

CITY OF ALBANY  
CITY COUNCIL (WORK SESSION)  
Municipal Court Room  
Monday, September 22, 2008  
4:00 p.m.

**MINUTES**

CALL TO ORDER

Mayor Dan Bedore called the meeting to order at 4:00 p.m.

ROLL CALL

Councilors present: Councilors Ralph Reid Jr., Floyd Collins, Bessie Johnson, Dick Olsen, and Sharon Konopa.

Councilors absent: Councilor Jeff Christman

BUSINESS FROM THE PUBLIC

Bill Root, 2634 Valley View Drive, said when he was out campaigning someone asked him a question he could not answer: who is responsible for the sidewalk in front of a property? City Attorney Jim Delapoer said that sidewalks are owned by the homeowner, so the responsibility for maintenance and the liability falls to the owner. The City may have a right-of-way or an easement, however. Root asked, who will be making repairs to the sidewalk along Water Avenue when it is converted from a two-way to a one-way street? Delapoer said, the property owner is responsible.

Root commented that we are known as the grass seed capital of the world, yet he has noticed dry lawn after dry lawn. Folks cannot afford the price of Albany water.

Delapoer asked the Council to diverge from the agenda to discuss a pressing issue regarding Thornton Lake Estates. He said Councilor Floyd Collins had a concern.

Collins said that at the previous Council meeting the Council was asked to review the Land Use Board of Appeals (LUBA) decision to remand the Council's decision regarding Thornton Lake Estates. The Council was told that there would be seven days to submit new information for the record; seven days to respond to new information submitted; and seven days for the applicant's rebuttal. Collins is concerned that he could not have responded in that short a time, even with his experience and knowledge. He wants the Council to reconsider the process; not the decision and motion, just the process.

Delapoer said Collins is concerned that the timeframe is too short. He described the history of the Thornton Lake Estates. The Council ultimately approved the subdivision, and the decision was appealed to LUBA. LUBA said that after the hearings were closed, Transportation Systems Analyst Ron Irish was asked about traffic accident data to which he elaborated on a previously provided memo, but there was no opportunity for the public to comment. LUBA said the public had the right to respond. There was not a need for a public hearing, but the public should have been allowed to respond since Irish's testimony found its way into the findings.

Delapoer described the Council's options: continue on the present course, with the first seven days ending tonight at 5:00 p.m.; or modify procedures and expand the time frames, as nothing in law would prevent it provided the timeframes are roughly equal; or finally, reopen the public hearing. Staff does not recommend the third option because the LUBA remand was on a narrow issue - the traffic comments - and it could be difficult for the Mayor to focus an audience during a public hearing on such a narrow issue. Also, time limits would apply. If we receive testimony in written form, however, there would be no limitations to the amount of information provided.

Collins said his intent is to just expand the timeframe in the process. Some of the issues raised in Irish's memo are fundamentally important to the future decisions of North Albany and require more time for folks to properly respond to the issues. Collins would like to see a 14/14/14 day timeframe for each step. Discussion followed.

Delapoer suggested a total of 14/14/7 day timeframe which would keep the time from running out too far. Collins said he would support that.

Councilor Sharon Konopa supports expanding the timeframe, but pointed out that notices on other citywide issues usually get only 10 days to respond. People often do not know land use laws so are at a disadvantage.

Collins said, we need to consistently walk the fine line between giving the public an opportunity to respond and providing the applicant reasonable turnaround time.

Councilor Ralph Reid is concerned extending the timeframes might cut into the time left in which the Council has to make a decision. He does not like making important decisions in a very short amount of time.

Delapoer said the remand is 90 days from the date the applicant demands to start the clock. We need to be cautious that we do not cause a procedural error in the timeline.

Albany City Council Work Session  
Monday, September 22, 2008

Councilor Bessie Johnson pointed out that under normal circumstances, this would not be an issue. She feels the neighbors have had sufficient time to respond and does not want to make a change that would set a precedent for other types of noticing.

Reid said, the only folks affected are those that have already testified. He does not want to reopen the public hearing. He is willing to allow more time so long as it is limited to those who already testified.

MOTION: Collins moved to add seven additional days for anyone to submit new information for the record (for a total of 14 days); to add seven additional days for anyone to respond to new information submitted during the first 7 days, (for a total of 14 days); and to retain seven days for the applicant's rebuttal in the Land Use Board of Appeals decision to remand the Council's decision in the East Thornton Lake Estates case. Reid seconded the motion and it passed 5-0.

Delapoer will contact the other attorney about the decision.

Reid asked staff to track how many additional comments come in during the seven day extension.

#### RED LIGHT CAMERA UPDATE

Police Chief Ed Boyd said the Queen Avenue and Geary Street camera is having a direct impact on the declining number of accidents. In the first six months officers have written 601 citations at that intersection. There have been just five accidents so far in 2008, down 21 accidents last year. Staff recommends the next location for a camera be 9<sup>th</sup> Avenue and Geary Street.

Johnson said citizens have told her that the cameras make a difference and they want more of them.

Collins pointed out that the intent of the cameras is to improve safety, not to generate revenue.

Finance Director Stewart Taylor said that Municipal Court staff attended a Redflex vendor conference. Redflex is working on customer service improvements for the program. The staff reported that the improvements are encouraging and will make the process even smoother.

