

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Council Chambers
Monday, March 23, 2009
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:00 p.m.

ROLL CALL

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

Councilors absent: None.

BUSINESS FROM THE PUBLIC

John Byrne, 705 6th Avenue SW, wanted to speak to the Willamette River crossing item and the request for \$100,000 for the study. Konopa suggested he wait to speak under that agenda item.

Sue Piasias, Corvallis, addressed the dog exemption. She said she does not know the history of the exemptions but thinks the process for the application and obtaining an exemption was cumbersome, time consuming, and counter productive to good community relations. It would be interesting to see the letter that went out to homes within 300 feet of the applicant's residence. She advocates keeping the exemption, but the process should be changed.

Piasias addressed the limit on the number of dogs. She said, it doesn't really make a difference. If a dog is barking, we already have good nuisance laws and anti-cruelty laws. The problem is that they are not being enforced due to a lack of law enforcement personnel. Albany just doesn't have enough money. She proposed that the dog limits be eliminated. This would bring out those with multiple dogs who are scared because they think they will get caught. They won't even license them because they have more than two; so no one gets the licensing revenue. Responsible dog owners should be licensing their dogs. There are some who will not speak up, because they have more than two dogs. They are involved in rescue organizations, dog events, and dog shows.

Piasias said a good document for the Council to review if they are considering dog limit in an effort to increase licensing and revenue, is the Calgary, Canada model. The national average for dogs which are licensed is 25%; Calgary's statistic is over 80%. Piasias can get the material for the Council if they want to review it.

Norene Cartwright, Portland, said that when reading the City's web page, she was not able to connect the dots. It doesn't make logical sense. According to the web page, only one exemption has been issued; yet somehow by removing it, it will solve the 1,500 per year nuisance complaints. It said that 40% of dogs are taken to the Linn County shelter, but it did not say if Albany is contributing a disproportionate number. All the shelters are outdated so Albany's situation is not unusual. According to the web page, there was only one exemption granted, calls are up, Albany is short staffed, and has no money to pay for animal enforcement. She asked, aren't there any licensing fees now? Also, for six years Linn County has not been paying \$10,000 to Albany for dog enforcement. She asked, why not? What is being done to deliver on the public safety levy's promise? Albany promised certain things when they convinced the citizens to vote for this levy. Also not on the web page was what the percentage of the 1,500 nuisance calls per year come from homes that own more than two dogs, which are the only homes that the exemption applies to. Commonly, the calls result from the one or two dog owners who do not practice good dog husbandry. Changing the exemption is not going to change the ineptitude of the citizens who do not understand good husbandry. She went to her first dog show in 1962, and back then more people had more experience and understood animals are animals, not humans. The attitudes towards dogs have changed a lot, and a part of that is that the average pet owner does not know how to control or contain their dogs.

Cartwright suggested that instead of formally lifting the exemption, the Council put a moratorium on it for six months to one year and that they do not accept any more exemptions until it is worked out. They should leave the current exemption in place. Then they should incorporate education and the other things that Calgary has done. She will participate in work studies if the City wants her to and would be glad to help out. There a lot of folks who will want to help make the ordinance work for everyone.

Councilor Bessie Johnson distributed an article titled "What is a Limit Law" by the American Kennel Club (see agenda file).

Public Information Officer/Management Assistant Marilyn Smith passed out an email from Sam Peters that indicated he does not support the two dog limit.

DOG CONTROL REGULATIONS

City Manager Wes Hare explained that the limit began with an effort to provide some relief to Albany's historic limit of two dogs, which has been in place for 25 years. It was prompted by someone who wanted to own more than two dogs so the City provided them with the exemption and wanted to make sure we used a process to contact neighbors to make sure they would not object. The problem we encountered is that the neighbors almost always did object. This leads to a double penalty for owners of more than two dogs: first, the citation for the extra dog(s) and second, the application for the extra dog(s) is generally denied. His only suggestion to the Council is that the current system is not working. The City needs to do something different. City staff and Linn County staff have been meeting to discuss options and their recommendations are in the staff report. Lebanon has had a two dog limit for a long time, and other cities have no limits at all.

Hare introduced Police Sergeant Curtis Hyde and Deputy City Attorney Matt Jarvis in the audience.

