

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, August 26, 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., Floyd Collins, Dick Olsen, Bill Coburn, and Bessie Johnson

SCHEDULED BUSINESS

Business from the Public

Bill Root, 2634 Valley View NW, representing the North Albany Neighborhood Association (NANA), spoke regarding changing the Albany Development Code (ADC) and extensions for Tentative Plat Approvals that is scheduled for later in the agenda (written testimony in the agenda file). They believe the proposal benefits only the developer. He believes any extensions should be a benefit to the City.

Mark Grenz, representing Multi-Tech Engineering, spoke to changing the ADC. He said that staff did a good job of reviewing the proposed changes in the memo in the agenda. He believes the community will benefit from an extension process of some kind. He believes that development should move forward as originally approved. He just wants to see a process in place, especially when there have been no changes to the ADC. The last housing recession was in the 1980s, and the City ended up owning a lot of foreclosed properties, which took years to dispose of. Developers develop to make money and not for a devious purpose. He wants the City to have the ability to grant extensions.

Dirk Olsen, representing North Albany Citizens in Action, 914 NW North Albany Road, read a letter (in agenda file) regarding the proposed time extensions being added to the Tentative Plat Approval process. He mentioned that last month his group suggested several areas in the ADC that they felt needed to be revised. Because the City had a semi-annual review process, they agreed that their concerns could be addressed using this protocol. Their concerns were safety concerns. They asked, why is Multi-Tech Engineering Services being given preferential treatment when they presented their proposal to change the ADC? By fast-tracking a response to Multi-Tech's proposal, there is an appearance of doing business "in the dead of night" when many interested local parties are unaware of what is being done.

Vi Anderson, 914 North Albany Road, read a letter (in the agenda file) on the current process for development and she doesn't see any reason to change the ADC.

Adoption of Resolutions

Establishing parking restrictions within the Two Rivers Mall parking lot.

MOTION: Councilor Johnson moved to approve the resolution establishing parking restrictions within the Two Rivers Mall parking lot. Councilor Coburn seconded the motion.

Executive Assistant to the Public Works Director Irene Mann said she met with a majority of the tenants, owners, and businesses, in Two Rivers Mall. The only concern was from a Go Figure Fitness Center owner. No one else had any issues.

VOTE: A vote was taken on the motion and it passed 6-0, and was designated Resolution No. 5832.

Authorizing the execution and delivery of a loan agreement between the City of Albany and the Oregon Department of Environmental Quality in an aggregate principal amount not to exceed \$4,000,000; authorizing the creation of a reserve fund and related matters.

Utility Engineer Chip Ullstad said that the agreement had been reviewed earlier in a Joint Work Session with the city of Millersburg and the Joint Water/Wastewater Management Committee. The recommendation from that Joint Work Session was to move forward.

MOTION: Councilor Reid moved to approve the resolution authorizing the execution and delivery of a loan agreement between the City of Albany and the Oregon Department of Environmental Quality (ODEQ) in an aggregate principal amount not to exceed \$4,000,000, authorizing the creation of a reserve fund, and related matters. Councilor Collins seconded the motion.

Councilor Christman wanted the audience to know that the Council has spent hours going over this agreement and issue. They have had multiple meetings. They do not enter into this agreement casually.

City Manager Wes Hare mentioned that the advantage of having stimulus dollars available is that Albany and Millersburg will have the amenity of the wetlands project. It will provide a lot of community good.

Collins mentioned that 12 years ago it wouldn't have happened. It is a unique opportunity to have these cities working toward the same objective at the least cost. It is a co-operative effort. It has been a long and complicated process.

Councilor Olsen added that the ODEQ complimented the efforts of the two cities and he saw that as an exception from the ODEQ.

Johnson said, every opportunity to partner is a positive effort.

VOTE: A vote was taken on the motion and it passed 6-0, and was designated Resolution No. 5833.

Adoption of Consent Calendar

- 1.) Approval of Minutes
 - a) July 22, 2009, City Council.
- 2.) Accepting Oregon Department of Transportation grant funds to purchase two MPH Bee III radar speed measurement devices. [Pages 18-19] RES. NO. 5834
- 3.) Accepting wage, salary, and benefit reimbursement for Albany Police Traffic Officers from the Linn County Sheriff/Linn County Multi-unit Traffic Safety Project. RES. NO. 5835
- 4.) Approving renewal of an intergovernmental agreement with Benton County Public Works for Fire Department vehicle maintenance.
- 5.) Approving renewal of an intergovernmental agreement with the state of Oregon for regional hazardous materials emergency response team services.
- 6.) Adopting financial policies. RES. NO. 5836
- 7.) Repealing Resolution No. 5395 concerning petty cash within various City departments. RES. NO. 5837
- 8.) Adopting the FY2010-2014 Strategic Plan.
- 9.) Accepting a sanitary sewer easement from Red Canoe Credit Union. RES. NO. 5838
- 10.) WWTP-08-02, Wetlands Treatment Project, setting a public hearing for September 9, 2009.

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

Reports

Receiving 2009 Albany residents' satisfaction survey report.

Management Systems Director Bob Woods said the report is in the packet and on the website. Although there was a low response, they still believe it is a scientifically valid survey.

Christman was concerned about the survey results for bus service and senior services. He said the Council may want to consider no longer offering those services if there is a need to trim the budget in the next fiscal year. Hare said his experience has been that surveys lead to better questions and this survey had such a low response rate that it doesn't necessarily reflect what the citizenry wants. Also, since the only way to respond was through the internet, it disenfranchised a large number of citizens.

