

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, June 25, 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

PROCLAMATION

Recognizing the 224 Engineer Company of the Oregon Army National Guard.

Bedore read the proclamation recognizing the 224 Engineer Company of the Oregon Army National Guard (in agenda file).

SCHEDULED BUSINESS

Public Hearings

SS-07-04, North Albany Lift Station and Force Main – alternate contracting method and exemption from competitive bidding.

Bedore opened the public hearing at 7:18 p.m.

No one wished to testify.

Bedore closed the public hearing at 7:19 p.m.

MOTION: Councilor Reid moved to exempt the construction of SS-07-04, North Albany Lift Station (NAL-LS) project, from the competitive bidding process and approve an alternate contracting method, referred to as Construction Manager/General Contractor (CM/GC). Councilor Collins seconded the motion and it passed 6-0, and was designated Resolution No. 5632.

Adopting the 2008-2009 Annual Budget.

Bedore opened the public hearing at 7:19 p.m.

No one wished to testify.

Bedore closed the public hearing at 7:20 p.m.

MOTION: Councilor Konopa moved to adopt the Approved Fiscal Year 2008-2009 City of Albany Budget. Reid seconded the motion and it passed 6-0, and was designated Resolution No. 5623.

City Manager Wes Hare commended the Finance Department for the smooth budget process this year.

Withdrawing territory from the Albany Rural Fire Protection District located on Clover Ridge Road NE and North of Dunlap Avenue.

Bedore opened the public hearing at 7:22 p.m.

No one wished to testify.

Bedore closed the public hearing at 7:23 p.m.

City Attorney Jim Delapoer read for the first time in title only “AN ORDINANCE WITHDRAWING TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT LOCATED ON CLOVER RIDGE ROAD NE (LINN COUNTY ASSESSOR’S MAP NO. 11S-03W-04AB, TAX LOTS 400, 500, 600, AND 900), CONTAINING APPROXIMATELY 15.9 ACRES MORE OR LESS, 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.

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

MOTION: Reid moved to adopt the ordinance. Councilor Johnson seconded the motion and it passed 6-0, and was designated Ordinance No. 5699.

City Attorney Jim Delapoer read for the first time in title only "AN ORDINANCE WITHDRAWING TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT LOCATED NORTH OF DUNLAP AVENUE AND WEST OF CLOVER RIDGE ROAD NE (LINN COUNTY ASSESSOR'S MAP NOS. 11S-03W-04AB, TAX LOT 700, AND 11S-03W-04AC, TAX LOTS 100, 200, 203, 300, 400, 500, 501, AND 600), CONTAINING APPROXIMATELY 14.9 ACRES MORE OR LESS, 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.

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

MOTION: Reid moved to adopt the ordinance. Collins seconded the motion.

AMENDING MOTION: Collins moved to amend the main motion to include the correct legal description as an attachment for each of the two ordinances. Reid seconded the motion and it passed 6-0.

VOTE ON MAIN MOTION: The main motion was voted on and it passed 6-0, and was designated Ordinance No. 5700.

Business from the Public

Dick Owen, 810 Cox Street, reminded the Council of complaints he has regarding being falsely accused of legal violations against his dog, son, and property. He believes he has been misjudged by the courts and that the current Municipal Court process is a violation of his civil rights. He said it is a violation to arrest a person with a false summons.

City Attorney Jim Delapoer explained to Mr. Owen that in each case any act is reviewable or can be appealed. It can be tried all over again by the Circuit Court. The City Council has no role in overseeing judicial decisions. They have no power over the Court. The United States Constitution guarantees a separation of these powers. If a person feels any police officer or the courts have maligned them, they have options.

Owen feels the nuisance ordinance is incorrectly written. He feels he is being harassed.

Adoption of Resolutions

Revising fees and charges for Parks & Recreation services for Fiscal Year 2008-2009.

MOTION: Collins moved to adopt the resolution revising fees and charges for Parks & Recreation services for Fiscal Year 2008-2009. Johnson seconded the motion and it passed 6-0, and was designated Resolution No. 5624.

Adopting the proposed Fiscal Year 2007-2008 Supplemental Budget.

Finance Director Stewart Taylor said the Supplemental Budget is basically an accounting adjustment in order to be in compliance with Oregon law. All legal noticing requirements were followed and there are minor changes in the City's 2007-2008 Budget. There needed to be more carry over appropriated for costs associated with the Periwinkle Bridge project. The second area of concern was appropriating funding for overtime in the Fire Department.

