

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, October 22, 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

SPECIAL PRESENTATIONS

Community Before & After School Child Care Program (CAP).

Cass Templeton, 11<sup>th</sup> Street, and Wayne Goetz, representing the Community After School Program (CAP), gave some history of the program and explained that it is a latch key program run by donations and grants, not by the City or school district. They updated the Council on their programs and thanked them for the support they receive through the Outside Agency Grant Program. They handed out packets that included their annual report, descriptions and locations of their buildings, attendance records, and enrollments (in agenda file).

Procession of the Species.

Tiah Swanson, 6339 Chapman Court SW, showed a video of Albany's 2008 procession and mentioned that it was created by a South Albany High School student.

Patty Evans, 1556 Otter Court, said the parade celebrates harmony and unity and the one thing everyone has in common, the world we live in. She invited the Council to join in the vision, on April 25, 2009. They could also use some money. She read an endorsement from Librarian I Doris Hicks regarding the Library's involvement in supporting costume workshops (full letter in agenda file).

Oregon Bicycle Racing Association.

Rob Hughes, 3921 Sitka Place, Corvallis, said he would provide a video of the 2008 Albany race at a later Council meeting. The race was very successful and the Association would like to hold the 2009 race in downtown Albany as well. In 2009 the scheduled day would be a Saturday, August 15, rather than a Sunday as was held this past April. He is asking for City support for closing the streets. He provided a map of the route for the race (in the agenda file). He needs a decision tonight because the executive board for the Association is designating the route this week.

MOTION: Councilor Reid moved to have staff work with the Oregon Bicycle Racing Association and the Albany Downtown Association to coordinate the proposed race in downtown Albany on Saturday, August 15, 2009. Councilor Konopa seconded the motion and it passed 6-0.

SCHEDULED BUSINESS

Business from the Public

No one wished to speak.

City Council Deliberation and Tentative Decision

SP-12-08 and AD-01-08, applications for construction of a shopping center on the south side of Santiam Highway, west of Goldfish Farm Road SE.

Konopa left the dais.

Bedore explained that the Council deliberation and tentative decision regarding a Site Plan Review application is for construction of a shopping center with six buildings on 25.67 acres of land; and an Adjustment application that would allow 24-foot-wide travel aisles in the parking lots on the northern parcel of the shopping center where 26-foot-wide travel aisles are usually required. The applicant is Oregon Acquisition One, LLC. This is city of Albany case files SP-12-08 and AD-01-08. Bedore said, on October 8, 2008, the Council held a public hearing on these applications. Following the public hearing, the City

Council decided to table deliberation and decision on the applications until tonight's meeting. Also, Councilor Konopa decided to abstain from participating in the public hearing and decision.

Councilor Christman said that in the information presented at the hearing Goldfish Farm Road, north of Highway-20, was said to be able to handle 10,000 trips. He recently traveled on that road and doesn't believe it can. He asked, what can we do about that part of the road?

City Attorney Jim Delapoer cautioned the Council that their decision tonight must be dependent on information given at the public hearing. Staff can recommend wording for conditions, but can't put into the record any new information. If the concern is the letter the County introduced, the Council can ask staff to have a condition for approval to be a satisfactory resolution of Linn County's concerns. We cannot consider whether the County's concerns have been addressed or not outside of the record. Tonight's motion will be to tentatively approve or deny; and concerns can be addressed by giving a condition. Rules on land use hearings require a decision based only on what was on the record on the day of the hearing.

Christman said this reemphasizes his belief that the process is flawed. After receiving so much information during the public hearing, they are expected to make a decision without receiving answers to their questions.

Councilor Collins was also concerned about Goldfish Farm Road, and thought there was conflicting information regarding the Oregon Department of Transportation's (ODOT) timeliness of issuing permits for occupancy and the applicant's request for allowing on site work prior to the actual permits being issued. How will that be resolved? Planning Manager Don Donovan said their request was to allow some grading and foundation work prior to getting some permits from ODOT. We can allow them to do that. We are requiring, and the applicants are willing, to put the financial assurances up front for the street improvements. They would not be issued the permits for the buildings until they got the permits from ODOT.

Collins was concerned about the developer's request for occupancy before fulfilling all of the permit requirements. Transportation Systems Analysis Ron Irish said the original condition was to have all ODOT permits before construction or occupancy. The new conditions require the public improvements to be done before occupancy.

Councilor Olsen asked, what is ODOT requesting? Irish said there are a series of improvements including capacity at Goldfish Farm Road and US Highway-20 and turn lane and intersection improvements at US-20 and Fescue Street, as well as US-20 and Airport Road, and US-20 and Spicer Road. Basically, both sides of the Interstate-5 interchange as well as Goldfish Farm Road. There is also a condition involving the intersection of US-20 and Waverly Drive, which is a condition for financial contribution.

