

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, February 27, 2008  
7:15 p.m.

**MINUTES**

CALL TO ORDER

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

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, Dick Olsen, Bessie Johnson, and Jeff Christman

SCHEDULED BUSINESS

Continued 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).

Bedore explained that on January 23 the Council held a public hearing. The public hearing was closed and due to the lateness of the hour, continued discussion on the appeal was scheduled for the January 30, 2008, special meeting. The applicant's attorney, the appellant's attorney, and the City Attorney later concluded that it may be desirable to allow the applicant to modify the subdivision plan to address concerns raised at the public hearing. The special meeting was canceled and further discussion of the appeal was rescheduled to tonight's meeting. The applicant's attorney has asked to submit new information that will address some of the concerns raised by opponents of the subdivision. If the Council wishes to accept new information, the public hearing must be reopened. If the Council decides to reopen the hearing, a new notice of public hearing must be mailed to surrounding property owners. In order to provide the required advance notice the reopened hearing would have to be set for a date at least two weeks from tonight. Staff would like to discuss the date with the Council.

MOTION: Councilor Christman moved to reopen the public hearing. Councilor Johnson seconded the motion and it passed 6-0.

Planning Manager Don Donovan explained that in order to set a date for the reopened public hearing, they would need at least 10 days to notice it, but must have a decision within the 120 days that the state allows. There followed Council discussion regarding dates.

MOTION: Johnson moved to set the reopened public hearing for March 26. Christman seconded the motion and it passed 6-0.

Quasi-Judicial Public Hearings

VC-03-07, vacating a portion of Ferry Street SW, located between Queen Avenue SW and the Southern Pacific Railroad right-of-way.

Bedore opened the public hearing and explained that the application for the vacation was initiated by the City Council at the request of Gary Brown.

Bedore asked if any members of the Council wished to abstain. No one did.

Bedore asked if any members of the Council wished to declare a conflict of interest, or report any significant ex parte contact or a site visit. Councilor Konopa said that she had received an email from the applicant.

Bedore explained that 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 staff will describe or other criteria in the plan or Development Code 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.

### Staff Report

Engineering Tech IV Mike Leopard gave background of the area and the proposed development. Maps were provided on page 18 and 20 of the agenda. Staff notified all affected properties and they had one letter opposed to the proposal. Leopard explained utility locations and said the City will get an access easement. He said the requested vacation must meet five criteria, including that it must be consistent with relevant Comprehensive Plan policies and with any street plan, city transportation plan, or public facility plan. It must not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities or utilities. It must not have a negative effect on traffic circulation or emergency service protection. The portion of the right-of-way that is to be vacated must be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety. Also, the public interest, present and future, must be best served by approval of the proposed vacation. Leopard reviewed the staff report in the agenda which explains findings and conclusions for the five criteria.

Leopard directed the Council to the supplemental findings provided on the dais (in agenda file). The supplemental findings supersede Finding 5.6, conclusions 5.1, 5.2, 5.3, and conditions 5.1, and 5.2 of the Staff Report for VC-03-07. This replacement language is designed to allow the applicant as much time as possible to satisfy the paving condition, while at the same time meeting ORS requirements pertaining to the City's responsibility to take final action on this land use application within the time limits set by the State.

Leopard said the Planning Commission agreed to the vacation before receiving the letter against it.

Johnson asked, is the City considering vacating so the property owners can use more of the street for building? Leopard said yes.

Councilor Collins asked, why is a variance not a viable option? Donovan said that Brown did apply for one initially, but received a response from a property owner who objected. The objector said he didn't believe it met the review criteria and it wasn't consistent with the look of the area. The storage building would be directly up to the street. Staff supports the vacation because the street doesn't go anywhere.

Councilor Olsen asked if use of the pathway for large railroad trucks would destroy the road. Leopard said if the vacation goes through, the City would no longer be responsible for the pavement of the road.