Hyde said he worked with Smith on the staff memo. The main problem is that dog control is much bigger than the issue of a two dog limit. The Council should look at dog control as a whole, before lifting the limit.

Councilor Floyd Collins asked, of the 1,200 calls, what kind of calls are they? Hyde explained the data is not categorized to that level. The calls are all types of dog related calls, including barking, lose dogs, menacing dogs, etc.

Councilor Ralph Reid asked, did the Albany Police Department (APD) respond to all 1,200 calls? Hyde said, not necessarily. If a dog has tags or an implanted chip, they will try to return it to the owner. But if it does not, and the pound is full, then they do not respond at all because there is nothing they can do.

Councilor Bill Coburn asked, what is the history of the \$10,000 that Linn County contributed? Hare said, their costs for maintaining the pound has increased so they kept the money in order to operate it. He clarified that the City does not license dogs or get the revenues; Linn County does. Hyde said about 75 percent of the dogs in Albany are not licensed. He said the Linn County Commissioners report that about 90 percent of dogs in the county are not licensed.

Coburn asked, can APD call Linn County to pick up a dog? Hyde said they only have two employees that provide services for the entire county. They simply cannot handle 1,200 more calls per year. APD picks up the slack when they can because if they did not, Albany citizens would suffer. Hyde stressed the importance of addressing the problem as a whole before lifting the two dog limit.

Johnson thinks the public needs to be educated. Give people a grace period, perhaps two months, to get their dogs licensed; then once it expires start enforcement. She does not think it is unreasonable to require folks to license their dogs. If the limits were removed, then folks would not be afraid to license. She thinks there is a need for a task force to work together and figure out a revenue stream.

Konopa agrees with Hyde that the City should look at the whole dog control issue before lifting limits. She is concerned that if the task force does the work, the Council might choose to not endorse it, much like what happened with the eight months of work by the task force on cats.

Councilor Jeff Christman said he is opposed to giving the task force the authority to implement their plans without the Council having the opportunity to review their recommendations first. He is curious what other cities do.

Hyde said Albany has a nuisance ordinance to address animals at large, biting, and chasing; a noise ordinance for barking; and there are state laws which cover neglect and abandonment. All of these laws are applicable independent of the number of dogs.

Jarvis said, we have a robust set of laws in the Albany Municipal Code and he can't think of any additional laws that need to be in place. The issues arise because Linn County has been mandated by the state to license, so any solutions Albany comes up with would have to go hand in hand with Linn County's process.

Hare agrees we don't lack laws; rather, we lack enforcement. If the Council lifts the limit it would create more calls and would allow those who are not good dog owners already to keep even more dogs. Lack of revenues and staffing is the problem.

Hyde said APD rarely get calls about folks having more than two dogs. Calls are usually for nuisances. APD has become reactive, not proactive, in this area. By keeping the two dog regulation, officers have a tool to apply if they find too many dogs.

Pisias thinks creation of a task force is essential, and the City and County working together is essential. She asked that folks who are actively involved in the dog community be included, such as kennel club members, dog sports members, and farmers. They are resources who will know what is going on at the national level. Also the City could put together a fact sheet of Albany's rules and combine it with a brochure from the coalition of dog groups about how to be a good dog owner and a good neighbor. There are lots of easy solutions.

MOTION: Coburn moved to form a task force based on the recommendation in the staff memo.

Albany City Council Work Session
Monday, March 23, 2009

Konopa asked if there was a second.

Collins asked, does the motion include representation from Benton County on the task force?

Coburn said he is comfortable with the Mayor choosing the task force participants.

Konopa asked if there was a second.

Coburn called for the question.

Olsen said, I would like to propose an amendment to get rid of the limit on the number of dogs until we have the task force discussion, because there are people who will use dog limits to just get back at their neighbors.

AMENDMENT: Olsen moved to amend the motion by removing the limit on the number of dogs until there is an outcome from the task force.

Konopa asked if there was a second to the amendment.

Coburn said, I called for the question, so point of order. He said, we need to vote. Konopa said, we don't have to vote on calling the question. In all due fairness, if someone else wants to bring something up, then we need to respect that.

Konopa said, there is no second to the amendment so it dies.

Collins said he supports what Olsen was suggesting but thinks we need to give APD something to enforce.

AMENDMENT: Collins moved to amend the main motion by increasing the two dog limit to four while the task force is in deliberation. Olsen seconded it.