**MOTION:** Christman moved to grant tentative approval, with conditions, of the Site Plan Review application for construction of a shopping center with six building on 25.67 acres of land; and the Adjustment application to allow some 24-foot-wide travel aisles in the parking lots on the northern parcel of the shopping center where 26-foot-wide travel aisles are usually required; and to have staff prepare additional findings that address the new information presented at the public hearing, in particular the condition of a satisfactory resolution of Linn County's concern regarding Goldfish Farm Road, for consideration at the next meeting. Johnson seconded the motion.

Collins said he has heard from the community that new construction should comply with the development code. Staff has said that this project has met the conditions of the code and after extensive research, he agrees that they have. He has concerns beyond the requirements of the code, which probably could be addressed with revisions to the code. Part of his concerns has to do with secondary access and pedestrian and bike access. His conclusion is that the applicant has met the requirements of the code.

Olsen asked, does this development use up all of the sewer capacity in the area? Assistant City Engineer Jeff Blaine said yes, that is correct. Staff would likely have to do site specific evaluations if other development comes in to evaluate the existing piping between the development and the Sewer Treatment Plant.

Collins asked, what would be the remediation if there were a problem? Blaine answered that if there were a problem, there could be a potential reroute of a lift station, or piping improvements that are scheduled a few years out in the Capital Improvement Program could be constructed.

**VOTE:** A vote was taken on the motion and it passed 4-1, with Olsen voting no.

Second Reading of Ordinance

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

City Attorney Jim Delapoer read for the second time in title only “AN ORDINANCE VACATING A PORTION OF FERRY STREET SW, BETWEEN QUEEN AVENUE AND THE SOUTHERN PACIFIC TRANSPORTATION COMPANY RAILROAD RIGHT-OF-WAY; AND ADOPTING FINDINGS.”

MOTION: Reid moved to adopt the ordinance. Christman seconded the motion and it passed 5-1, with Johnson voting no, and was designated Ordinance No. 5704.

Adoption of Resolutions

Approving exemption from the competitive bidding process for the purchase of one International Life Line Highliner ambulance through an existing contract with the city of Eugene and Hughes Fire Equipment.

MOTION: Reid moved to adopt the resolution approving exemption from the competitive bidding process for the purchase of one International Life Line Highliner ambulance through an existing contract with the city of Eugene, Oregon, and Hughes Fire Equipment, Inc.; to issue a notice of intent to award contract with Hughes Fire Equipment, Inc.; and authorizing the City Manager to enter into a contract for \$199,211 with Hughes Fire Equipment, Inc. to purchase one International Life Line Highliner ambulance. Christman seconded the motion and it passed 6-0, and was designated Resolution No. 5687.

Appropriating a special purpose grant and authorizing the Library Director to sign a contract between the City of Albany and SirsiDynix for a radio frequency identification tracking and materials handling system.

MOTION: Collins moved to adopt the resolution appropriating a special purpose grant and authorizing the Library Director to sign a contract between the City of Albany and SirsiDynix for a radio frequency identification tracking and materials handling system (RFID) beginning October 9, 2008, and repealing Resolution No. 5686. Reid seconded the motion and it passed 6-0, and was designated Resolution No. 5688.

PA-01-08/VR-05-08, Orezona Building Company LLC, rescinding the approval of tentative partition plat and variance applications granted by the Albany City Council on June 11, 2008.

MOTION: Konopa moved to adopt the resolution rescinding the approval of tentative partition plat and variance applications granted by the Albany City Council on June 11, 2008. Reid seconded the motion and it passed 6-0, and was designated Resolution No. 5689.

Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) August 25, 2008, City Council Work Session
  - b) September 10, 2008, City Council Meeting
  - c) September 22, 2008, City Council Work Session
  - d) September 24, 2008, City Council Meeting
- 2) Adopting the Identity Theft Protection policy for the City of Albany. RES. NO. 5690
- 3) Authorizing short-term operation loans from available cash reserves to the General Fund and Public Transit Fund. RES. NO. 5691
- 4) Accepting easements from:
  - a) Mary Hubler. RES. NO. 5692
  - b) Deena Frishkorn. RES. NO. 5693
  - c) Earl Stutzman. RES. NO. 5694
- 5) Accepting and appropriating a special purpose grant from the Oregon Department of Land Conservation and Development to assist with completion of Goal 5 tasks in the City’s Periodic Review Work Program. RES. NO. 5695

MOTION: Councilor Johnson moved to adopt the Consent Calendar as presented. Reid seconded the motion and it passed 6-0.