### Applicant

Gary Brown, 2828 Marantha Court, Turner, Oregon, explained that the reason they are applying for the vacation and asked the City to initiate the process was they were unable to get the railroad to respond with consenting to the change. If they initiate the vacation, they would need 100 percent approval from the property owners to go forward. The City needs only to notify them of the change. He doesn't see any concerns regarding that street. The reason the street distance was shortened is the railroad has no pavement on their property. The property owners along the street want it paved for emergency vehicles and want to post it as a private road. He explained how he would pave the street. He has no egress or ingress to the street. His only advantage in getting it vacated is he picks up more area for building.

Christman asked, about how far are you going to pave? Brown said approximately 250 feet into the street.

### Testimony in Support

No one wished to speak.

### Testimony in Opposition

No one wished to speak.

### Testimony neither in favor nor opposing the application

Peggy Whippo, 2803 Columbus Street, said they need more information, but for now they are neutral. Their concerns are how wide and how deep the street will be. The property they own is currently being used by PM Property Management and in the course of a month, hundreds of people come and go to their business. Access is important to them. They are not concerned about how close to the street the storage buildings are. Their concern is how the street is going to be built.

Pete Slanning, 1240 Ferry Street, said he was neutral on this issue. He is not sure what vacating a street means. He asked if as a property owner, would there be any liability on his part. Are they responsible in the event of an accident or injury? Do they pay taxes on the road? Heavy equipment could tear up the road. How would the property distribution look like, if it is vacated? Leopard referred to page 22 of the agenda, which included a map showing the property distribution if the street were vacated. Leopard explained that vacated means the original properties that dedicated the public easement to the City for a street would repossess the property after the City "vacated" its easement.

Olsen asked, what would be considered an appropriate width for an industrial street? Leopard said if it is a public street, typically 32 to 45 feet width. Private access is a 24-foot requirement for two-way traffic.

Collins asked, are we limiting future potential growth with the 24 feet width requirement? Leopard said they still have 50 feet available; the City is just requiring the 24 feet.

#### Applicant Response

Brown said they are providing a paved ingress for the Whippos. It seems to him to be an advantage. They would also like a weight limit for that area to minimize wear and tear on the road. It is not the only entrance for the railroad; they have an entrance off of Jackson Street. He and his partners will bear the expense of the road. They are prepared to put it in. It is also an opportunity to clean up that section of the City. They have had some issues with vandalism. They want to clean it up to encourage businesses in the area.

City Manager Wes Hare said right now it is a public road and there is the potential that the City will maintain it. He asked Brown, can you get an agreement for maintenance of the street from the neighbors? Brown said he thought the City required him to develop a street maintenance agreement with the neighbors in order to pave the road.

Collins asked how the weight limit would be imposed. Brown said they would post it. They would like the general public to know it is a dead-end street, that it is a private street, and that there is a weight limit on it.

Christman asked if the maintenance would fall under an access agreement. Leopard said that initially they were going to require an access agreement between the properties, but he is not sure how the City could enforce it.

Deputy City Attorney Mathew Jarvis said the property owners could create an agreement among themselves and it would be up to each of the easement holders to enforce it.

Christman asked, can the City require that sort of agreement between the property owners as a condition for vacation? Jarvis said that may be a good idea.

Leopard asked, what would be a good agreement? Whatever they were all willing to sign? Christman agreed that whatever the parties were all willing to sign would be a good agreement. Jarvis said the agreement could be part of the same process regarding the second reading that staff is recommending for the pavement requirement.

Olsen is reluctant to give up a City street. He said that some time in the future the City may want to maintain it and bring it up to City standards.

Johnson voiced concern about giving responsibility of upkeep to the neighbors. Other areas of the City have shown that it doesn't always work.

Jarvis warned that there is a risk to the City with this kind of vacation. If an abutting property owner does not consent and there is a significant drop in the market value of the property, the City may be liable for those damages.

