

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, May 14, 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

Communications

Accepting the resignation of Michele Brosnan from the Parks & Recreation Commission.

MOTION: Councilor Konopa moved to accept the resignation of Michele Brosnan from the Parks & Recreation Commission and to send a letter thanking her for her participation. Councilor Reid seconded the motion and it passed 6-0.

Accepting the resignation of Jimmie Lucht from the Arts Commission.

MOTION: Councilor Johnson moved to accept the resignation of Jimmie Lucht from the Arts Commission and to send a letter thanking him for his participation. Reid seconded the motion and it passed 6-0.

Considering a resolution from the Albany Peace Seekers.

Councilor Olsen asked to hear from anyone in the audience that would like to say something about this issue.

Nancy Greenman, 1027 12th Avenue SW, representing the Albany Peace Seekers, explained their group and the activities they have sponsored. They want the Council to pass the resolution asking for the end of the occupation of Iraq. She also asked the Council to forward the resolution to the City's federal, state, and county representatives.

Johnson doesn't believe bringing this before the Council is appropriate.

Konopa said the Council adopted a resolution many years back when the war broke out; it won't hurt to do it again. It may bring some dialogue in the community considering that a lot of money is being spent outside of our country and they need to come up with a time line to resolve the conflict with Iraq.

MOTION: Konopa moved to support and adopt the resolution from the Albany Peace Seekers with "Albany City Council President" changed to "City of Albany Mayor" in the last paragraph. Olsen seconded the motion.

Bedore said there was no serious consideration to end the Vietnam War until there was public outcry against it. He believes it is the same for this war. It has been six years and it is time to publically declare that it is time to end it.

Councilor Christman is not in favor of the resolution and feels that more can be done by voting in November. He believes that this is not the appropriate place for the resolution and doesn't believe it will do anything.

Councilor Collins has concerns about some of the "whereas" statements in the resolution. He doesn't believe they are based on facts. Still, he doesn't believe the resolution will do any harm.

Reid said action needs to be taken in Washington DC. This will get nowhere, but it is a symbolic gesture.

VOTE: A vote was taken on the motion and it passed 4-3, with Reid, Johnson, and Christman voting no, and was designated Resolution No. 5593.

Public Hearing

VC-01-08, vacating portions of Jackson Street NE and Jefferson Street NE located rights-of-way north of Water Avenue NE.

Bedore opened the public hearing at 7:27 p.m.

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. Collins said that at one time he performed services for the applicant.

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

Infrastructure Analyst Mike Leopard explained that staff is requesting only a first reading tonight. He mentioned that an updated ordinance was on the dais.

Leopard provided an overview and located the property on the map on page 18 of the agenda packet. He said vacating will allow the owners to make improvements in the areas that conform to their future plans for developments. He reviewed the utility map on page 21 of the agenda packet. He said currently the streets are only used for access to the businesses. He explained the river access paths using drawings on page 20 of the agenda packet. The City would retain public utility easements over the existing sanitary sewer right-of-ways. The City would retain the public view-corridor right-of-ways to assure there will be public access to the riverfront paths. Such an easement would only prohibit above ground structures. The applicants would prepare and sign an agreement from all congruent property owners to continue the access easements for future maintenance before the second reading of the ordinance. The Planning Commission held a public hearing and unanimously approved recommending this vacation to the Council.

Collins was concerned about the width of the sewer easement. Leopard said they would look at that during the development proposal.

Applicant's Testimony

Candace Ribera, 545 Vista Ave, Salem, representing the applicants, said that they concur with the staff report and the conditions of approval. Ribera explained that the paths and sidewalks are intended to be public. The City will retain 66 feet for an easement, even though that might eliminate the applicants' ability to put in any private utilities.

Scott Lepman, 100 30th Street, the applicant, gave an overview regarding storm water drainage. A complete proposal would be part of the development process.

No one else wished to speak.

Bedore closed the public hearing at 7:56 p.m.

City Attorney Jim Delapoer read for the first time in title only "AN ORDINANCE VACATING PORTIONS OF JACKSON STREET NE AND JEFFERSON STREET NE LOCATED RIGHT-OF-WAY NORTH OF WATER AVENUE NE."

No further action was taken by the Council.

Business from the Public

Floyd Christensen, Albany resident, retired, feels the shopping cart ordinance is premature and could create some costly procedures for the City. He would like the Council to postpone action on the

shopping cart ordinance for 90 days, while he has discussions with grocers and tries a friendlier approach. He may be able to offer an easier, cheaper solution.

Karen Carver, 2175 Pine Meadow Drive, representing the Albany Timber Carnival, said this year it will be a two day event, including the lumberjack events. They have joined forces with Operation Homefront, which provides aid to returning soldiers and their families. There will be no admission fee into the Timber Carnival. They have received great support from the Albany Parks & Recreation Department and have been working with the Fire and Police Departments. The Timber Carnival Board is asking the Council to support them by sponsoring fireworks on Friday night, July 4, only. The cost of the fireworks will be \$9,000 for Friday.

