

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, July 8, 2009
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Konopa opened the meeting 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

PROCLAMATION

Oregon National Guard Month Proclamation

Konopa read the proclamation proclaiming July 2009 as Oregon National Guard Month.

SCHEDULED BUSINESS

Legislative Public Hearing

DC-02-09, considering proposed amendments to the Albany Development Code (ADC) regarding Articles 1, 2, 9, and 11.

Konopa opened the public hearing at 7:21 p.m., and asked if there was anyone wanting to testify on the proposed amendments to the ADC. No one wished to testify.

Konopa said that staff had asked that the public hearing be postponed for two weeks because the proposed revisions did not print correctly on the version provided to the City Council.

MOTION: Councilor Collins moved to continue the public hearing to the July 22, 2009, City Council meeting. Councilor Reid seconded the motion and it passed 6-0.

Public Hearing

Reaffirming the water, sewer, and transportation System Development Charges (SDC); the water, sewer, storm, and street connection charges; and four special assessment fees for the North Albany Sanitary Sewer, the Lochner Road utilities, the Columbus Street Lift Station, and the North Albany Street Improvement Assurance Fee.

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

Assistant Public Works Director/City Engineer Mark Shepard said that staff was asking the Council what they would like to do with the SDC charges. It has been the Council's policy to tie any increases to these fees to construction costs as reflected in the Engineering News Record Index for Construction Costs. The current index would result in a fee increase to 0.88%. Because that increase is minor, staff has included a resolution with no increase in fees out of consideration for the current economic climate. However, if the Council chooses to increase the fees, staff will bring back a new resolution reflecting the increase.

Councilor Johnson asked, when the City raises the fees, would this year's 0.88% increase be picked up as well? Shepard said that is correct. Johnson said a small hike now might be better than adding on later.

Konopa closed the meeting at 7:27 p.m.

Collins said he would support this resolution as he figures it would potentially be around \$55 on a single family unit. It would be a symbolic gesture and the City would lose very little money. He feels the Council has discretionary authority here as it isn't linked to debt or other obligation of any kind. He feels the City should hold the line.

Councilor Coburn said he doesn't want to seem wishy-washy and thinks the Council should stick with the methodology. He believes it is a minor impact as well.

Johnson would rather do it now than two fold next year.

MOTION: Collins moved to adopt the resolution reaffirming the water, sewer, and transportation SDC; the water, sewer, storm, and street connection charges; and four special assessment fees for the North Albany Sanitary Sewer, the Lochner Road utilities, the Columbus Street lift station, and the North Albany street improvement assurance fee. The motion died for lack of a second.

MOTION: Coburn moved for staff to bring a new resolution to the next City Council meeting on July 22, 2009, that reflects the 0.88% change in the Construction Cost Index. Johnson seconded the motion and it passed 5-1, with Collins voting no.

Business from the Public

Rhea Avery, 330 24th Avenue, representing the Albany Archimedes Group, which is an organization formed by former Governor Kitzhaber to get everyone in Oregon health insurance that is affordable and available, presented a petition to the Council (in the agenda file). They are also involved in the national health care movement. She said one person dies everyday directly related to the fact that they do not have insurance. She has worked in the health care industry for 38 years and currently works for a doctor at the Corvallis Clinic. This concern happened to them personally as they had a patient die because he couldn't get insurance. His employer had dropped insurance coverage as they were unable to afford the premiums and he couldn't get private insurance because of a preexisting condition. Even if he had been accepted he wouldn't have been able to pay the costs of a private policy because he didn't earn enough money. When he became ill, he didn't have the \$4-5,000 for the diagnostic tests that he needed nor the \$10,000 for the surgery that the tests would have shown he needed. By the time he was on state assistance, it was too late. The United States is the only industrial country in the world that lets its citizens die, rather than provide them with health care. There is a desperate need for health care reform in America. That is why they are here tonight; to ask the Council's help.