Brown said if the City did improve the street, it would cost the property owners much more. If the street is cut off at 250-feet, the railroad would have no responsibility for maintenance. They would have no pavement up to their property. They were considering requiring maintenance based on frontage area on the street, which would be minimal except for him and he is willing to carry the costs.

Donovan said if the railroad is included in any requirement for a maintenance agreement, experience has shown that contacting the railroad for improvements is very difficult. He asked the Deputy City Attorney if the railroad has to be part of the agreement. Jarvis said the railroad could reach their property with an access easement and not be part of the maintenance agreement, but would be responsible for the maintenance of the access easement.

Councilor Reid asked, can the City or the property owners deny them access? Jarvis said they can't be denied access if they have been using it for a significant amount of time.

Olsen asked, what is the problem with Brown getting a variance? Donovan said it is not consistent with the area because of setback requirements and he believes Brown will have a hard time getting approval.

Bedore closed the hearing at 8:18 p.m.

Konopa said to get the street improved would require a Local Improvement District or have the City do it at taxpayers' expense. The other option is what is in front of us now; a vacation. Hare said, or leave it as a dirt road. Leopard said a redevelopment of the parcels, which is what Brown is proposing, would require a street improvement.

Bedore said there is an ordinance in front of the Council and staff is advising to take only one reading in order to give Mr. Brown time to comply with the conditions.

Christman asked, is it valid to require a maintenance agreement before vacating? Donovan said it could be included as a condition.

MOTION: Christman moved to approve the first reading of the ordinance with conditions proposed by staff and have the property owners bring an access maintenance agreement within the same time constraints. Reid seconded the motion.

Christman explained that his motion requires them to come up with an agreement acceptable to the parties between now and the second reading. There is no need for the Council to approve the agreement; they only need to have one.

Leopard asked if the motion includes the railroad as a necessary part of this agreement condition.

Collins said in his opinion the railroad could retain their easement and responsibility for its upkeep. If the other three property owners were agreeable to the maintenance agreement, the railroad doesn't become a necessary part of the agreement.

Johnson said she struggles with supporting the maintenance of such a short street. She doesn't want to give away a public street.

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

Jarvis read for the first time in title only "AN ORDINANCE VACATING A PORTION OF FERRY STREET SW, LOCATED BETWEEN QUEEN AVENUE SW AND THE SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY."

AN-01-07 and ZC-06-07, annexation and zoning map amendment request for properties located at 250, 310, and 320 Clover Ridge Road NE; and 3705, 3749, 3800, 3855 Dunlap Avenue NE.

Bedore explained that the applicants for this annexation and zoning map amendment request were Michael and Roberta Newman, and James and Monica Brooks.

Bedore opened the public hearing at 8:40 p.m.

Bedore asked if any members of the Council wished to abstain. No one wished to abstain.

Bedore asked if any members of the Council wished to declare a conflict of interest, or report any significant ex parte contact or a site visit.

Collins said he had worked with one of the property owners and has a social relationship with another.

Bedore 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 staff will describe or other criteria in the plan or Development Code 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.

#### Staff Report

Regarding annexation, Leopard explained that the property is located just south of an area that has already been approved to be placed on the May ballot. He said there are four basic approval criteria for annexations: First, is the property eligible for annexation? Second, is infrastructure adequate, or can it be made adequate in a timely manner? Third, have sufficient planning and other studies been completed for the area? Fourth, is it reasonable from the City's standpoint, to annex the property at this time?

Leopard said the property is eligible for annexation if it lies within the Urban Growth Boundary and it is contiguous with the current City limits. These parcels, when considered as a whole, satisfy this first criterion.

Leopard said that in general this area is located more suitably than most annexation requests in terms of existing infrastructure because it is surrounded by property already in the City. Recent City projects have brought significant infrastructure improvements to the area. These public improvements have been sized and constructed to serve the area as a whole, and each development constructs their own internal

improvements when the development occurs. Because the property is currently surrounded by City limits, City police and fire protection are already serving the surrounding area.