Amanda Dalton, PO Box 981, Salem, representing the Grocery Association, encouraged the Council to pass the shopping cart ordinance.

First Reading of Ordinances

Levying assessments against property specifically benefited by sewer and water connections and the assessment of sewer, water, transportation, and parks system development charges for property described as Tax Lot 10303 of Parcel 11S-03W-07AB and site address 873 Sixth Avenue SE, and declaring an emergency.

City Attorney Jim Delapoe read for the first time in title only "AN ORDINANCE LEVYING ASSESSMENTS AGAINST PROPERTY SPECIFICALLY BENEFITED BY SEWER AND WATER CONNECTIONS AND THE ASSESSMENTS OF SEWER, WATER, TRANSPORTATION, AND PARKS SYSTEM DEVELOPMENT CHARGES FOR PROPERTY DESCRIBED AS TAX LOT 10303 OF PARCEL 11S-03W-07AB AND SITE ADDRESS 873 SIXTH AVENUE SE, AND DECLARING AN EMERGENCY."

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

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

MOTION: Reid moved to adopt the ordinance. Collins seconded the motion and it passed 6-0, and was designated Ordinance No. 5693.

Establishing procedures for retrieving and reclaiming abandoned shopping carts.

City Attorney Jim Delapoe read for the first time in title only "AN ORDINANCE ESTABLISHING PROCEDURES FOR RETRIEVING AND RECLAIMING ABANDONED SHOPPING CARTS."

Delapoe said this ordinance is modeled directly on the state law. The state has authorized a specific type of ordinance.

Management Assistant/Public Information Officer Marilyn Smith said that a grocery store, Shop & Kart, has already voluntarily complied with a portion of the ordinance by affixing their name and phone number to their carts.

Johnson asked if the state law requires the City to pass this ordinance. Delapoe said the Council is not obligated to pass this ordinance. The City is already collecting carts and it is already illegal to take the carts off of the premises of the business. This ordinance tries to reduce the problem with some restraints and to make it easier to notify the store. The ordinance doesn't criminalize the store owner.

Johnson doesn't think it is an emergency to pass it tonight. She wants to wait to hear what Mr. Christensen finds out from the store owners.

Christman said the stores are the ones that brought this to us. They asked for it. If there is a local person who wants to create a business for collection, that's good.

Konopa said this ordinance doesn't stop a store from doing something independently.

MOTION: Reid moved to have the ordinance read a second time in title only. Christman seconded the motion and it failed 4-2, with Johnson and Olsen voting no. It takes a unanimous vote of the Council to have an ordinance read twice at the same meeting. This ordinance will come back to the Council for a second reading at the May 28, 2008, City Council meeting.

Adoption of Resolutions

Supporting an application to the Oregon Department of Land Conservation and Development to assist with completion of the goal five tasks in the City's Periodic Review Work Program.

Konopa thought they had already ~~passed~~ **drafted** an ordinance regarding this issue. (Correction 6-11-08)

Planner III Heather Hansen explained that the Council voted to put it on hold in 2004, now it has become mandatory. The additional scope is to add more for wildlife habitat.

Konopa recommended that staff contact the same group that was advising staff before and see if they want to continue to be a part of the process.

MOTION: Reid moved to adopt the resolution supporting an application to the Oregon Department of Land Conservation and Development to assist with completion of the goal five tasks in the City's Periodic Review Work Program. Collins seconded the motion and it passed 6-0, and was designated Resolution No. 5594.

Amending parking restrictions within Downtown Albany where parking on public streets is enforced and managed by the Albany Downtown Association.

MOTION: Konopa moved to adopt the resolution amending parking restrictions within Downtown Albany where parking on public streets is enforced and managed by the Albany Downtown Association. Collins seconded the motion.

Reid said the continuing need to change parking designations emphasizes the need for more parking in the downtown area. Konopa agreed saying that a downtown parking structure should be considered.

Christman said the City needs a downtown parking plan rather than this piecemeal type of change.

Johnson suggested rearranging the parking designation so that public employees could still park in the area near the Downtown Library.

VOTE: A vote was taken on the motion and it passed 5-1, with Johnson voting no, and was designated Resolution No. 5595.

ST-08-04, Somerset Drive to school, and ST-08-06, school to Knox Butte, accepting the Engineer's Report and Financial Investigation Report for infrastructure improvements and setting a public hearing.

Konopa asked, is this a collector street? How wide is it? Assistant Public Works Director/City Engineer Mark Shepard said yes, it is a collector street and curb to curb it is 32 feet. Konopa said she supports the Local Improvement District (LID), but she thinks the street should be more than 32 feet wide. Shepard said that generally collector streets are a little wider, but they were concerned about speeds. Studies have shown that narrower streets are safer because traffic slows down. Konopa would like staff to reevaluate the width of the street. She feels there isn't enough room on the street when two buses pass each other and there is a kid on a bike in the bike lane. She would prefer traffic humps and a meandering road to address speed issues.

