

MINUTES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Konopa led the pledge of allegiance to the flag.

ROLL CALL

Councilors present: Jeff Christman, Ralph Reid, Jr., Floyd Collins, Dick Olsen, Bill Coburn, and Bessie Johnson

SPECIAL PRESENTATION

Life Saving Award presentation to Heather Thorp and Corporal Stephanie Warren.

Police Chief Ed Boyd presented a medal and Life Saving Award to Corporal Stephanie Warren and a Life Saving Award to Heather Thorp for their response when Jim Iverson suffered a heart attack in a local retail store. He explained the sequence of events and congratulated them on their fast action and abilities.

SCHEDULED BUSINESS

Public Hearing

Supporting an application to the Community Development Block Grant Program (CDBG) for a Regional Housing Rehabilitation Project.

Planner II Anne Catlin explained the purpose of the public hearing is to hear from other low income programs that could be assisted by the grant and specifically to review any applications. There has been an interest to help with a Habitat for Humanity project. She explained that the regional housing funds are low and need to be supplemented. The Community Services Consortium (CSC) has asked the City to apply for \$400,000 in 2009. The CDBG funding would be used for a Regional Housing Rehabilitation Program that would make housing rehabilitation loans to improve owner-occupied housing in Albany's city limits, in Benton County outside Corvallis' city limits, and in the Lyons-Mill City area. This proposed grant is estimated to benefit 48 people, all of whom would be low or moderate-income. Catlin said that currently the City has no open CDBG grants.

Tom Hatley, 532 SW Calapooia Street, representing CSC, said the money will fund eight to nine projects. They will extend loans to make repairs to qualified home owners. The loan allows them enough funding to hire licensed and bonded professional contractors, which assures the adequate repair of substandard conditions and brings them up to community standards. The work is monitored and requires two bids. The grants require three municipalities to participate. Repayment of the loans are put back into the system and cycled through again. With the last two grants they made 19 loans, 12 of which were in Albany. With the grant they will be able to serve 18-20 households.

Konopa asked, what is the administration fee? Hatley said 20 percent, including operations and inspection. Konopa asked, with the new grant will there be the same policies? Hatley said yes.

Councilor Christman said that recently the Central Albany Revitalization Area (CARA) allocated funds for blight. He would like to see CSC coordinate locations with CARA.

Konopa opened the hearing for public comment at 7:35 p.m.

Wanda Kinney, 1231 Sherwood Place, Executive Director of Habitat for Humanity, said there is a tremendous need in the northeast area of the city, including the Eleanor Street area, for the grant funds. She explained how they would like to use different portions of the grant. Habitat has been building in the Albany community for 15 years and they have partnered with the City before. She is asking to have staff consider their participation.

No one else wished to speak.

Konopa closed the hearing for public comment at 7:40 p.m.

MOTION: Councilor Coburn moved to adopt the resolution in support of an application to the Community Development Block Grant Program for a regional housing rehabilitation project. Councilor Johnson seconded the motion.

Councilor Reid mentioned that it may draw lower income homeowners into the City.

Coburn said it sounded to him like it would help people who are already here.

Johnson said she understands what Reid is saying, but it seems so limited in scope that it would help only those already here.

Councilor Olsen asked, have these efforts been involved in the historic districts? Hatley said yes.

VOTE: A vote was taken on the motion and it passed 6-0, and was designated Resolution No. 5729.

Business from the Public

Oscar Hult, 825 5th Avenue, President of the Monteith Historical Society said that with the recent economic downturn they are unable to come up with all the funding need to put on the sesquicentennial celebration. They are \$700 short and are asking the City for the funds to cover a band and refreshments.

Management Assistant/Public Information Officer Marilyn Smith mentioned that earlier on the same day tours of the new hydro generator at the downtown Water Treatment Plant will be given.

MOTION: Johnson moved to grant the Albany Historical Society \$1,000 to support the Sesquicentennial Celebration. Olsen seconded the motion.

Christman said the Council will be getting a lot of these requests as the economy gets worse and he doesn't feel it is a prudent use of taxpayer's money.

Coburn asked, where will the money come from? City Manager Wes Hare said the budget has a community events line item and it likely would come from there.

Johnson said this is an event that happens once every 150 years.

Councilor Collins said he thinks the City should support the Monteith House.

VOTE: A vote was taken on the motion and it passed 5-1, with Christman voting no.

Valarie Peters 1185 20th Avenue, spoke to the change in the dog ordinance and said the Council should consider removing the dog ordinance altogether. There doesn't seem to be any recourse for the dog owners. What will happen to the animals, will they be killed?

D'gaye D'Addario, 2817 NW Crocker North Albany, believes the ordinance is archaic. She believes the City should have a dog license.