Leopard said the third criterion deals with planning and engineering studies for the area. Existing Utility and Street Master Plans have included this area in their recommendations for system wide improvements. A local wetlands inventory has been prepared and recent periodic review work by the City's Planning Division has led to changes to the Comprehensive Plan for certain parts of this area.

Leopard said the reasonableness criterion gives you the flexibility to consider any other factors that you feel are relevant in determining whether or not it is timely to annex the property. Two factors that were included in the staff report are the fact that the area is within an existing island surrounded by city limits; and, that as new connections are made to existing public infrastructure, the City receives some reimbursement for the cost of installing the improvements.

Regarding the concurrent request for rezoning the property, Leopard said there are five approval criteria for rezoning: first, the requested zone is consistent with the Comprehensive Plan designation. Second, the transportation system is adequate to serve uses allowed in the requested zones. Third, public services are adequate to serve uses allowed in the requested zones. Fourth, unique natural or special features will not be jeopardized as a result of the proposed zoning. Fifth, the proposed zoning best satisfies the goals and policies of the Comprehensive Plan.

Leopard said the current Comprehensive Plan Designations for the subject property are Low Density Residential north of Dunlap Avenue, and Medium Density Residential south of Dunlap Avenue. The most recent Periodic Review work led to some changes in the Comprehensive Plan designations for this area. In particular, the area south of Dunlap Avenue was changed from Low Density to Medium Density Residential. The Development Code gives a variety of zones that will fit into these Comp Plan designations. This request is for RS-5 zoning to the north of Dunlap Avenue, and RM to the south. These zones would be consistent with the Comprehensive Plan and zoning matrix in Article 2 of the Development Code.

Leopard said recent improvements to Clover Ridge Road have made the transportation system adequate to serve the area. Other street improvements would be required within the subject property, when it develops, that would be determined with each specific development request. These street improvement requirements would take into account such factors as Master Plan recommendations, street connectivity, and transportation patterns.

Leopard said the third criterion deals with improvements to public infrastructure. As mentioned with the annexation findings, system improvements have brought infrastructure to the area that is adequate to serve development on the property. Fire and Police protection is already provided to the City areas surrounding the subject property, and a new school is planned for the East I-5 area.

Leopard said there are no historic districts, significant slopes, or 100-year floodplain on the property. There is a small area of wetlands identified by our local inventory that would need to be considered during development. Any future development would be required to satisfy all state requirements pertaining to wetlands. There are some trees on the property that would also need to be considered at the time of development, according to Development Code or Municipal Code requirements.

Regarding the fifth criterion, Leopard said the proposed zoning is compatible with the Comprehensive Plan designations as determined in the Development Code. In addition, the RM zone proposed for the southern portion of the property allows for single-family or multi-family development, so it provides flexibility to meet the market demands at the time of development. Also, the proposed zoning would create a gradual transition from the existing multi-family uses to the south and the single-family uses to the north

#### Applicant Testimony

Mark Grenz, Multi-Tech Engineering, representing the applicants, said they are involved with the developer of the other annexation that is going on the ballot. They are concerned that the development of the area be the best possible and transition cohesively from multi-family to single-family uses.

Konopa asked if the properties south of these had been contacted to be annexed at the same time. Grenz didn't know if Mr. Newman contacted them. His firm only facilitated putting this annexation together.

#### Testimony in Support

No one wished to speak.

#### Testimony in Opposition

No one wished to speak.

#### Testimony neither in favor nor opposed to the application

No one wished to speak.

Bedore closed the public hearing at 8:47 p.m.

Reid asked for a review of the property lines. Leopard explained the property lines.

Deputy City Attorney Mathew Jarvis read in title only "AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP, AND ADOPTING FINDS, CONCLUSIONS AND CONDITIONS FOR PROPERTIES LOCATED NORTH OF DUNLAP AVENUE NE AND WEST OF CLOVER RIDGE ROAD NE."