Executive Assistant to the City Manager Laura Hyde said, as a citizen, this program is so valuable. Many times she has almost been hit by drivers running red lights. Accidents impact insurance rates and people's lives, so the positive impact of the program is great.

Crime Analyst Pat Hurley said, we are not limited by statute to how many cameras we can have, but we are limited to eight by the contract. Right now it takes three officers to review the tapes. It does not take long provided the officers do not have to research licenses and picture data. The process is fairly smooth for both the Police Department and Municipal Court.

#### KINDER PARK PLANS

Parks & Recreation Director Ed Hodney is at the work session tonight to give the Council one more opportunity to look at the KinderPark design plans. Staff has had two meetings with neighbors; the first was attended by 10 people and the second was attended by four, which included no new people. The first meeting included comments which resulted in changes to the design. The second meeting reinforced that the park design is moving in the right direction.

Hodney described the basic composition of the park: two ball fields, a playground, parking, and paths. The question now is if everything is well positioned on the property. There are 50 parking spaces and the lot is lighted, although the fields are not. The playground is centrally located and the plaza is lighted. The lights shine straight down so will not impose on neighbors.

Hodney described the wetlands on one side and the oak tree natural area on the other side of the path. Conduit will be laid as part of construction for possible future lights poles. A pedestrian crossing will be added at the urging of neighbors. Also the sidewalk from the end of the park to the church parking lot will be connected, although it will be an engineering challenge due to the steep slope and existing drainage.

Hodney said the project is out for bid now, and there has been significant interest in the project.

Reid said it would be nice if we can coordinate with Lowe's Home Improvement to improve the streets at this park at the same time they build. Public Works Director Diane Taniguchi-Dennis said that Ping's Restaurant signed a waiver of remonstrance. We could consider a Local Improvement District (LID), but there are home owners that may not think it is fair that they participate. The street designation will also be changed as part of the Transportation System Plan (TSP), which would bring about different requirements and funding options.

Konopa said an LID is appropriate for the east side, but the improvements would provide no benefit to those on the west side. Those homes have been there for many years and the road is sufficient for them. It was the Council's consensus to have staff look into an LID and return to a future meeting with alternatives.

#### REVISIONS TO RESOLUTION GOVERNING APPOINTMENT TO CITY BOARDS

Finance Director Stewart Taylor said that this is a housekeeping issue to bring into alignment with our current practices with policy. He asked if there were any questions about the staff memo.

Konopa asked, when we create a new commission, is that in a Resolution? Hyde said that when the Council creates a Commission it can be described in a Resolution or Ordinance; if by ordinance, then it is eventually codified.

Hyde said that another clarification that will be coming to the Council is a revision to the resolution creating the Public Safety Commission. The change is that when a specific Councilor makes an appointment and that position later becomes vacant, it is the original Councilor that gets to reappoint the position, not the entire Council.

Both items are coming to the October 8, 2008, City Council meeting.

#### OREGON WATER/WASTEWATER AGENCY RESPONSE NETWORK (ORWARN)

Taniguchi-Dennis described membership in the Oregon Water/Wastewater Agency Response Network (ORWARN) to provide and to receive mutual aid in the case of an emergency. This is Oregon's response to a broader national effort to promote mutual aid agreements between agencies in light of recent disasters. There is no fee to join ORWARN. The ORWARN agreement includes a cost reimbursement provision for services. If Albany provides services to other agencies, it will be reimbursed for its cost to respond. If the City receives service from other agencies, the City will reimburse the other agencies their cost to respond. Albany has informally in the past provided limited assistance. The most recent was an agency's request for spare parts to do an emergency repair. The requesting agency has replaced the spare part that was used. Staff is asking for authorization to enter into this formal agreement.

Reid said this is similar to the mutual-aid agreements Albany has with other Fire and Police Departments. It is a step in the right direction towards cooperation.

MOTION: Reid moved to authorize the Public Works Director to enter into an agreement in the Oregon Water/Wastewater Agency Response Network. Collins seconded the motion and it passed 5-0.

#### COUNCILOR COMMENTS

Collins said he got a letter from John Hartman, dated September 15, 2008, regarding the proposed SmartCentre project. Delapoe recommended that he declare that he received the letter and enter it into the record so it will be included in the formal record that comes to the Council (see agenda file). Johnson said she got the letter as well.

Konopa said a citizen that lives on Oak Street and 11<sup>th</sup> Avenue called her. They want this street to be a one-way, otherwise they fear Lowe's customers will use their unimproved street as a short cut. She said that staff told the neighbors that the street could only be a one-way if Lowe's comes. Taniguchi-Dennis said staff will look into it.

Konopa said there is a lot to consider before Lowe's comes. She is anxious to see their plans and to make sure the correct processes are followed.

There is a joint Benton County Commissioner's meeting on October 14, 2008. They only have one hour available. Staff will look into getting a City bus for transportation.

Reid said the Linn-Benton Loop has a Lebanon bus in-house. They are doing test runs on the Lebanon-Albany-Corvallis route.

Staff noted that next week, all transit rides are free.

#### CITY MANAGER PRO TEM REPORT

Taylor said Hare will be back on Friday.

Reid congratulated Taniguchi-Dennis on earning her MBA from Willamette University.

#### ADJOURNMENT

There being no other business, the Work Session adjourned at 5:19 p.m.

Respectfully submitted,

Mary A. Dibble, CMC  
Deputy City Clerk

Reviewed by,

Stewart Taylor  
Finance Director