Collins said, basically it is not new revenues but rather a required accounting process. Taylor said that is correct.

MOTION: Collins moved to adopt the resolution adopting the Fiscal Year 2007-2008 Supplemental Budget. Johnson seconded the motion and it passed 6-0, and was designated Resolution No. 5625.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) June 11, 2008, City Council Meeting
- 2) Extending City of Albany's workers' compensation coverage to volunteers for policy year 2008-2009.

RES. NO. 5626

- 3) Annual liquor license renewals.
- 4) Accepting a Federal Highway Administration State Planning and Research Grant for additional analysis for the Transportation System Plan. RES. NO. 5627
- 5) Accepting the Oregon Department of Transportation, Public Transit Division, Rural and Small Urban Areas, Section 5311, Operating Assistance Grants for Fiscal Year 2008-2009. RES. NO. 5628
- 6) Accepting the 2008-2009 Linn-Benton Community College Intergovernmental Agreement for Albany Transit System and the Linn-Benton Loop Transit System Pass Programs. RES. NO. 5629
- 7) Accepting the 2008-2009 Oregon State University Intergovernmental Agreement for funding the OSU/LBCC Dual Enrollment Pass Program and the OSU Student, Staff, and Faculty Pass Program on the Linn-Benton Loop Transit System and on Albany Transit System, and Linn-Benton Loop operating support. RES. NO. 5630
- 8) Accepting the 2008-2009 Benton County Special Transportation Program Grant Funding Agreement for the Linn-Benton Loop Transit System. RES. NO. 5631

MOTION: Johnson moved to adopt the Consent Calendar with item 1a) removed for comment. Collins seconded the motion and it passed 6-0.

Bedore said on page 4, of the June 11, 2008, City Council minutes, third paragraph from the bottom, when he referred to PSRB, he meant to identify them as offenders who have committed a crime except for a plea of mental defect. That will be corrected in the minutes.

MOTION: Johnson moved to adopt item 1a) of the Consent Calendar with the correction. Collins seconded the motion and it passed 6-0.

Contract Amendment

ST-07-03, 53rd Avenue Bridge and Roadway Improvement Project – consulting engineering contract amendment.

Public Works Director Diane Taniguchi-Dennis said the amendment is regarding the additional design work for the ridge and roadway project. When the original project was envisioned the road was shorter than the actual project ended up being. The roadway was extended to Lochner Road. There was also additional work dealing with the access to the SVC property and improvements on 99E required by ODOT.

MOTION: Collins moved to authorize a contract amendment with OBEC Consulting Engineers in the amount of \$210,000 for the design efforts for ST-07-03, the 53rd Avenue Bridge and Roadway Improvement project. Reid seconded the motion.

Konopa commented that she remembered a discussion to have concrete all the way to the entrance of the plant, but it says on page 78 of the agenda that “The remaining roadway east of the bridge will be asphalt pavement.”

Dennis said the concrete will go from the top of railroad overpass down to the intersection with Highway 99E. Konopa thought it was for incline and decline. Dennis will come back with more information regarding the concrete.

Konopa asked, regarding the third paragraph from the bottom of page 78, is the City buying wetland credits? Dennis said they were banked credits that were purchased. It would be mitigated within the area.

Delapoer added that the City did not own the land nor did it have an owner willing to give it land to mitigate, so really had no alternative.

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

Personnel Request

Reclassifying Wastewater Treatment Plant Laboratory Technician position.

Dennis explained that the current Wastewater Treatment Plant Laboratory Technician brought skills that expanded the duties of the position. The reclassification has been reviewed and approved by the City’s Human Resources Department.

MOTION: Konopa moved to approve reclassifying the position of Wastewater Treatment Plant (WWTP) Laboratory Technician from pay grade A138 to A142, to be effective July 1, 2008. Reid seconded the motion and it passed 6-0.

Appointment

Appointment to the Parks & Recreation Commission.

Bedore said this is his appointment. He has known Russ Allen for many years and believes he brings good experience to the Parks & Recreation Commission.

MOTION: Konopa moved to appoint Russell Allen to the Parks & Recreation Commission. Collins seconded the motion and it passed 6-0.

Report

Initiating the vacation of Linn Avenue NE between Alco Street NE and Burkhart Street NE.