MOTION: Johnson moved to have the ordinance read a second time in title only. Christman seconded the motion and it passed 6-0.

Jarvis read the ordinance for a second time in title only.

MOTION: Johnson moved to adopt the ordinance. Reid seconded the motion and it passed 6-0, and was designated Ordinance No. 5688.

MOTION: Christman moved to adopt the resolution proposing the annexation of properties located north of Dunlap Avenue NE and west of Clover Ridge Road NE (AN-01-07), and forwarding the question of annexation to the voters on the May 20, 2008, ballot. Johnson seconded the motion and it passed 6-0, and was designated Resolution No. 5570.

#### Business from the Public

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

David Anderer, 614 Breezy Way, provided copies of a proclamation: "We the People 2008." Their goal is to educate people regarding the governmental process and encourage involvement at all levels. He suggested the Council consider the ideas presented on the handout sheet (in agenda file).

Dr. Harrison spoke to what Linn Benton Community College (LBCC) is doing in support of this idea. He teaches history and has encouraged people to participate in City government. He presented the Council with T-shirts from the student government at LBCC.

MOTION: Konopa moved to recognize the proposal for "We the People 2008," and have staff prepare a proclamation. Collins seconded the motion and it passed 6-0.

#### Other Business from the Public

Bill Root, 2634 NW Valley View Drive, invited the City staff and Councilors to a North Albany Neighborhood Association (NANA) meeting to be held on March 18, at 6:00 p.m., at Ciddici's Pizza Parlor. He also extended an invitation to any person citywide that would like to attend. The meeting would allow any City official the opportunity to speak on any subject. After all of the officials have spoken, the meeting will be opened for questions from the audience.

Dick Owen, 810 Cox Street, brought up tickets he has received and said he has subpoenaed the Municipal Court Judge. He wants to know what the Council is going to do.

Charles Dunm, 1755 17th Street, Corvallis, the Linn Library Bookmobile Librarian, said that services will stop in May and he encouraged the Council to support the proposed library district.

Joselyn Wagner, 4055 Hwy 226, Scio, is in favor of the library district. She believes every child in Linn County deserves to read.

Bedore asked that those having comments regarding the library district be brief and not repeat testimony. There have been numerous opportunities to speak to this subject and the Council received additional testimony at their work session on Monday.

Jean Towns, 30847 Mott Drive, Corvallis, a former school Librarian, commented that she has seen the benefits to library services in Benton County when they went to a district.

Jan Doerfler, 404 Vine Street, serves on the Albany Library Board and watched the Linn Library League evolve. She said the community doesn't stop with the City limits. The community will be richer with a district. She asked the Council to at least consider building better services. People are saying to her that they want to vote.

Kathryn Buchner, 2874 Heron Loop, a former school Librarian, said the Council's concerns about finances made sense but, Albany stands to benefit from a district. The Council should care about services outside the city limits because they would want a healthy economic growth for the community, responsible well educated workers, amenities for citizens, and a place that they can be proud of and that attracts new residents. The economic slowdown will not last forever and the City will grow. The effect on the City

budget is minimal. Their operational grants have been exhausted. The schools do not have libraries. She asked the Council to fulfill their mission of "Providing quality public services for a better Albany."

May Garland, 38795 North Main, Scio, asked, what can the district do for Albany? It will provide more open hours, more materials, more staff, a courier service, centralized ordering, and leadership opportunities.

Linda Ziddich, 38056 Kelly Road, Scio, gave a history of the library district.

Mark Azevedo, 1210 Skyline Drive, said, if you want to diversify the economy, you educate people. This is an opportunity to do that. He supports the library district.

Vi Anderson, 914 North Albany Road, said as a Council, your responsibility is to provide services for the people of Albany. It appears funds would be diverted from the safety departments to support the library district. Albany also has many transportation issues that need funding. She is against diverting funding.