Olsen said, this amendment would allow folks to take in foster dogs.

Johnson asked, did we get rid of the exemption at the last meeting? Konopa said no. Johnson asked, does this action include the exemption?

Hare said, the Council could express their intent today to increase the limit, but staff would need to bring that back in an ordinance if the Council votes in favor of this amendment.

Collins said he is comfortable clarifying this amendment to include having staff bring back an ordinance to amend the existing ordinance.

Olsen asked Jarvis, can the Council pass a motion that we won't enforce an ordinance for a certain amount of time? Jarvis said yes, the Council could direct that we delay enforcement.

Collins withdrew the amendment. He prefers to deal with the main motion first. The seconder was agreeable to the withdrawal.

VOTE: A vote was taken on the main motion to form a task force based on the recommendation in the staff memo. The motion passed 4-3 with Olsen, Christman, and Reid voting no.

Collins said he wants to give direction, not make a motion. Collins direction is for the City Manager to bring back an amendment to the ordinance to change the number of dogs allowed from two to four, during the duration of the time the task force is meeting.

Konopa asked if there was a second (to Collins' direction). Olsen seconded it.

Collins explained that his direction is symbolic for those citizens who didn't know there even was a limit, so they don't feel they are breaking a law that just isn't being enforced. He said, it is a symbolic motion.

Coburn prefers a moratorium to selecting a specific limit.

Olsen withdrew his second. He said he will second a motion for a moratorium if someone makes that motion.

Konopa asked if another Councilor would second Collins' motion. There was none. The direction/motion died for lack of a second.

MOTION: Coburn moved to call a moratorium on the number of dogs allowed while the task force meets and makes a recommendation. Olsen seconded the motion.

Johnson is concerned that if we don't put a time limit on the moratorium, it may go on for too long.

Christman agreed and explained that that is the reason he voted no. He said there doesn't seem to be enough direction for the task force and any specific time limits. He is interested in involving other agencies, although he is not interested in including people who are outside the city limits. He thinks the task force is a good idea, but hopes they deal with more than just the limit to the number of dogs, and that they deal with inside the city limits only. He is not interested in addressing the dog problems that other cities have: he wants the task force to focus on Albany's dog issues.

Coburn said he is comfortable with the Mayor choosing participants for the task force in a timely manner. He pointed out that the Council could always rescind the moratorium at any work session if they feel it is taking too long.

VOTE: A vote was taken on the motion to call a moratorium on the number of dogs allowed while the task force meets and makes a recommendation. The motion passed 5-1 with Reid voting no.

WILLAMETTE RIVER CROSSING REFINEMENT PLAN

Transportation Systems Analyst Ron Irish explained that a new bridge over the Willamette River from North Albany to I-5 to relieve traffic congestion in the downtown corridor could not be included in the TSP because it would not be built by 2030, the planning horizon. Both the Oregon Department of Transportation (ODOT) and Oregon Department of Land Conservation and Development clarified that only projects in this planning horizon could be included in the TSP in order to conform with their rules. Instead, it was agreed to add a Highway 20 corridor study to the TSP to address the congestion issues in the downtown corridor and the potential for a new bridge over the Willamette River. Recently staff was contacted by Oregon Cascades West Council of Governments (CWCOG) regarding a Transportation Management Grant (TMG) they are applying for. CWCOG plans to do a regional study of a bridge to serve traffic traveling from Corvallis to I-5. CWOG has asked Albany to provide a portion of the required matching funds. Albany's share would be \$100,000 and up to \$25,000 in staff time. Irish asked if the Council is willing to send a letter of support for the grant and to provide the match in the event the grant is successful.

John Byrne, 705 6th Avenue, said he saw the general proposal two years ago. The bridge would have connected to Elm Street. He protested it then, and was told that it was not really going to happen. He said, the bridge would not be for Albany traffic and there is no reason for Albany to ruin our streets so others can drive on them. They are talking about replacing a bridge in Corvallis, but there is no reason for Albany to be interested in a bridge. He said, we are not interested. We already have too much traffic traveling Lyons Street and Ellsworth Street from Albany to Corvallis. He said, if ODOT wants to build a bridge to Millersburg he would have no say in the matter, but they should not build through Albany. Corvallis is not even helping to pay. He asked, why is Albany putting our money on the line to destroy one of our oldest neighborhoods, reduce our tax base, and add to our traffic congestion? The time to stop this is now, and not with more money. He urged the Council to say no to a bridge crossing to Albany. If another jurisdiction wants to cross the Willamette River, it should be up to them. This kind of thinking has destroyed lots of cities. He urged the Council to tell them no.

