

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, February 25, 2009  
7:15 p.m.

**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., Dick Olsen, Bill Coburn, and Bessie Johnson

Councilors absent: Floyd Collins

**SCHEDULED BUSINESS**

Business from the Public

City of Springfield Mayor Sid Leiken presented the City of Albany with a gift basket filled with food items from Toby’s Family Foods in Springfield. The basket was a congratulatory gift because the West Albany High School Bulldogs beat the Thurston High School Colts in the 5A state football championship game in December. Leiken and then Albany Mayor Dan Bedore decided that the losing city would present the winner with a gift.

Adoption of Resolution

Affirming the residency requirement for appointment to certain City boards, commissions, and committees.

Councilor Coburn moved to adopt the resolution affirming the residency requirement for appointment to certain City boards, commissions, and committees. Councilor Reid seconded the motion and it passed 5-0, and was designated Resolution No. 5747.

Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) January 14, 2009, City Council Meeting
  - b) January 28, 2009, City Council Meeting
  - c) February 4, 2009, City Council Work Session
- 2) Supporting a Microenterprise Assistance Grant submitted by Willamette Neighborhood Housing Services for the Linn-Benton MicroBusiness Program. RES. NO. 5748
- 3) Certifying properties exempt from taxes:
  - a) Songbird Village. RES. NO. 5749
  - b) Periwinkle Place. RES. NO. 5750
  - c) Park Rose Properties. RES. NO. 5751
- 4) Granting an easement to PacifiCorp (Pacific Power). RES. NO. 5752
- 5) Accepting an easement from Gail June Baird. RES. NO. 5753
- 6) Authorizing the City Manager to sign an easement agreement with Linn County for extension of electrical service at Linn County’s Waterloo Park. RES. NO. 5754

Coburn moved to adopt the Consent Calendar as presented. Reid seconded the motion and it passed 5-0.

**BUSINESS FROM THE COUNCIL**

Councilor Christman thanked staff for the tour of the new Library. He commented that it was a beautiful building and would be ready to open on Monday, March 2, 2009.

Reid reported that “9-1-1” doesn’t seem to be working from City Hall. City Manager Wes Hare said it would be fixed immediately.

Hare reported that staff has been reviewing the case of several trees being illegally cut by a developer in North Albany. The statute-of-limitations had run out on that case, so the City can no longer pursue it. Also it seems the City could not have prosecuted because of language in the ordinance; specifically that there needs to be proof of a “willful violation”. Hare believes that an appropriate response wasn’t given to the initial complaint and he has asked the City Attorney to review and reconsider the ordinance. As for the specific case, he will ask the developer to consider helping with the planting of native plants in North Albany as a symbol of good will. Staff has learned from the experience. That particular cut had been issued a state permit to log.

City Attorney Jim Delapoer explained legal concerns with the current law and said he will bring back amendments to the tree ordinance. He explained some history regarding the current ordinance.

Christman asked, isn't the Tree Commission working on the same thing? Delapoer said he has received the Tree Commission's suggestions and will be working with them. There followed discussion regarding the costs of litigation and enforcement of tree ordinances.

Hare said staff had a meeting today with representatives from state agencies and five or six counties regarding the stimulus package. It is early in the game to know precisely what projects are eligible. There are some fixed principles including that projects that are ready to go will be given preference. After that meeting, they participated in a National League of Cities webcast and the City knows it will be getting \$1,000,000 in STP funds. Some projects that may be eligible are: complete the 53<sup>rd</sup> Avenue Overpass; wetlands projects; and possibly a new Fire Hall. The City still has a commitment of \$500,000 from the state (Oregon Economic and Community Development Department) for the 53rd Avenue project. The Oregon Department of Transportation (ODOT) will require closing of the Ellingson Street crossing in order to complete that project. Delapoer said having that overpass will be a requirement for any big user in the area. Hare explained that the million dollars is an entitlement. It is an increase in the STP funds. He added that the City may have access to stimulus money for the airport and transit as well.

Hare said staff met last week with representatives from W&P Railroad regarding crossing closures. He said they have indicated that part of their "Left-Hand Turn" project will include a new proposal regarding changes along Water Avenue. The Railroad said they would get back in the next two weeks with specifics. The City had discussions with the railroad about crossing closings on Main and Madison Streets as well. Staff was told if they wanted to see the "Left-Hand Turn" project completed, which would ease crossing congestion and blockages on Queen Avenue and Highway 99, the City would have to consent to closing one of the crossings on Main Street or Madison Street. The report back from the City Traffic Engineer was that neither of those crossings was appropriate to close. The new proposed changes could alter the need to close either of those crossings.

Hare said the City had filed a suit in Linn County Court for a Declaratory Judgment to impose the terms of our expired franchise agreement with Burlington Northern-Santa Fe Railroad, which is the company that owns the tracks that W&P Railroad operates on. The City had suspended activity on that in order to work out some compromise solutions. Some compromises did happen. The urgency of the case was that the City would lose development opportunities if the City didn't agree. That urgency is no longer there. The City still has issues with the frequency of trains and their speed.

Coburn asked if the dog ordinance discussion would be on March 23. Management Assistant/Public Information Officer Marilyn Smith said yes and discussion will include how much Linn County participation the Council would like. She mentioned a report on the same subject from Multnomah that she will make available to the Council (in agenda file).

Delapoer said he would be out of town during that meeting.

RECESS TO EXECUTIVE SESSION TO DISCUSS CURRENT LITIGATION OR LITIGATION LIKELY TO BE FILED IN ACCORDANCE WITH ORS 192.660 (2)(h)

The Regular Session was recessed into Executive Session at 8:04 p.m.

RECONVENE

The Regular Session was reconvened at 8:22 p.m.

NEXT MEETING DATE

The next City Council Work Session is scheduled for Monday, March 9, 2009, at 4:00 p.m. The next City Council Regular Session is scheduled for Wednesday, March 11, 2009, at 7:15 p.m.

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:22 p.m.

Respectfully submitted by,

Betty Langwell, MMC  
City Clerk

Reviewed by,

Stewart Taylor  
Finance Director