Library Director Ed Gallagher thanked Garland and Ziddich for service to the district. Gallagher believes the district would be able to address all the concerns the Council has.

#### Adoption of Resolutions

##### Consenting to the formation of the Linn Library District.

Hare said staff has prepared a new resolution, as directed by Council, which includes the new language regarding the possibility of increased taxes. He explained the loss of \$300,000 revenue to the Parks Department and how policy changes could readjust that amount. There are uncertainties about what services would be needed from the City for the district. \$100-150,000 potentially could be lost from the Safety Levy. He has been preaching about building up reserves in the General Fund and in order to maintain current services money would probably have to come from there. The City would see a decrease in the "rate of increase" in revenues. He said the advantage of a district is that you are spreading the cost over a wider area. The Council would voluntarily under-levy the amount they have authority to tax in order to maintain property taxes at the current level. The voters are intrusting them with additional taxing authority. The city of Lebanon said they are willing to do that, to defer a percentage of taxes for three years. But they qualified that by saying they cannot bind future Councils to that decision.

Collins said he supports library services, but he has to consider what are the current most pressing tax supported functions of the City. He is concerned about the impacts to police, fire, and planning. Those departments have major funding issues. He said it would be easy to move the responsibility over to the voters, but feels that is not the responsible thing to do. The taxing authority gives the City capacity to bring the taxing levy up to the current per-thousand levels. But he doesn't want to be on record as supporting the possibility of raising taxes.

Johnson said she weighed the advantages, including the increase in hours and expanded book inventory. But she can't approve the City putting it on the ballot because it would lower the tax revenues to the City. She doesn't like the idea of under-levying and she doesn't want to double tax. Forming a district is like contracting out. She has a concern about the current employees being able to retain their positions and salaries. She doesn't have enough information regarding fees and maintenance. She believes she was elected to support the City and do what is in the best interest of the City.

Christman agrees with Collins and Johnson. This Council would be giving the new library board taxing authority. The net effect initially is nil, but the future effect is the ability to increase taxes. He approves of giving it to the voters in the manner stated in the resolution.

Bedore was concerned that people be informed as to how forming the district will affect them monetarily. If the Council were to support the district by putting it on the ballot, they would be supporting giving a Board the authority to levy extra taxes.

Reid said he is not in favor of supporting the library district. The district plan would leave the City with no input as to what happens to the current City owned library buildings. It is not in the best interest of the City. There will be increased maintenance and capital costs, and the Council has been asked to trust a Board that doesn't exist. He will vote to send it to the voters through petition.

Olsen said he has mixed emotions about the district because of the authority to levy. He is concerned about the City being able to justify a \$.95 Safety Levy when they have a library district. He is concerned about the hiring of the director and costs associated with the buildings. He has a concern about the makeup and authority of the Board. He gave a brief history of the downtown library.

Konopa said she has great reservations regarding the district. Why would the City give up a new building? It may free up more taxing authority, but she thinks Albany would be subsidizing the district. She believes the petitioners will have a tough time getting it passed. She said they must make voters aware that it will increase taxes.

Johnson has had people tell her that they don't believe it is a good idea. She is concerned about giving away the new library building and the costs for renovation. She thinks the City needs to keep their library.

MOTION: Christman moved to approve the resolution consenting to the formation of the Linn Library District with the added clause "...recognizing that the creation of the district could lead to increased taxes for Albany residents and that the Council believes that voters should decide whether to entrust elected representatives with additional taxing authority." Konopa seconded the motion.

Hare explained it would be the responsibility of the district advocates to place the question on the ballot by petition.

VOTE: A vote was taken on the motion and it passed 4-3, with Collins, Johnson, and Olsen voting no, and was designated Resolution No. 5571.

