

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Monday, November 9, 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

Veterans Commemoration Association representative Louis White led the pledge of allegiance.

Louis White, 38746 Nelson Lane, Lebanon, said that this would be the 56th year for the Albany Veterans Day parade. He thanked the Council for their support through the City grant. He reviewed the Veterans Day events and invited the Council to participate.

ROLL CALL

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

SCHEDULED BUSINESS

Public Hearing

CP-01-09, amending Ordinance No. 4447, which adopted the City of Albany Comprehensive Plan, by amending the Comprehensive Plan to comply with ORS 195.110, adopting findings and declaring an emergency.

Mayor Konopa opened the public hearing, explaining that it was a Legislative Public Hearing regarding Planning File CP-01-09, that would have the City enter into a Cooperative Agreement with the Greater Albany Public School District 8J (GAPS), and amend the Albany Comprehensive Plan by adding as support documents the GAPS 2009-2018 Facility Plan and the Cooperative Agreement between the City and GAPS.

Staff Report

Planner II Janet Morris explained that the purpose of the amendments is to bring the City into compliance with Oregon Revised Statute 195.110. The changes that were made to 195.110 in 2007 required that by the end of 2009 the following would have happened: GAPS would produce a 10-year school facilities plan, in coordination with the City; the City would adopt that school facility plan as part of its Comprehensive Plan; and the City and GAPS would enter into a Cooperative Agreement related to school district interests in land use planning within the City.

Councilor Collins asked, referring to adopting the agreement as a support document to the Comprehensive Plan, if the City and GAPS wanted to change the agreement, would the City have to go through the amending Comprehensive Plan process? Morris said no. The City Attorney agreed.

Councilor Christman asked, if the three items that allow a city or county to deny an application for residential development based on lack of school capacity, have to happen or is it an and/or requirement? Morris said that they all have to happen. She used a school district deciding that a new high school was needed in an area of the City because of a new development as an example, saying that when that happens they would have to work together to adopt criteria before that could be an option.

Collins asked, regarding items “(a)” thru “(c)” on page 3 of the agenda, which have to do with denial, what does “c” mean? Morris said item (c) “The city or county has considered other options to address school capacity.” is basically to assure that the city or county has documented going through a process including meeting the requirements outlined in the Facility Plan.

Community Development Director Greg Byrne stressed that this is not a part of the agreement before the Council. The school district did not request that item to be addressed at this time. Currently, it would be the City’s decision regarding requirements, not the school district’s.

Councilor Olsen questioned some grammatical errors in the agreement. Those errors will be corrected.

Olsen said on page 9 and page 10 of the Facility Plan the single bullet point at the end of paragraph “B” and the beginning sentence in paragraph “C, In addition...” doesn’t flow correctly. He believes something was left out and would like the school district to review the language again for anything that might be missing.

Olsen said that on pages 20-27, the school district has identified a long list of capital projects. Is this the result of the facilities planning exercise? Morris said she believes so, but the City didn't review at this level of the document. Olsen said he is concerned about Central Elementary School, on page 20. One of the projects is to put curtains on the stage. He doesn't believe there is a stage at Central Elementary. He identified other projects for Central Elementary that he disagreed with.

Russ Allen, GAPS Business Manager, said that is their appendix to the plan. It is a rolling document in regards to listing identified projects within the district. It was updated quickly in order to get it to the City for review. Some of the projects are left over from a few years ago. He agreed the curtains should not be in there as they do not have a stage at Central Elementary School. The projects were ranked "A", "B", and "C" to identify how critically the need was, with "A" being the most critical.

Olsen was concerned that the school is a historical district building and would prefer not to have windows, doors, or hardware replaced. He wants them to reconsider those projects and contact the City before moving forward.

Allen said the door replacements have been ranked a "B" priority and are not currently on the radar. But if the hinges and locks do not work correctly, safety of the children would be their first concern.

Collins complimented the school district saying this is something that has long been needed, in particular identifying the amount of land that they need for future schools. He would encourage the school district to identify the sites as well and secure options, because there aren't many suitable parcels within the Urban Growth Boundary. It provides the City with the ability to match up transportation planning with the need to get the kids to school. Allen said they intend to work closely with City staff.

City Attorney Jim Delapoer disclosed that he has a potential conflict of interest in school district matters. He said that he has not weighed in on this matter, but rather explained to staff that if they desire a legal review of the document, his office would provide a pro-tem lawyer.

Public Testimony

Konopa asked if anyone wished to testify on the proposed amendments. No one wished to speak.

Konopa closed the Public Hearing at 7:40 p.m.

Deliberation

Councilor Johnson said that page 16 says that the school district owns and operates the Albany Community Pool. She asked, doesn't the City operate the Community Pool? City Manager Wes Hare said that is correct, the Community Pool is owned by the school district but is operated by the City.

City Attorney Jim Delapoer read for the first time in title only "AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN, BY AMENDING THE COMPREHENSIVE PLAN TO COMPLY WITH ORS 195.110, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY."

MOTION: Johnson moved to have the ordinance read a second time in title only. Collins seconded the motion and it failed 4-1, with Olsen voting no. It takes a unanimous vote of the Council to have an ordinance read twice at the same meeting.