Edith Orner, 2054 54th Avenue SE, said they thought it appropriate to bring to the Council the resolution (in the agenda file). They are asking the Council to pass the resolution that encourages the Oregon congressional delegation to examine all options to provide health care for everyone. Individuals and the business community are finding it difficult to deal with increasing healthcare costs. There needs to be congressional intervention. She asked the Council to adopt the resolution and forward it to Oregon's congressmen.

Councilor Olsen said he is in favor of healthcare reform and single payer insurance. He would like to postpone the decision to the next meeting so he would have a chance to read the resolution. He also mentioned that he had heard many sad stories about health insurance when he was campaigning. In particular, stories about not receiving the sometimes life saving health care they need because the care wasn't covered by their insurance. The insurance companies claiming that it was a preexisting condition.

Johnson mentioned that working in the tax office; she sees a lot of people with health problems and can sympathize with this issue. She would also like to read it over and have it come back to the Council.

Olsen mentioned that 60 percent of bankruptcies are because of health care issues.

Christman said he doesn't understand the request to hold it over. He received the resolution two weeks ago and also received a phone call. He assumed everyone else did too. He is not in favor of sending this out because he believes it is not the Council's position to do so.

MOTION: Christman moved to not support the health care resolution presented here. Reid seconded the motion and it failed 2-4, with Collins, Olsen, Coburn, and Johnson voting no.

Collins said they should consider adding a request for Congress to debate the costs, service levels, and revenue streams.

Konopa said it is just a request to the congressional representatives that something needs to change.

A majority of the Council agreed to have the resolution come back to the July 22, 2009, City Council meeting.

Jon Bell, 3810 South Pacific Boulevard, representing the Linn County Kennel Club, said he was here to plea to the Council for the limit on the number of dogs allowed per household to be lifted. He believes all parties are back to square one. He said the exemption process is still cumbersome. Don't charge responsible dog owners like they are criminals. He is afraid that people will not license dogs and therefore be in violation of the law. This ordinance may take officers away from more important work.

Jennifer Hughes, 6121 SW Warwick Place, would like to see the limit on the number of dogs lifted as well. She considers herself a responsible owner. Her dogs are not disturbing her neighbors. She continues to volunteer to collect data for the City in order to base a decision on the most up to date information. She thinks Albany has a barking problem, a roaming problem, but not a number problem.

Susan Pisia, 3406 WW Chintimini, in Corvallis, commended the task force for considering licensing dogs in Albany. She described a scenario in Calgary, Alberta, Canada that got rid of all the barriers for licensing. They got rid of limits and they enabled people who were low income to license on a sliding scale. They ended up with a much greater number of people licensing their dogs. She said that revenue can be had from licensing. License money can be used for a dog officer. The issue isn't the number of dogs it is the education of owners. The Council should consider creating information pieces on how to be a responsible dog owner. She said, educate, license, and enforce.

Lori Bell, 3810 South Pacific Boulevard, representing the Linn County Kennel Club as well, explained the advantages of having dog shows in Albany to the economy. She said if dogs are taken from the community, because of the number limit, revenues from shows will dry up. \$140,000 was brought to the community from the two most recent shows in Albany. If breeders and people who show dogs are held to a two dog limit, they will be forced to move or become criminals. As a club, they do a lot of good things. They have given over \$7,000 this year to nonprofit agencies.

Second Reading of Ordinance

Amending AMC 6.04 and requiring the licensing of dogs, regulating the circumstances under which more than two mature dogs can be kept on a single property, and establishing an animal control assessment to be imposed upon violators.

City Attorney Jim Delapoer read for the second time in title only "AN ORDINANCE AMENDING AMC 6.04 AND REQUIRING THE LICNESING OF DOGS, REGULATING THE CIRCUMSTANCES UNDER WHICH MORE THAN TWO MATURE DOGS CAN BE KEPT ON A SINGLE PROPERTY, AND ESTABLISHING AN ANIMAL CONTROL ASSESSMENT TO BE IMPOSED UPON VIOLATORS."