#### Adoption of Consent Calendar

- 1) Certifying properties exempt from taxes:
  - a) Songbird Village. RES. NO. 5572
  - b) Periwinkle Place. RES. NO. 5573
  - c) Park Rose Properties. RES. NO. 5574
- 2) Approving liquor licenses for:
  - a) Hausmann Delis, LLC, D/B/A AJ's Dawg Haus, 2530 Pacific Boulevard SE, Suite B.
  - b) Bailey's Inc., D/B/A Bailey's on Elm, 831 Elm Street SW.
- 3) Accepting easements from:
  - a) CGM, LLC. RES. NO. 5575
  - b) Ronald H. Dittmer. RES. NO. 5576

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

#### Award of Contract

##### WL-08-03, Fourth Avenue, Fifth Avenue, and Chicago area water line replacement.

City Engineer/Assistant Public Works Director Mark Shepard said the project is estimated to come within budget.

MOTION: Collins moved to award a contract for WL-08-03, 4<sup>th</sup> Avenue, 5<sup>th</sup> Avenue, and Chicago Area Water Line Replacement, in the amount of \$216,091.79 to the low bidder, Sonoma Pacific Construction. Reid seconded the motion and it passed 6-0.

#### Approval of Agreement

##### Approving intergovernmental agreement with Greater Albany Public Schools for the collection of construction excise tax.

MOTION: Konopa moved to approve the intergovernmental agreement with the Greater Albany Public Schools for the collection of construction excise tax. Reid seconded the motion and it passed 6-0.

#### Personnel Request

##### Reclassifying positions in Public Works Engineering.

Shepard said that this item was explained at the Monday work session.

MOTION: Johnson moved to approve the elimination of one vacant position and to reclassify four positions in the Public Works Engineering Division as presented at the City Council work session on Monday, February 25. Reid seconded the motion and it passed 6-0.

#### Appointments

##### Appointment to the Public Safety Commission and Transportation Demand Management Advisory Committee.

MOTION: Reid moved to appoint Dan Conway to the Public Safety Commission and Dan Bedore to the Transportation Demand Management Advisory Committee. Johnson seconded the motion and it passed 6-0.

#### BUSINESS FROM THE COUNCIL

Reid reported that the Joint Water Management Committee had considered renaming the Wastewater Treatment Plant to the Albany-Millersburg Reclamation Facility. They would like the Council to formally accept the name.



MOTION: Collins moved to rename the Wastewater Treatment Plant to the Albany-Millersburg Water Reclamation Facility. Christman seconded the motion and it passed 6-0.

Olsen provided a report (in agenda file) from Linn County regarding the cat neutering program. They were hoping that the City would allocate \$10,000 again this budget year if the County does the program. He said currently the Pet Over-Population Prevention Advocates, Inc. (POPPA) is carrying out most of the neutering. They are based in Beaverton and he would like a local cat trapper to be considered for Albany cats.

Konopa said she supports the program, if they use an Albany cat trapper.

Reid said if POPPA is willing to work in Albany, he would support that more than going with Linn County.

MOTION: Konopa moved to award up to \$10,000 to Pet Over-Population Prevention Advocates (POPPA) for the neutering of cats in the City of Albany with the understanding that the Albany trapper's services will be used. Collins seconded the motion and it passed 6-0.

Johnson said she received an e-mail from the League of Oregon Cities scheduling discussions on group homes for forensic patients. Olsen thinks the Council should express a strong objection to them.

Management Assistant/Public Information Officer Marilyn Smith discussed questions for the citywide survey with the Council. The Council will review staff's questions, suggest some of their own, and provide them to Smith at the Monday, March 10 work session.

NEXT MEETING DATE:

The next Council Work Session is scheduled for Monday, March 10, 2008, at 4:00 p.m., in the Municipal Court Room, at City Hall.

The next Council Regular Session is scheduled for Wednesday, March 12, 2008, at 7:15 p.m., in the Council Chambers, at City Hall.

ADJOURNMENT

There being no other business, the meeting was adjourned at 10:26 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, CMC  
City Clerk

Stewart Taylor  
Finance Director