Konopa explained that we are going to be forced to make improvements eventually. Albany will have to pay at some point, and we will want others to participate in the cost too. The \$100,000 being asked for is relatively small compared to the cost to Albany if an alternate route to I-5 is not identified. The study could also result in promoting alternatives to a bridge such as mass transit, flexing work hours of local employees, etc.

Byrne reiterated his position. He feels we should not spend money on the study: but if we do, the objective should be clear that we are going to protect Albany neighborhoods and not put a highway through them.

Coburn said, this bridge should be ODOT's responsibility. He is not in favor of providing financial support for the study. Konopa said, that ODOT will not do anything unless it is part of Albany's TSP. It is actually an ODOT grant that will fund the majority of the \$369,000 study.

Hare said he agrees with much of the discussion thus far. He doubts he will see a bridge built in his lifetime. But, we do have an existing problem with another community using our streets to access I-5, so there is merit in studying alternatives. The question is, should we take advantage of the state giving us money to look at a problem that already exists, and a problem that we have been talking about for some time?

Reid described ODOT's plan to put three lanes downtown. He said, the point of doing this study and finding alternatives is so that ODOT doesn't eliminate all of the downtown parking so they can move cars down Ellsworth Street and Lyons Street to Pacific Boulevard and Santiam Highway.

Olsen asked, who will be making the appointments to the steering committee and the technical advisory committee? Irish said CWCOG will assign representatives of local government to the committees. So far Albany is the only agency that has expressed interest in contributing financially to the study.

Christman asked, why are the other agencies not participating financially? Is it lack of money or lack of interest? Hare said, Albany perceives this as a problem because we don't want the route cutting through our community. We already have a problem with commuter traffic and the current plan is not one we are happy with. In other words, we have the strongest interest. Also, the cost of a bridge is so great that it is unlikely to be constructed anytime soon. The principal value of participating is to evaluate options and hopefully, we could identify options that would remove the need for a bridge. The value for Albany is a greater ability to have our interests represented in the study's results.

Public Works Director Diane Taniguchi Dennis said, by participating in the discussions now we can plan for the future. We all don't want to see our downtown parking removed and we don't want to build additional capacity on Albany streets simply for the benefit of the Highway 20 corridor traffic generated outside of our urban growth boundary to get to I-5. We need to begin the planning for future generations so that when a new bridge is needed in 30-50 years, we have developed a good foundation for that to occur.

Irish said it could take 25 years from the time the study is completed to when the bridge is actually built. Salem is a perfect example: they have been examining the need for a bridge for 25 years and are just now beginning to get serious. But if they had not started 25 years ago, they would not be at this point now. With this study, in 25 years we could prove the need for the bridge. We have made assumptions about traffic flow, but this study will validate those assumptions.

Hare stated, Albany's participation would at least offer reasons to consider other traffic relief, such as putting money into transit instead. By participating we could ensure that other options were at least explored. For Albany's long range planning, he thinks participating in the study is the right thing to do.

Collins said, if we do nothing and the Crescent Valley area expands, they too will travel through Albany. If we don't have a reasonable and logical solution, our downtown will be bottlenecked. Either way we will be living with the consequences, so he prefers we be proactive, not passive.

MOTION: Collins moved to authorize the Mayor to provide a letter of support to the Oregon Cascades West Council of Governments for the Willamette River Crossing Plan and Reid seconded it.

Christman asked that we stress to the other stake holders that Albany is more than just a participant: we are helping to pay for the study whereas they are not, even though this affects the entire valley. Albany is the only one paying for it, yet the others will have the same level of input. Konopa agreed to convey this principal very strongly.

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

REQUEST FOR WATER SERVICE OUTSIDE CITY LIMITS

Taniguchi-Dennis said the Linn Benton Community College (LBCC) Equine Facility that is located outside of the city limits is asking for approval to extend a public water main in 53rd Avenue. LBCC has grant money that will pay for the extension. In order to allow extension outside of the city limits, they have agreed to sign an irrevocable agreement. This property is inside the urban growth boundary.