Setting dates for November and December meetings.

The dates in the agenda were acceptable to the Council.

Providing staff with direction regarding time extensions for approvals of land use applications.

Community Development Director Greg Byrne said staff researched the possibility of extensions as directed by the Council and their report is in the agenda packet.

Hare mentioned that whatever the Council decides regarding extensions, that decision process will not change the Development Code tonight.

Coburn wanted to verify that currently the City does not have a process for an extension. Planning Manager Don Donovan said that is correct. The graph on page 181 of the agenda shows the length of time available to finish a project in those cities that grant extensions. Coburn said it seems strange that Albany is the only city that does not have an extension process.

WITHDRAWN MOTION: Coburn moved to direct staff to prepare a change to the Development Code for a one-time, one-year extension and to go through the process to make that happen (Planning Commission, etc.). Johnson seconded. This motion was withdrawn.

Coburn said that his motion is not specific to any developer or planned project. The City doesn't seem to be compatible with other cities.

Byrne said staff had been considering a change. If the issue had not been raised by a citizen tonight, the City Manager was ready to raise the question. Any hint that it was done in a clandestine manner, is not true.

Christman noted that one project that is scheduled to expire is the YMCA project at Timber Linn Park. He understands that it is currently being held up at the state level. This is beyond the control of the City and the YMCA. If no extension is offered, they will have to start the process over again including paying new fees.

Delapoer mentioned that an extension process could end up being a land use process. To avoid a lengthy process for a one year extension, the Council could choose for it to be an automatic extension, by request. Donovan said unless there is a zone change or minimum lot line change.

Byrne mentioned if an immediate change in the ADC regarding extensions is driven by economic conditions and the Council wants it to be short term, a different set of criteria could be applied. It could be on a one-time basis or for a limited period of time.

Reid feels this is an individual complaint or suggestion and the Council shouldn't abandon their original plan to have six months for staff review before changes to the ADC come before the Council.

WITHDRAWING MOTION: Coburn said considering the additional information he would withdraw the motion. The seconder agreed.

Christman said it seems that multiply issues come to the Council in pieces. He would like to see some kind of extension. He likes the concept of a one-time-automatic extension of one year.

MOTION: Christman moved to direct staff to prepare for Planning Commission consideration a Legislative Land Use amendment to Site Plan, Conditional Use, Partition, Planned Development, and Subdivision Approval, expiration dates such that a one-time, one-year extension would be granted any currently pending approvals. This extension would not apply to staged subdivision approvals. Coburn seconded the motion.

Collins said there are times when circumstances are beyond any of us (like the timing issue for the YMCA), that impede a development. If a development could be of some advantage to the community, an extension should be allowed. But, he doesn't want an automatic extension for everyone. There are two levels of review to consider. Collins wants to narrow approval to only those at risk unless they went through the process involving the Planning Commission. Extensions would have to incorporate changes in the code.

Christman said the one year buys time to allow the process to take place. Delapoer explained that the motion would go to the Planning Commission and a recommendation would come to the Council for action.

VOTE: A vote was taken on the motion and it failed, 3-4, with Reid, Collins, Olsen, and Konopa voting no.

Byrne asked, would the Council like to have the Planning Commission give them advice on the staff recommendations and conclusions in the staff report?

MOTION: Collins moved to have staff refer the possibility of an extension to the Planning Commission through the normal process and have their recommendation brought to the Council. Coburn seconded the motion. Byrne explained that the normal process time is toward the end of the year.

Christman was still concerned about expiring projects.

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

Albany City Council Regular Session
Wednesday, August 26, 2009

BUSINESS FROM THE COUNCIL

Olsen wanted to revisit the health care resolution from the previous Wednesday meeting. He asked for the resolution modified by Collins to be brought back for discussion and possible adoption.

MOTION: Olsen moved to adopt the short form resolution that had been rewritten by Councilor Collins and presented at the August 12, 2009, City Council meeting. Johnson seconded the motion.

Collins said he had redrafted the resolution presented by the community group only if the Council wanted to consider the issue. He doesn't believe the Council should weigh in on this issue.

Johnson believes that the City should weigh in on this issue because it affects everyone and she has heard from several constituents concerns and stories about not being able to get insurance or being dropped from insurance as soon as a major illness occurs.

Christman said he believes the basic issue is HR3200, and based on what he read he cannot see how it will help the City to voice an opinion.

Coburn was concerned about what it was they were actually voting on. State increased health coverage to more people by increasing taxes to business. He doesn't agree with that.

Reid believes that economic health is based on small business and if they are forced to provide insurance, more will go out of business.

VOTE: A vote was taken on the motion and it failed 2-4, with Christman, Reid, Collins, and Coburn voting no.

Konopa went to the Country Coach Rally and received a thank you letter describing how much that organization liked Albany.

Hare said the resolution for the purchase of property that was discussed at the work session was on the dais for Council approval.

MOTION: Collins moved to adopt the resolution authorizing the City Manager to execute a purchase and sale agreement to allow the City of Albany to join the city of Millersburg in the purchase of real property to be used for wetland development. Reid second the motion and it passed 6-0, and was designated Resolution No. 5839.

Hare introduced Anna Reid from ICMA, who would be conducting interviews with the Safe Routes to Schools Committee. She will be here for two days.

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

The Executive Session was canceled.

NEXT MEETING DATE

The next City Council Regular Session is scheduled for Wednesday, September 9, 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 9:14 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, MMC
City Clerk

Stewart Taylor
Finance Director