Olsen asked, does the school district own the property on both sides? Shepard said, only on one side.

Ed Fitzpatrick, 3541 South Bluesand Place, Corvallis, said the potential capacity of the new school is 800. They figured 12 buses for transportation and incorporated a designated bus-turn-around-area for drop off.

Johnson asked if they had any anticipated traffic calculations. Shepard said they could get some projections.

Collins said there was some discussion about the bridge replacement widening in the future and Clover Ridge Road becoming a dead end. It would be better to have a wider street. He asked staff to reconsider the width of the street.

Konopa asked if staff could guaranty that the LIDs would proceed as projected in the time line and not continue out for a long period of time. Shepard said there are some issues out of their control. They cannot guaranty the length of time, but will give their best effort.

MOTION: Konopa moved to adopt the resolution accepting the Engineer's Report and Financial Investigation Report for infrastructure improvements from Somerset Drive to school (ST-08-04), with staff bringing back an alternative street width with comparison information to the public hearing, and including the amended pages presented tonight. Reid seconded the motion and it passed 6-0, and was designated Resolution No. 5596.

MOTION: Konopa moved to adopt the resolution accepting the Engineer's Report and Financial Investigation Report for infrastructure improvements from school to Knox Butte Road (ST-08-06). Reid seconded the motion and it passed 6-0, and was designated Resolution No. 5597.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) March 10, 2008, City Council Work Session
 - b) March 24, 2008, City Council Work Session
 - c) March 26, 2008, City Council Meeting
 - d) April 23, 2008, City Council Meeting
- 2) Accepting a mini-grant from the Alliance for Community Traffic Safety in Oregon. RES. NO. 5598
- 3) Approving liquor licenses for:
 - a) Total Image, LLC, D/B/A Cadeau of Oregon, 1435 Madison Street SE.
 - b) UUK, Inc., D/B/A Sam City, 2180 Pacific Boulevard SE.
 - c) Annual liquor license renewals.
- 4) Accepting easements from:
 - a) Robbie Frear. RES. NO. 5599
 - b) Cynthia Hughey and Ambrose Hughey. RES. NO. 5600
 - c) Leroy L. Laack Trust. RES. NO. 5601
- 5) Accepting a right-of-way dedication from North Albany Community Church. RES. NO. 5602
- 6) Granting underground easements to Pacific Power for the Albany-Millersburg Water Reclamation Facility and the Albany Operations Facility. RES. NO. 5603
RES. NO. 5604

Konopa asked for item 1c) to be removed for discussion.

MOTION: Konopa moved to adopt the Consent Calendar with item 1c) removed for discussion. Reid seconded the motion and it passed 6-0.

Regarding item 1c), Konopa said on page five, eighth paragraph, the phrase in the second sentence should read "...allows a 50-acre commercial site in a policy..."

MOTION: Konopa moved to adopt item 1c) as corrected. Reid seconded the motion and it passed 6-0.

Award of Bids

Awarding of bid for the new library facility.

MOTION: Collins moved to award the contract in the amount of \$2,988,126 to TGerding Construction Company, of Corvallis, Oregon. Reid seconded the motion and it passed 6-0.

WL-08-01, Madison Street and 12th Avenue Area Water Line.

MOTION: Collins moved to award the contract in the amount of \$627,475 to the low bidder, Alpine Construction of Newberg. Johnson seconded the motion and it passed 6-0.

ST-08-02-B, 2008 Street Overlay Program.

MOTION: Collins moved to award the contract in the amount of \$197,170, to the low bidder, CPM Development Corporation of Salem, Oregon. Reid seconded the motion and it passed 6-0.

ST-07-01, Waverly Drive Rehabilitation.

MOTION: Collins moved to award the contract in the amount of \$995,282.50 to the low bidder, Mid-Valley Gravel Company of Philomath, Oregon. Johnson seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Collins will be out of town on May 28 and will miss the next Council meeting. He commented on the Hacklemen Historic District clean up and is interested in making that activity citywide.

Bedore attended the American Legion safety awards which included awards for Police Officer of the Year, Sergeant Brad Liles of the City's Police Department and Firefighter of the Year, Apparatus Operator Tom Henke of the City's Fire Department.

NEXT MEETING DATE

The next City Council Work Session is scheduled for Monday, May 19, 2008, at 4:00 p.m., at the Albany Boys & Girls Club, 1215 Hill Street SE. The next Regular Session is scheduled for Wednesday, May 28, 2008, at 7:15 p.m., in City Hall.

Albany City Council Regular Session
Wednesday, May 14, 2008

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:03 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, CMC
City Clerk

Stewart Taylor
Finance Director