Award of Bid

Awarding a contract to PetroCard Systems, Inc., for commercial fuel for police vehicles.

Collins asked, is the fuel priced fixed? Capt. Atchley explained that it is based on the following formula: (wholesale price) plus (taxes) plus (their markup of six cents). The actual cost will fluctuate as wholesale prices fluctuate, but their markup of six cents is fixed. They were the sole bidder.

MOTION: Reid moved to award the contract for commercial fuel for police vehicles in the annual amount of \$147,868.80 to the only bidder, PetroCard Systems, Inc. Johnson seconded the motion and it passed 6-0.  
Appointment

Appointing John Hartman to the Human Relations Commission.

MOTION: Reid moved to appoint John Hartman to the Human Relations Commission. Konopa seconded the motion and it passed 5-1, with Christman voting no.

Report

SD-07-07, Fabian Estates, LUBA remand public hearing.

MOTION: Collins moved to set the public hearing for the Land Use Board of Appeals (LUBA) remand regarding Fabian Estates on November 12. Christman seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Reid provided a spread sheet regarding Albany's increasing water rates and the water fund (in agenda file). It included his projections following three scenarios: 1), follow current practice of a 3.3% increase in 2009 and 4.7% increase for the next four years; 2), no increase in 2009 and then continue increases of 4.7% in 2010 and for the next four years; and 3), no increase in 2009 and continue increases of 2.5% for the next four years. Reid said he doesn't like the third scenario because the reserve isn't enough. He is recommending the Council consider the second scenario, or use it as a guideline.

Bedore suggested that the Council review the spreadsheets, have discussion, and have staff bring back an ordinance for them to adopt.

Johnson thinks it is a good idea not to raise rates in 2009.

Collins said, if we don't raise the rates, we don't need an ordinance.

City Manager Wes Hare suggested that Public Works Director Diane Taniguchi-Dennis and Finance Director Stewart Taylor review the information provided and give their opinion. He asked, does deciding not to raise rates mean that the City would forgo capital projects currently in the CIP?

The Council agreed to wait to make a decision until they could hear from staff regarding the impacts of changing the current structure.

Collins mentioned that he would like to have staff do this type of analysis on an annual basis.

Collins provided the City with a check for \$750 from the Takena Kiwanis Club for costs associated with fencing erected at the Gibson Hill Park.

Olsen was concerned that Periodic Review as mentioned on the Consent Calendar takes so long to complete. He noted that it has been 10 years since the City started Periodic Review. Hare said it is a long process and mentioned that when all cities are required to do it, there is not enough staff hours available at the Oregon Department of Land Conservation and Development (DLCD) to help. Since the threshold requirement has been raised it frees up more hours and there is better staff support from the state. There are many variables that the law requires and it is highly technical work, which takes time to complete.

Community Development Director Greg Byrne said some miscommunication took place between the City and DLCD that caused a delay. Delapoer added that Measure 37 changed the rules in the middle of this long process because of local property rights.

Hare said the City would have to go through the same noticing process that is required for all land use issues.

Byrne added that the City does have some problems with open space boundaries, including extension into floodplains and in some cases, beyond the flood plains. He understood that the Council wanted those boundaries to be more rational and for staff to resolve some of those concerns as a result of work on Goal 5. That may lead to some zone changes. He said the Council will have a heads-up regarding those changes.

Hare said when the City does legislative changes such as these, property owners do receive notice.

Collins said, the staff report said that there would be public meetings but there was no reference to the advisory board that was used in the past. Donovan said the advisory body that was in place will be involved. Byrne added that they will meet the letter, spirit, and intent of the law and go beyond it. They will be meeting with neighborhoods, interest groups, and individual property owners.

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Konopa asked if previous plans that have been completed through periodic review were adopted. Donovan said no, they haven't been adopted. The plan was to adopt all of them together. It was partly because of the property rights issues.

Johnson asked if the City Council meetings could be shown on television on Thursdays rather than Sundays.

Hare said he would be gone November 1-5. He alerted the Council to the proposed revised building inspection fee schedule that the City is going to be submitting to the state. The hearing is scheduled in December.

Bedore said the Linn Library League would like the Council to make it clear whether the resolution supporting the League ballot measure issues is continuous or is no longer in effect. The Council instructed staff to bring this issue to a work session.

#### NEXT MEETING DATE

The next Work Session of the City Council is scheduled for Monday, November 10, 2008, at 4:00 p.m., in the Municipal Court Room, at City Hall, and the next Regular Session is scheduled for Wednesday, November 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 8:53 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, CMC  
City Clerk

John Stahl  
Assistant Finance Director