13 on the list, 240 Second Avenue SW (ham radio tower installed without permits on top of old City Hall), changed? Smith said that Mr. Lund said he was going to remove the tower during good weather. Delapoer said he would talk to him.

##### Helping Hands construction project update.

Hare explained that the City had an agreement with Helping Hands to alleviate the Fire Department's concern about using their dining hall for overload sleeping. Helping Hands has agreed to go to rotating shifts. They are hoping that the building will be completed soon.

Judith Hamilton, 20605 Katlin Lane, Monroe, Oregon, had a letter from Dr. Origer (in agenda file) regarding their health concern about overcapacity sleeping at Helping Hands. She said they are equally concerned about staff and homeless clients. They are concerned about resources being spent on that population, when they could be used for the working poor. The increasing number of that population in the area is a concern for the health care community. They want to provide more services to more groups, but feel they are overloaded with clients from Helping Hands. She doesn't believe it is healthy. She wants the Council to limit capacity in the Helping Hands facility.

Johnson said these people need someplace to go. Do you have someplace for them to go? Johnson doesn't believe the other groups have provided an alternative right now. Helping Hands has met the Fire Marshall's requirement.

Hamilton feels Helping Hands can't work without limiting the capacity.

Hare said this is a temporary solution regarding a special problem, during the construction of a new dormitory facility. He provided a history of this particular violation.

Delapoer said that the agreement to bunking eliminates the violation that the Fire Marshall was concerned about.

Initiating a vacation of Jackson Street NE and Jefferson Street NE, north of Water Avenue NE.

Collins declared that he had performed some services for this company in a private capacity and would abstain from voting.

Donovan explained that three owners of property adjacent to Jackson Street NE and Jefferson Street NE, north of Water Avenue NE, have asked that the City Council initiate the vacation of these sections of street rights-of-way. The usual application for a street vacation requires that the applicants obtain the signatures of property owners within 200 feet on either side of the street to be vacated and within 400 feet of the end of the street. If the Council initiates the street vacations, these signatures are not required. The applicants say it would be a time-consuming process to obtain the necessary signatures and they need to proceed with certain preconstruction activities now to expedite their projects. The property is in the Central Albany Revitalization Area district. If the Council initiates the street vacations, the three property owners will still have to submit a street vacation application and pay the required application fee. Surrounding property owners will receive notice of the application, including the railroad. Public hearings before the Planning Commission and City Council will be held and the decision to actually vacate the street rights-of way will be made on the merits of the application. The initiation will only remove them from having to get the signatures.

Delapoer explained that the decision tonight does not ultimately require the Council to vacate the rights-of-way.

Reid was concerned that it creates a four block area of no access to the river. Donovan said they would maintain a right-of-way to the river and access will also be discussed during the public hearings.

Taniguchi-Dennis mentioned that there will be a need for public utility easements.

MOTION: Christman moved to initiate the vacation of Jackson Street NE and Jefferson Street NE, north of Water Avenue NE. Johnson seconded the motion and it passed 5-0.

Appointment

Appointment to the Budget Committee.

MOTION: Konopa moved to appoint C. Jeffery Evans to the City of Albany Budget Committee. Reid seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Albany-Millersburg Joint Water Committee vacancy.

MOTION: Reid moved to appoint Mayor Bedore to the City of Albany/City of Millersburg/Joint Water/Wastewater Management Committee. Johnson seconded the motion and it passed 6-0.

Albany Millersburg Economic Development Corporation.

MOTION: Reid moved to appoint Mayor Bedore as an alternate representative to the Albany Millersburg Economic Development Corporation. Johnson seconded the motion and it passed 6-0.

Willamette Criminal Justice Council.

MOTION: Johnson moved to appoint Mayor Bedore and Councilor Collins to the Willamette Criminal Justice Council. Christman seconded the motion and it passed 6-0.

Olsen spoke on homelessness, quoting Martin Luther and saying that he doesn't believe it is the City's burden. He believes the Council should encourage the state to take care of this problem.

Johnson mentioned that after the Judge's annual report, she visited the Municipal Court. She believes they have an unsafe office environment with a lot of overcrowding. Hare said that plans are underway to expand the Court office space.

Albany City Council Regular Session  
Wednesday, February 13, 2008

Hare would like to set a date for the Strategic Planning session. The Council agreed to Monday, March 3, at 4:00 p.m. There would be discussion regarding goals and strategic plan items. Christman feels the current plan is good but overwhelming and hard to measure.

Smith reviewed the proposals for the City mail survey and gave options. The Council accepted Option 1, the 6-8 weeks return.

NEXT MEETING DATE

The next Council Work Session is scheduled for Monday, February 25, 2008, at 4:00 p.m., in the Municipal Court Room, at City Hall.

The next Council Regular Session is scheduled for Wednesday, February 27, 2008, at 7:15 p.m., in the Council Chambers, at City Hall.

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:35 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, CMC  
City Clerk

Stewart Taylor  
Finance Director