MOTION: Reid moved to adopt the ordinance. Coburn seconded the motion.

Olsen disagrees with that portion of the ordinance that provides for an Animal Control Assessment fee of \$100, which he called an "incentive" fee. The fee proposed would help offset animal control which is currently paid from the Police Department's General Fund allocation. He believes the fee is excessive and that there are valid reasons for having more than two dogs. Olsen said budget discussions centering on special fees have all decided that those fees should go into the General Fund and that is what he would like to see rather than it be used to offset animal control.

MOTION: Olsen moved to remove the \$100 Animal Control Assessment fee from the ordinance. The motion died for lack of a second.

Coburn feels the Council has lost sight of the concern here. The City has had a two dog limit since the mid-eighties. This topic first came to the Council because of a request for an exemption to the two dog limit. He believes the ordinance before them tonight is going back to the ordinance that was in place before the Council enacted the change for the exemption. It is like the one in place during the mid-eighties. People were able to work with that one.

Johnson said she is against the ordinance for many reasons. She is concerned about people like the Bell's who have extra dogs. What happens to them? The City doesn't get a penny of the licensing fees, they go to the counties. If the City doesn't have a limit, nothing will change. Dogs need to be licensed and the public needs to be educated.

Officer Jim Doer said if the Police are contacted it would be because of barking, dog running at large, neglect, or abuse. Linn County Animal Control is barely able to meet their funding needs. The Albany Police Department (APD) tries to educate every time they go out on a call. Doer feels that if there is no limit to the number of dogs, it opens up abuse and neglect problems. He said there is low conformance to licensing laws, but the majority of dog owners are responsible owners.

Olsen said we need to educate the public and license dogs, not fine responsible owners.

MOTION: Olsen moved to amend the motion by removing the limit on the number of dogs from the ordinance. Johnson seconded the motion and the motion failed 2-4, with Christman, Reid, Collins, and Coburn voting no.

Collins said he would consider an exemption for service dogs. Discussion followed.

Delapoer asked for clarification regarding the wording and the number of dogs per person.

MOTION: Collins moved to revise language in the ordinance to exempt service dogs, service dogs in training, and dogs temporarily referred to a person's care by a medical facility or from animal control. Olsen seconded the motion, and it failed 2-4, with Christman, Reid, Coburn, and Johnson voting no.

There was discussion about enforcement and Delapoe reminded the Council that if they put an ordinance on the books, they need to expect that officers would enforce the ordinance.

Hare said there is an historic precedence for limiting dogs. Most communities do have a limit on the number of dogs allowed.

VOTE ON THE MAIN MOTION: A vote was taken on the main motion and it passed 4-2, with Olsen and Johnson voting no, and was designated Resolution No. 5718.

Adoption of Resolutions

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

Hare said he and Collins met with Allied Waste yesterday and felt that both parties had a differing idea of what the meeting was to accomplish. Allied Waste's new proposal is before the Council (in agenda file) and Hare explained they have added a new residential category that would have a reduced service but no change in rate. The City would be losing one glass collection, lose weekly comingled recycle bin, but would gain leaf pickup.

Dave Hauser, General Manager for Allied Waste, said Hare provided a good summary of their proposal. They understand the sensitivity of a cost increase at this time.

Collins said that in the past, the Council simply accepted rate increases. Now the Council wants to exercise more responsibility. The difference between Allied Waste and the City is one of interpretation of the existing agreement. Allied Waste was coming from the point of view that they would have a rate increase no matter the situation of the economy or the City. He acknowledged the proposed increase will not give them the original increase they sought, but he is having a problem with any rate increase, considering the internal numbers the City was given. Businesses are complaining about any increases being a burden on them.