Coburn said, for the record, I support selling water to anyone who wants to pay for it. He is aware of the City's policy restricting access to water and is opposed to it. He is in favor of LBCC's request.

MOTION: Collins moved to authorize water service outside the city limits to the Linn Benton Community College Equine Center on 53rd Avenue. Olsen seconded the motion and it passed 6-0.

LEAF COLLECTION & STREET SWEEPING REPORT

Assistant PW Director/Operations Manager Mike Wolski explained that when Allied Waste's (AW) five-year contract was set to expire this year, staff conducted a bid for leaf collection and street sweeping. Only two bids came in: Allied Waste and Water Truck Services. Wolski said, as described in the staff report, even the lowest bid came in far higher than staff anticipated based on the bid five years ago plus an 11.68 percent increase to account for higher fuel and other costs. The bids did not include management costs of about six hours a week, or \$12,000.

Based on the anticipated bid results, staff budgeted \$172,500. The lowest bid was more than the budget by \$42,000 or 27 percent. Based on the significant unanticipated higher bid costs, City staff began an evaluation of the scope of services to evaluate whether possible changes to the schedule and route could result in lowering the costs.

Wolski said staff conducted a second bid for leaf collection only. This time, AW didn't respond and Water Truck Service's bid increased to \$99,000. At that point it was decided to have City crews pick up leaves. The City borrowed equipment from another city but the equipment was too old and broke frequently. Most of the leaf pickup was achieved with a back hoe and dump truck, which was not efficient as it took several dump loads for one city block. The clean up was also delayed while street crews hung Albany's traditional holiday ornaments in December. Leaf pick up was delayed further following a cold snap when crews were called out to sand icy streets and then clean the sand up following the thaw.

Wolski said, Albany has become used to a high standard of leaf removal compared to other cities that have none. Corvallis' leaf removal is part of their franchise agreement, but residents in other cities generally sweep leaves themselves and use yard debris carts for disposal.

Wolski believes City crews could do it quicker and with less overtime if they had the proper equipment.

Collins asked if the deliberation on this issue could be delayed until Wednesday, March 25. The Council agreed.

Collins left the meeting at 6:06 p.m.

Albany City Council Work Session
Monday, March 23, 2009

Wolski continued the presentation. He described the raw cost summary and the two options identified in the staff report and the average cost to pick up leaves.

Reid thinks Albany's estimated costs should include administrative overhead. Wolski described the difference between the City's administrative overhead used to follow-up on the AW contract and AW's overhead costs to administer the contract.

COUNCILOR COMMENTS

Coburn would like to have Police Chief Ed Boyd explain APD's pursuit policy at a future work session, as a follow up to the accident that occurred last week near Costco.

Johnson said the event at the bike park was attended by about 30 people. She was not able to attend but the article in the newspaper described the successful event.

Reid would like the Council's permission to attend the National League of Cities (NLC) Conference subcommittee meetings for the Transportation Infrastructure Steering Committee. Senator Ron Wyden, Senator Jeff Merkley, and Congressman Peter Defazio will be attending as well. The Committee will be meeting three times this year: Florida in May, Washington DC in September, and San Antonio in November. Reid distributed estimated travel budgets to the Council (see agenda file).

Konopa met with Senator Merkley and was invited to the Corvallis Town Hall. The President of LBCC also attended. Konopa advocated for wetlands projects and will be meeting with Wyden and Defazio in the near future.

Konopa apologized to Coburn for not allowing a vote when he called for the question during the dog control subject. She said she thinks when active dialogue is in place and there is an audience, it is important that discussion is allowed to continue.

CITY MANAGER REPORT

Hare said staff is working on the Strategic Plan. In the past it was based on and adopted by calendar year. The focus will not be on new ventures, but rather how to maintain high quality services in a challenging financial time. The plan is to provide core services and core service levels.

Hare will be out of town from April 14 to 28.

ADJOURNMENT

There being no other business, the Work Session adjourned at 6:22 p.m.

Respectfully submitted,

Mary A. Dibble, MMC
Deputy City Clerk

Reviewed by,

Stewart Taylor
Finance Director

G:\Mary\CCWorkSession\2009\ccwks 03-09-09.MTS.doc