Parks & Recreation Director Ed Hodney said that staff has discussed the vacation of this street with adjacent property owners and they are supportive.

Reid asked, is the City going to develop a park? Hodney said yes. Reid asked, do you have to improve Alco Street? Hodney said he understood that they would not have to do that. They are creating parking on the east side. It will be paved up to the parking area.

COUNCIL DIRECTION: The Council directed staff to initiate the vacation of Linn Avenue NE between Alco Street and Burkhart Street.

Collins said he continues to have concern about people living in the park. Hodney said they work with the Police Department regarding this issue.

BUSINESS FROM THE COUNCIL

Reid said he would like the Council to consider acquiring a property management person; someone to oversee the acquisition, disposition, and leases of City property. He said he would not like to see the staff that is currently overseeing these items end up in a confrontational relationship with the users. He gave an example of a Fixed Base Operator (FBO) at the City Airport, who is behind in his rent and is abusing his good relationship with staff.

Bedore asked if the City had a contract with the FBO. Hare said yes, but collecting delinquent monies is a diverse function currently being handled by staff citywide.

Collins said he would prefer to refer this item to the City Manager and have him report back to the Council.

COUNCIL DIRECTION: After discussion, there was Council direction for the City Manager to explore the possibility of hiring a Property Manager.

Collins said that at the City picnics he heard complaints about speeding on Scenic Drive and requests to put a safety fence of some kind north of the volleyball court at Gibson Hill Park. He heard complaints about the 12th Street slurry seal project and gang tagging above the homeless shelter on 9th Street.

COUNCIL DIRECTION: The Council directed staff to consider speeding signs on Scenic Drive and removal of graffiti on the bridge near the homeless shelter.

Collins said the National Cities League is supporting a national infrastructure bank. He would like the City of Albany to support the concept as well.

COUNCIL DIRECTION: After discussion, there was Council direction for staff to prepare a resolution in support of a federal infrastructure bank.

Johnson commended the Parks & Recreation staff for the success of the four picnics.

Johnson asked if the Police Department would consider hiring a Park Ranger for surveillance of the City parks and the river walkway. She has heard that people are not feeling comfortable.

Captain Ben Atchley said originally it was the Police Department's intent to hire a Reserve Officer to take the position during the summer. Then the rules changed for Reserve Officers. They must go through the same rigorous process as full-time regular Police Officers. Since then the department has either hired our Reserve Officers as full-time employees or they have been hired by another City. Hiring someone is the issue. During the summer, the School Resource Officers are on bike patrol and the parks and river walkway are something they cover. But, Albany is a big City when you are on a bicycle. The department has allocated \$18,000 per year for a Park Ranger that would be similar to a Community Resources Officer. Atchley said that sometimes just a uniform presence would work in the parks.

There followed discussion regarding the nature of issues in the parks. Atchley suggested using citizens on patrols in the parks.

Councilor Olsen asked if there was a "drunk-tank" for the incapacitated that wander into neighborhoods. Atchley said that Linn and Benton Counties are working on a ten-year plan for homelessness and have identified a "detox facility" as a need. Both counties are interested in pursuing the issue.

Konopa reminded the Council that the renewal of the Public Safety Levy didn't include the Park Ranger position.

COUNCIL DIRECTION: After more discussion, there was Council direction for staff to prepare a report considering a Park Ranger or Citizens Park Patrol.

Councilor Christman commented on the improvement in the atmosphere at the Police Department.

Reid suggested that there be representatives from every department at the park picnics next year.

Bedore said the Council lap top discussion is postponed to July 28.

Hare reported that mediation with those who appealed the 53rd Avenue project has commenced. They all agreed to another session. He believes the problem is that the City is being asked to do things that it cannot physically do. The City cannot compel Gatorade to sign a document saying they will pay prevailing wages. He is hoping they will have a resolution short of litigation.

Hare asked for someone to take his place as a speaker at the Timber Carnival on the 4th of July. Konopa agreed to replace him.

NEXT MEETING DATE

The next Work Session of the City Council is scheduled for July 7, 2008, at 4:00 p.m., in the Municipal Court Room, at City Hall and the next Regular Session is scheduled for July 9, 2008, at 7:15 p.m., in the Council Chambers, at City Hall.

ADJOURNMENT

There being no other business, the meeting adjourned at 8:37 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, CMC
City Clerk

Stewart Taylor
Finance Director