

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, November 18, 2009
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Konopa called the meeting to order at 7:17 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

Communication

Accepting Steve Pensinger's resignation from the Albany Bicycle & Pedestrian Advisory Commission.

MOTION: Councilor Collins moved to accept the resignation of Steve Pensinger and send a letter of thanks for his service to the City. Councilor Reid seconded the motion and it passed 6-0.

Business from the Public

Michael Quinn, 4455 Sunset Ridge Drive, said that the city of Medford is considering putting a moratorium on System Development Charges (SDCs), including infill type projects. He would like a temporary moratorium on SDCs in Albany as well. He also asked about an Affordable Housing Task Force. Konopa said a task force is taking shape and should be starting at the beginning of next year. Quinn mentioned a local task force that used to meet with the previous Building Manager and asked for the Council to consider that as well.

Collins asked, if fees are placed on a moratorium does the cost of a house go down? Quinn said he had reduced his selling price when fees were waived before.

Collins said there should be a direct linkage regarding the reduction of fees and the price of housing.

Second Reading of Ordinance

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.

City Attorney Jim Delapoer read for the second 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: Reid moved to adopt the ordinance. Collins seconded the motion.

Councilor Johnson asked if there was language in the agreement for the City to change any decision, if the school district objected. Hare said the agreement doesn't bind the City to abide by a decision of the school district; it only requires that the two entities seek participation of each other when making plans. Basically, it says that the City will work with the school district in a collaborative way. Because the City and the school district already have a collaborative relationship, it will not change how we do business. Hare said the City can't delegate its decision making authority.

Community Development Director Greg Byrne said the school district would not be able to impose a moratorium on development based on the agreement before the Council. It only commits the two entities to work together. A good example of that was the purchase of land for the most recently constructed elementary school in east Albany.

Collins said he supports this being part of the Comprehensive Plan. Defining the type of acreage for various school projects is a tool for long range planning that both the district and the City will benefit from. He has not seen the school district work in a collaborative way before. He appreciates their efforts.

VOTE: A vote was taken on the motion and it passed 5-1, with Councilor Olsen voting no. The ordinance was designated Ordinance No. 5725. Olsen explained that he objected to the plans for the Central Elementary School building that were included in the agreement, specifically that they would be contrary to the historic nature of the building. He asked staff to monitor any changes.

First Reading of Ordinance

Levying assessments against property specifically benefited by sewer and water connections and the assessment of sewer, water, transportation, and parks system development charges for property described as Tax Lot 05801, Parcel 11S-03W-18AA, and site address 2287 Hill Street SE; and declaring an emergency.

City Attorney Jim Delapoe read for the first time in title only "AN ORDINANCE LEVYING ASSESSMENTS AGAINST PROPERTY SPECIFICALLY BENEFITED BY SEWER AND WATER CONNECTIONS AND THE ASSESSMENT OF SEWER, WATER, TRANSPORTATION, AND PARKS SYSTEM DEVELOPMENT CHARGES FOR PROPERTY DESCRIBED AS TAX LOT 05801, PARCEL 11S-03W-18AA, AND SITE ADDRESS 2287 HILL STREET SE, AND DECLARING AN EMERGENCY."

MOTION: Collins moved to have the ordinance read a second time in title only. Reid seconded the motion and it passed 6-0.

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

MOTION: Reid moved to adopt the ordinance. Johnson seconded the motion and it passed 6-0, and was designated Ordinance No. 5726.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) October 26, 2009, Work Session.
 - b) October 28, 2009, Regular Session.

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

BUSINESS FROM THE COUNCIL

Coburn reported that they held the first meeting of the group that is looking at the environmental impact of the project on Interstate-5, from Spicer Road to the Jefferson off-ramp. The meeting was mostly organizational. They will meet once a month for a year.

Collins reported that he and Konopa attended the Willamette Criminal Justice Commission and received a report on juvenile crime in Benton County. There were compliments to the Albany Police Department by that group for the low juvenile crime rate in the City of Albany. Most of it can be attributed to having Resource officers in the schools. Prevention is more successful than dealing with the crime later.

Konopa said as a result of the Council action at the beginning of the meeting, there is a vacancy on the Albany Bicycle & Pedestrian Advisory Commission. Konopa has provided a copy of an application for the Commission from Juanita Eggers, which was received earlier in the year. Konopa recommended that the Council approve Eggers' appointment to the Bicycle & Pedestrian Advisory Commission.