Hare said he could not support the proposed rate increases with the loss of collection that is being proposed. He asked, what kind of increase is the Council willing to recommend to the community. He believes more negotiating needs to take place. He proposed a 5 percent increase in rates, reducing the glass collection by one pick-up per month, adding the leaf collection, and leaving recycling at the same level.

There followed Council discussion regarding Allied Wastes internal accounting practices.

Coburn would like to see any future increases tied to a consumer index.

Hauser said he would agree to look at the methodology and process for raising rates.

There followed discussion regarding leaf pick up and the streets and times it happens.

MOTION: Coburn moved to direct the City Manager to continue discussion and negotiations with Allied Waste return with a proposal for a rate not to exceed a five percent increase, and include a rate certain methodology for future increases. Reid seconded the motion and it passed 6-0.

Adopting a new fines and fees schedule for the Albany Public Library.

Library Director Ed Gallagher said it had been nine years since the Library had a fee change. In the past year there was a total of 1,167 nonresident Library cards. The change would replace the tiered rate schedule with one rate that comes closer to the \$100 equivalent in taxes that an Albany resident pays. The \$75.00 charge is only applicable to nonresident library card holders.

Hare mentioned that there is a scholarship program through the Library Board available for those families unable to pay the fee.

Coburn said he likes the one card per residence concept, but feels the jump to \$75.00 is too drastic. He suggested lowering it to \$50. That keeps it affordable but increases revenues.

Gallagher said he was concerned about equity for Albany residents. Residents pay \$100 in their taxes.

Reid would like a discussion with the Greater Albany Public Schools (GAPS) regarding library service and the slack that the Albany Library has taken up since the school closed their libraries.

MOTION: Coburn moved to adopt the resolution adopting a new fines and fees schedule for the Albany Public Library and repealing Resolution No. 4439, setting the Nonresident fee at \$50.00/year, and eliminating the "Family Card", "Individual Card", and "Youth Card". Christman seconded the motion and it passed 4-2, with Reid and Collins voting no, and was designated Resolution No. 5800.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) May 11, 2009, Work Session.
 - b) May 27, 2009, City Council.
 - c) June 10, 2009, City Council.
- 2) Entering into a contract with the state of Oregon to accept an Oregon Community Development Block Grant for the Regional Housing Rehabilitation Program and entering into a related Intergovernmental Agreement with Community Services Consortium. RES. NO. 5801
- 3) Approving the following liquor licenses:
 - a) Ledgends, LLC, D/B/A Henry's at Hickory, 640 Hickory NW.
 - b) Vault 244, Inc., D/B/A Vault 244 Bistro/Lounge, 244 First Avenue SW.

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

Report

Authorizing appraisal, title report, and negotiation of price with property owner located at 2352 Front Street NE.

Shepard clarified that the address is 2352 Front Street NE. He said staff is asking for authorization to start negotiations and do an appraisal.

MOTION: Collins moved to authorize staff to procure an appraisal and title report, and to negotiate a price with the property owner for the purchase of 2352 Front Street. Reid seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Public Information Officer/Management Assistant Marilyn Smith reviewed the upcoming Council meeting schedule:

- Monday, July 20, 4 p.m. – Work Session on the Strategic Plan
- Monday, August 3, 4 p.m. – Executive Session with the Markowitz firm
- Monday, August 17, 4 p.m. – City Manager performance evaluation
- Thursday, August 27, 4 p.m. – Joint meeting with the Planning Commission to review the Transportation System Plan

Management Systems Director Bob Woods informed the Council that the City of Albany has received the *Performance Measurement ICMA Award of Distinction*.

NEXT MEETING DATE:

The next City Council Work Session is scheduled for Monday, July 20, 2009, at 4:00 p.m., in the Municipal Court Room of City Hall.

The next City Council Regular Session is scheduled for Wednesday, July 22, 2009, at 7:15 p.m., in the Council Chambers of City Hall.

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:31 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, MMC
City Clerk

Stewart Taylor
Finance Director