Jon Bill, 3810 Pacific Boulevard, a member of the Linn County Kennel Club, said that their shows generate a lot of money and most of the exhibitors have multiple dogs. In Albany a dog park is being considered and there is a new pet store in town. It is not the number of dogs that is the problem; it's the nuisance a dog creates. Responsible pet ownership is needed, not an ordinance against the number of dogs. The noise ordinance covers barking dogs.

Kevin Peters, 1185 20th Avenue, said his dogs are rescue dogs. He asked, did anyone go out and physically see or hear about the complaints? If someone just says they don't like it, then the owners have to give their dog up?

Hare explained the process for a dog complaint.

D'Addario said the only avenue dog owners have right now is to use the existing exception.

First Reading of Ordinance

Amending Albany Municipal Code 6.04.015 "Number of Dogs Permitted" by removing section (2), and declaring an emergency.

City Attorney Jim Delapoer read for the first time in title only "AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE 6.04.015 *NUMBER OF DOGS PERMITTED* BY REMOVING SECTION (2) AND DECLARING AN EMERGENCY."

Hare explained that the City had an ordinance in place for 25 years limiting the number of dogs to two for each household. After discussion the Council decided to initiate a process for more dogs if neighbors didn't object. The process is not working. He would like to do away with the process and if the Council would like to initiate another one, that is their decision.

Delapoer explained that interpretations of the dog barking law are numerous and by having a maximum number of dogs it is easier to enforce complaints.

Hare mentioned that people have good intentions, but have different ideas of compliance.

Johnson said she is against having laws that can't be, won't be, or are not enforced. She suggested getting rid of the ordinance altogether. If the police don't have the staff to enforce it, it shouldn't be there. This ordinance has been on the books for 25 years and not much has been done with it. She believes it puts too much burden on the police.

Jerry Copeland, 1030 23rd Avenue, said he had a dog that barked and ended up getting rid of it because it was annoying to him and his neighbors. One or more dogs doesn't matter, complaints are because of noise. He thinks the ordinance should be done away with as well.

Jon Bill, 3810 Pacific Boulevard, said when animal control came to his house because of a chicken, he was told about several different kinds of animals that there are more than two allowed.

MOTION: Reid moved to have the ordinance read a second time in title only. Coburn seconded the motion and it failed 4-2, with Olsen and Collins 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 February 11, 2009, City Council meeting.

Police Captain Ben Atchley clarified that the City has a contract with the County to take care of licensing and maintaining a pound for dogs.

Olsen doesn't think the number of dogs makes a difference. He said either leave the ordinance the way it presently is or get rid of it.

Adoption of Resolutions

Waiving competitive bidding and awarding a sole source contract to Zoll Medical Corporation to purchase Zoll E Series Advanced Cardiac Life Support Defibrillator/Heart Monitors.

MOTION: Reid moved to adopt the resolution of the Albany City Council, acting as the Local Contract Review Board, waiving competitive bidding, and awarding a sole source contract to Zoll Medical Corporation. Collins seconded the motion.

Coburn asked if the old units could be recycled. Fire Chief John Bradner said they will recycle portions of some and get rid of others as they are no longer sanctioned in the United States.

VOTE: A vote was taken on the motion and it passed 6-0, and was designated Resolution No. 5730.

Authorizing the purchase of property on Linn Avenue from Mike Lydon.

MOTION: Coburn moved to adopt the resolution authorizing the purchase of property on Linn Avenue from Mike Lydon, and authorizing the City Manager to sign related documents. Johnson seconded the motion and it passed 6-0, and was designated Resolution No. 5731.

Authorizing the City Manager or his designee to sign a settlement agreement with Qwest for franchise fee payments from 2000-2005 inclusive.

MOTION: Coburn moved to adopt the resolution authorizing the City Manager or his designee to sign a settlement agreement with QWEST for franchise fee payments from 2000-2005 inclusive. Reid seconded the motion and it passed 6-0, and was designated Resolution No. 5732.

Adoption of Consent Calendar

- 1) Accepting a special purpose grant from the Fred Meyer Fund for the Fire Department Safety Camp Program. RES. NO. 5733
- 2) Accepting the 2007-2008 Audit Report and Management Letter for the audit of the City's financial statements and procedures.
- 3) Adopting City of Albany Financial Policies. RES. NO. 5734
- 4) ST-09-03, directing an Engineer's Report and a Financial Investigation Report be prepared for construction of street, storm drain, and water improvements on Oak Street between Ninth Avenue and Queen Avenue. RES. NO. 5735

Johnson asked that item 4) be removed for discussion.

MOTION: Coburn moved to adopt the Consent Calendar with item 4) removed for discussion. Reid seconded the motion and it passed 6-0.