MOTION: Reid moved to approve the appointment of Juanita Eggers to the Albany Bicycle & Pedestrian Advisory Commission. Olsen seconded the motion and it passed 6-0.

Konopa said she received a request from Portland & Western Railroad asking for a letter of support for their Connect Oregon III "Albany Terminal and Centralized Traffic Control Project" application (in agenda file).

Transportation Systems Analyst Ron Irish said his understanding of the project is that it would be automating the switching improvements on the rail corridor through Albany, concentrating on the P&W line but involving both yards. It would improve the efficiency of the line, which would have some benefits to the Albany street system.

City Manager Wes Hare said the City was assured several months ago that a left turn project planned by P&W would take a fair amount of tracks out of Water Avenue. The last he heard was that they were going to hold off until Connect Oregon III was approved before proceeding with the left turn plan. Now it appears that the plan has disappeared and is a dead issue. Irish said there were two components to that plan. The first phase was to make it easier for trains to come across the river from the Corvallis direction into Albany and make a left turn towards Millersburg, and improve the Lafayette Street track to Millersburg. That project ended up being part of Connect Oregon II, for about \$8,000,000, and is under construction right now. The benefits of that project are a

reduction of blockages at the Queen Avenue crossing. The second phase was a left turn off of Lafayette Street down onto Water Avenue. That portion of the strategy would have eliminated the track in Water Avenue, a couple of blocks west of Lafayette Street all the way back (east) to the city of Millersburg. The Oregon Department of Transportation (ODOT) Rail and P&W decided to wait for Connect Oregon III to fund and develop the project. Before that could happen, ODOT Rail got involved in the High Speed Rail Corridor Study and the Lafayette Street project got dropped.

Hare said he was frustrated with the lack of follow up on the railroad's part, but he supported the Connect Oregon III project.

Olsen said he heard that they may use Water Avenue for a high speed rail line. Hare said the City has objected to that. If that objection was heard, is not known.

Olsen said if the study suggests that Water Avenue should be used instead of the current station area, than it would be hard to change that direction. He would like the Council to be on record objecting to such a change.

MOTION: Olsen moved to direct staff to create a resolution objecting to the idea of bypassing the current railroad station and putting a high speed rail on Water Avenue. Coburn seconded the motion and it passed 6-0.

Regarding the Connect Oregon III letter request Collins said, considering the history the City has with them, he doesn't mind supporting their request but wants to condition it. He suggested the Mayor contact them to say the Council will support their Connect Oregon III application but in return the Council wants from them a letter from their President stating they will go back to working on the prior commitments they made to the City. Those commitments include the short piece of rail track off of the Lafayette Street track onto Water Avenue.

MOTION: Collins moved to authorize the Mayor to execute a letter of support for the requested Connect Oregon III project, subject to receipt of a letter from Portland and Western Railroad stating that they will pursue within the next 12 months their prior commitments to the City, including reinstating the Lafayette Street/Water Avenue connection. Reid seconded the motion.

Konopa said she wasn't sure there was time to meet their deadline for support if the Council requests a letter from them. Collins said, that is there problem. They need to know that the City is frustrated.

Johnson asked, how can this be accomplished given the time limits? Delapoer explained that the City would email a copy of the approved motion to Portland & Western Railroad, saying that if they can provide the City with the required letter by a time certain, the City would be happy to provide the letter of support.

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

Konopa said she had a call regarding the red light intersection. The caller was concerned about his insurance going up after receiving the ticket, which he says he shouldn't have received. She would like a report on the program. Police Chief Ed Boyd said the Police Department would be giving a report in January. Olsen would like to have the number of accidents that have resulted because of illegal right turns included in the report.

Hare provided information regarding his schedule while in Ethiopia (in the agenda file) to the Council.

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

The Regular Session was recessed into an Executive Session at 8:15 p.m.

RECONVENE

The Regular Session was reconvened at 9:25 p.m.

NEXT MEETING DATE

The next meeting of the City Council is a Work Session, on Monday, December 7, 2009, at 4:00 p.m., in the Municipal Court Room, at City Hall.

The next Regular Session of the City Council is on Wednesday, December 9, 2009, at 7:15 p.m., in the City Council Chambers, at City Hall.

Albany City Council Regular Session Minutes
Wednesday, November 18, 2009

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:25 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, MMC
City Clerk

Stewart Taylor
Finance Director