Delapoer explained that this ordinance will be brought back to the City Council meeting on November 18, 2009, for a second reading.

Business from the Public

Bill Root, 2634 NW Valley View, said he and his neighbors have an abundance of leaves this time of year. They are not eligible for leaf pick-up because their streets have no curbs and gutters, and the yard waste containers are picked up every other week and fill quickly. He asked the Council for help with leaf pick-up in North Albany. He was concerned about the environmental impact that smoke from burning leaf piles create as well as the fire danger. He suggested the Council request Allied Waste to pick up yard waste containers every week rather than every other week, or for them to provide a container at the recycling center for yard waste. Any additional charge could be paid by the City and the service would only be required in the fall. It is an environmentally responsible thing to do.

First Reading of an Ordinance

Amending Albany Municipal Code Chapter 7.28, Park Regulations, to establish regulations applicable to the Albany Skatepark.

City Attorney Jim Delapoer read for the first time in title only “AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) CHAPTER 7.28, PARK REGULATIONS, TO ESTABLISH REGULATIONS APPLICABLE TO THE ALBANY SKATE PARK; AND DECLARING AN EMERGENCY.”

MOTION: Johnson moved to have the ordinance read a second time in title only. Collins seconded the motion and it passed 5-0.

Delapoer read the ordinance for a second time in title only.

MOTION: Johnson moved to adopt the ordinance. Collins seconded the motion.

Parks & Recreation Director Ed Hodney said there are a number of people in the audience tonight to support this change, including members of the Parks & Recreation Commission and the Chief of Police. He mentioned that originally bikes were excluded from the Skate Park because of concern for wear and tear on the facility. Time has shown that there is no extra wear and tear.

Collins encouraged all users of the Skate Park to get along.

Olsen asked, are the bikers still working towards creating a bike park of their own? Hodney said they are still working towards that end.

Johnson said there are very few places for bikers to ride. This gives them an option.

VOTE: A vote was taken on the motion and it passed 5-0, and was designated Ordinance No. 5724.

Adoption of a Resolution

Authorizing the City Manager to execute a purchase and sale agreement to allow the City of Albany to purchase real property adjacent to the Albany-Millersburg Water Reclamation Facility as part of the entryway to the Wetlands Treatment Project.

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 purchase real property adjacent to the Albany-Millersburg Water Reclamation Facility as part of the entryway to the Wetlands Treatment Project. Coburn seconded the motion and it passed 5-0, and was designated Resolution No. 5864.

Adoption of the Consent Calendar

- 1) Approval of Minutes
 - a) October 14, 2009, Regular Session.
- 2) Accepting the Oregon Association Chiefs of Police DUII Overtime Grant. RES. NO. 5865
- 3) Accepting the federal stimulus package for Byrne Memorial Justice Assistance Grant funds. RES. NO. 5866
- 4) Approving a liquor license for Bailey’s Inc., D/B/A AJ’s Haus, 1119 and 1123 Santiam Road.
- 5) Granting an easement to PacifiCorp. RES. NO. 5867
- 6) Approving the renewal of an intergovernmental agreement with Oregon State University for the sale and disposal of surplus and forfeited property.

Olsen asked for items 4) and 6) to be pulled for discussion.

MOTION: Councilor Coburn moved to adopt the Consent Calendar with items 4) and 6) pulled for discussion. Johnson seconded the motion and it passed 5-0.

Olsen asked, if the business named in item 4) was the same Bailey’s that resides on Elm Street? Hare said yes, but they are not moving. It is a second business for them.

Olsen asked, regarding item 6), if he has something stolen would he be able to contact the City of Albany Police Department and get it back or would he have to wait for this sale? Police Chief Ed Boyd said he could get it back by contacting the Police Department, he need only report the item stolen with some identifying marks. Discussion followed using stolen bikes as an example.

MOTION: Olsen moved to adopt items 4) and 6) of the Consent Calendar. Collins seconded the motion and it passed 5-0.

Award of Bid

MS-09-01, Albany Transportation Center – Multimodal Phase III.

Collins asked if the two nonresponsive bids, were substantially nonresponsive. Public Works Director Diane Taniguchi-Dennis said yes, the two companies didn't submit the necessary documentation. They are experienced businesses; they knew the requirements.

MOTION: Collins moved to award the contract for MS-09-01, Albany Transportation Center – Multimodal Phase III, in the amount of \$801,861.50 to the low responsive bidder, Greenberry Construction of Corvallis. Coburn seconded the motion and it passed 5-0.

BUSINESS FROM THE COUNCIL

Hare reported that the Energy Forum was well represented with community leaders. Hare said he would be leaving for Ethiopia the weekend after Thanksgiving and would be back on December 22.

The scheduled Executive Session was canceled.

NEXT MEETING DATE

The next City Council Work Session is scheduled for Monday, November 16, 2009, in the Municipal Court Room of City Hall, at 4:00 p.m.

The next City Council Regular Session is scheduled for Wednesday, November 18, 2009, in the Council Chambers, at 7:15 p.m.

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:11 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, MMC
City Clerk

John Stahl
Assistant Finance Director