

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, June 10, 2009  
7:15 p.m.

**MINUTES**

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 7:20 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge of allegiance to the flag.

ROLL CALL

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

SCHEDULED BUSINESS

Business from the Public

There was no business from the public.

Public Hearing

Calling for the adoption of the 2010-2014 Capital Improvement Program.

Assistant City Engineer Jeff Blaine reported that they received no public comment regarding the 2010-2014 Capital Improvement Program.

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

No one wished to comment.

Konopa closed the public hearing at 7:22 p.m.

MOTION: Councilor Coburn moved to adopt the 2010-2014 Capital Improvement Program. Councilor Reid seconded the motion and it passed 5-0, and was designated Resolution No. 5781.

Adoption of Resolutions

Adopting the "Digital Image as Original" policy.

MOTION: Councilor Collins moved to adopt the "Digital Image as Original" policy. Reid seconded the motion and it passed 5-0, and was designated Resolution No. 5782.

Revising fees for Development Code provisions.

Collins commented that to be consistent with the City's commitment to the community, when the index drops, the fees should be lowered. He understands that it is a small amount and at a time when there is increased pressure on the General Fund, but he believes it is critically important to maintain that consistency.

MOTION: Collins moved to decrease the fees by the indexing amount of 1.3 percent to be consistent with the City's commitment to the community. Councilor Olsen seconded the motion.

Planner II Janet Morris said that the Council memo covered why they were not proposing a reduction in the fees. Mainly it is because the fees have been falling behind in the past few years as Planning hasn't included increases in benefits, rent, etc. Even though it is down a little bit this year, the program's goal is to try for cost recovery of 100 percent with some small exceptions.

Collins said he appreciates the Planning Division's position, but if the fees are adequate to cover the services provided, it was agreed that increases would be based on the indexing and that would include a negative index. It would be valuable to re-evaluate the fees on a regular basis, like every 2-5 years, and consider alternative methods for evaluating increases. He suggested that staff bring that forward. But, as it is now, the commitment for the annual rate increase was to be based on the indexing.

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

A revised resolution reflecting the motion will be brought to the Council for a vote at a later date.

The Council asked staff to start an evaluation of the current fees in consideration of a 100 percent cost recovery.

Adopting an Intergovernmental Agreement for Call-a-Ride paratransit service between the City of Albany and the City of Millersburg.

MOTION: Coburn moved to adopt the Intergovernmental Agreement for Call-A-Ride paratransit service between the City of Albany and the city of Millersburg. Councilor Christman seconded the motion.

Christman asked, how will Millersburg's citizens and community know the service is available? Paratransit Program Supervisor Barry Hoffman said it will be in the city of Millersburg newsletter and they have been working with them to provide other informational pieces to the community.

VOTE: A vote was taken on the motion and it passed 5-0, and was designated Resolution No. 5783.

Accepting the transfer of jurisdiction of portions of 53<sup>rd</sup> Avenue, Clover Ridge Road, Goldfish Farm Road, and Grand Prairie Road from Linn County to the City of Albany.

Public Works Director Diane Taniguchi-Dennis explained that the City has a road transfer agreement with Linn County once the roads have been brought to City standards. These roads were successfully completed projects and Linn County has initiated transfer.

MOTION: Collins moved to adopt the resolution requesting the transfer of jurisdiction of portions of 53<sup>rd</sup> Avenue, Clover Ridge Road, Goldfish Farm Road, and Grand Prairie Road, from Linn County to the City of Albany. Coburn seconded the motion and it passed 5-0, and was designated Resolution No. 5784.

Establishing rates for the collection of refuse inside the Albany city limits.

This item was postponed to the June 24, 2009, Council meeting.

Report and Adoption of Resolution

Receiving consultant's Technical Report and discussing next steps in implementation phase of Goal 5.

Planner Heather Hansen said the consultant's report represents the completion of the technical phase of Goal 5. It includes an update of the previously completed wetland and riparian corridor inventories, a more comprehensive look at wildlife habitat, and recommendations for designating "significant" Goal 5 resources. An interdepartmental team will be working on the next stage, the implementation phase. During the implementation phase, the City will need to determine which Goal 5 resources are significant and adopt measures to protect them. She presented a schedule with activities to complete the Goal 5 requirements (in agenda file).