Johnson asked if the City had used trip generation for a Local Improvement District (LID) before. Public Works Director Diane Taniguchi-Dennis said that typically the City uses the length of frontage for LIDs. But, staff believes that trip generation is a plausible option. Johnson was concerned about the Parks & Recreation Departments percentage requirement with a trip generation method. Dennis said staff can come back with other methodologies.

Johnson asked if there would be a System Development Charge (SDC) as well as a LID. Dennis said that under the current Transportation System Plan (TSP), Oak Street has no SDCs. With the new TSP they could; it would be a matter of timing.

Coburn said, because there is such a variety of use in the area, he thinks it will be challenging to provide a fair methodology.

MOTION: Coburn moved to adopt item 4) of the Consent Calendar. Reid seconded the motion and it passed 6-0.

Appointments

Albany Bicycle & Pedestrian Advisory Commission.

MOTION: Reid moved to approve the appointment of Kelly Albers to the Albany Bicycle and Pedestrian Advisory Commission. Olsen seconded the motion and it passed 6-0.

Hospital Facility Authority.

This item was postponed to a future meeting.

Reports

Receiving Code Enforcement Team Second Quarter Report for Fiscal Year 2008-2009.

Management Assistant/Public Information Officer Marilyn Smith said the City has not received any applications for the Neighborhood Clean Up day, but several people have expressed interest in being involved.

Receiving Library closure and move report.

Hare said he and the architect visited the new Library along with the color consultant, Dorothy Haggerity. She will be providing ideas and suggestions in the upcoming week.

Johnson asked if the Council could be scheduled for a road trip to the new Library. Johnson asked if the genealogical society has rent-free space there. Library Director Ed Gallagher said they do, and Friends of the Library does as well.

There followed discussion regarding the selling of the current Main Library.

BUSINESS FROM THE COUNCIL

Coburn received a letter regarding the cost of leaf pickup in the City. He asked, what were the costs of the franchise agreement with Allied Waste? Dennis said a complete report will be coming to the Council probably during the first meeting in March. There will be discussion regarding equipment, funding, time, and costs.

Collins asked for the status on the falling of the trees in Fabian Estates. Delapoer said that no charges were brought and the statute of limitations has passed. Collins said he hates to see a developer benefit from an illegal action. Delapoer said no one liked the result of this case and staff is using it to refine the process. Community Development Director Greg Byrne said his staff will be considering options they have to provide the prosecutor with information that will promote the process. They are considering trying a tiering process in code enforcement so they will respond immediately to a certain tier of complaints and others will fall below them. Environmental damage is an immediate concern.

Collins will be out of the country during the February 25 City Council meeting.

Collins led a discussion regarding Resolution No. 5571 that passed last year to support the Library League in their drive to put a Library District on the ballot. Since the Library League changed their mind, Collins would like to repeal that resolution so that it is understood that the resolution was only for that election period.

MOTION: Reid moved to repeal Resolution No. 5571, "A resolution to refer the formation of the Linn Library District to the voters of Albany." Coburn seconded the motion and it passed 4-2, with Olsen and Christman voting no.

Konopa asked the Council if they would like to support the Oregonians for Working Families efforts to increase the states Earned Income Tax Credit (EITC) to 18% of the federal credit. The Council would like more information regarding the EITC.

Konopa suggested the Council have her contact the two Oregon senators to ask them to support the economic stimulus package currently being proposed in Washington DC. After discussion a majority of the Council was in favor of doing so with Christman and Reid preferring not to.

Delapoer said in order to move forward with litigation with PepsiCo, the City Manager will need to have the authority to sign contracts with the lawyers on the Council's behalf. Delapoer will also need to have authority to sign contract agreements with expert witnesses on the Council's behalf.

MOTION: Reid moved to authorize the City Manager to sign a retainer agreement with the Markowitz, Hebold, Glade & Mehlhaf, P.C., attorney firm to represent the City's interests in the legal dispute with PepsiCo/SVC Manufacturing, LLC (PepsiCo) along the lines that were discussed at the Executive Session on January 14, 2009, and to give City Attorney Jim Delapoer authority to enter into contracts on the City's behalf for the necessary expert witnesses. Coburn seconded the motion and it passed 6-0.

Delapoer suggested the Council schedule an executive session at the first work session of every month to receive updates regarding PepsiCo/SVC litigation. There was Council consensus to do so.

NEXT MEETING DATE

The next Work Sessions of the City Council is scheduled for Wednesday, February 4, at 5:15 p.m., for an update on the Transportation System Plan, and Monday, February 9, 2009, at 4:00 p.m., in the Municipal Court Room, at City Hall. The next Regular Session is scheduled for Wednesday, February 11, 2009, at 7:15 p.m., in the City Council Chambers, at City Hall.

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:53 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, MMC
City Clerk

Stewart Taylor
Finance Director