John van Staveren, Pacific Habitat Services, Inc, provided a Power Point (in agenda file) of their report titled "City of Albany Goal 5 Significant Natural Resources, Technical Report".

During the discussion on rivers and streams Reid asked, what do you consider a fish bearing waterway? Van Staveren said if it provides fish habitat, it is fish bearing.

Reid asked, where Cox Creek comes through the south end of the airport does there need to be trees? Staveren said no, there is no requirement for the property owners to plant trees.

Collins asked, what do you do when you have conflicting rules for the same property? Van Staveren said that safety issues would win out.

Christman asked, how is a zone through a building dealt with? Van Staveren said it is grandfathered in.

Collins said, there are a lot of challenges presented in this report. The Council will need to review it extensively.

Van Staveren said they are in the process of getting a detailed map so the Council can see the impact of these policies.

Olsen asked that the Natural Resources Advisory Commission be invited to the meetings listed in the agenda. Hansen said she would do that.

Directing staff to begin the adoption process to protect significant wetlands, riparian corridors, and wildlife habitat as required by the City's Periodic Review work program.

Community Development Director Greg Byrne said passing this resolution is important as this process was started in 1997 and the state grant to fund this work, which is matched by some local monies, imposed a

condition that the City would move forward with implementation. The local funding is available for the next fiscal year so that Pacific Habitat Services, Inc. can continue to help the City with this process.

Hansen said this resolution outlining the beginning of the process was the minimum the state was willing to agree to regarding the requirement for implementation.

Byrne said that staff does not assume that this resolution will be a rubber stamp of the work done. It is to ensure that there are no further delays to beginning the Implementation Phase before the June 30<sup>th</sup> grant expiration.

Christman said it is a great report but there are things in it that he doesn't accept. He was concerned that the resolution would convey that the Council is going along with everything given in the report.

Reid said he had concerns too, but believes the resolution only fulfills a requirement of law to have acceptance and move forward.

City Manager Wes Hare assured the Council they would not be adopting the standards tonight.

Delapoer said staff is appealing our state partner.

MOTION: Reid moved to adopt the resolution directing staff to begin the adoption process to protect significant wetlands, riparian corridors, and wildlife habitat as required by the City's Periodic Review work program. Christman seconded the motion and it passed 5-0, and was designated Resolution No. 5786.

#### Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) May 7, 2009, Work Session.
- 2) Approving annual liquor license renewals.
- 3) Authorizing the City of Albany to submit an application for Oregon Safe Routes to School reimbursement funds. RES. NO. 5787

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

#### Award of Bid

##### SS-07-01, Calapooia Interceptor Replacement.

Public Works Director Diane Taniguchi-Dennis said a very good bid climate has resulted in low bids for City projects.

MOTION: Christman moved to award the contract for SS-07-01, Calapooia Interceptor Replacement, in the amount of \$523,673 to the low bidder, Pacific Excavation Inc. of Springfield, Oregon. Reid seconded the motion and it passed 5-0.

#### BUSINESS FROM THE COUNCIL

City Manager Wes Hare reported that he met with the owners of Baileys and the neighbors regarding their dispute over noise. Both parties are making a good faith effort. They have bounced around some ideas on lowering the noise and the hours of operation. Related to this concern is that staff will be bringing forward a conditional use permit for neighborhoods such as these.

#### NEXT MEETING DATE

The next Work Sessions of the City Council are scheduled for Monday, June 15, 2009, and Monday, June 22, 2009. A Joint Council meeting with the Benton County Commissioners is scheduled for Tuesday, June 23, 2009. The next Regular Session of the City Council is scheduled for Wednesday, June 24, 2009.

#### ADJOURNMENT

There being no other business, the meeting was adjourned at 8:49 p.m.

Respectfully submitted by,

Betty Langwell, MMC  
City Clerk

Reviewed by,

John Stahl  
Assistant Finance Director