

CITY OF ALBANY  
CITY COUNCIL (WORK SESSION)  
Municipal Court Room  
Monday, June 8, 2009  
4:00 p.m.

**MINUTES**

**CALL TO ORDER**

Mayor Sharon Konopa called the meeting to order at 4:02 p.m.

**ROLL CALL**

Councilors present: Councilors Bill Coburn, Floyd Collins, Dick Olsen, and Ralph Reid, Jr.

Councilors absent: Councilors Jeff Christman and Bessie Johnson

**BUSINESS FROM THE PUBLIC**

There was no business from the public.

**ALLIED WASTE RATE AND SERVICE CHANGES REQUEST**

Allied Waste (AW) Operations Manager Kevin Hines introduced General Manager Dave Hauser. Hines drew attention to the memorandum and financial information in the agenda packet. He reviewed the request for a rate adjustment which, he said, is largely due to leaf collection and cost increases.

Hines said that the commingled recycling program is working. About 79 percent of customers are setting out the commingled cart on a weekly basis and this has lowered revenue from the garbage service. Per the City's request, leaf collection within the City limits is included in the proposed cost increase. Leaf collection service represents an increase of \$0.21. The total requested rate increase is about \$1.90 per residential customer.

Hines said that there has been a slight increase in disposal fees and a drastic change in commodity prices over the last year. All commodity markets are down since the commingled recycling program was rolled out. He reviewed efforts to try to minimize costs and keep rates down, including rerouting in residential areas, a change to a four-day work week, and implementation of standards to keep routes as efficient as possible. Hines said that he realizes that this is a difficult time to ask for a rate increase with the current economy, but the increase is necessary to continue to invest in trucks and equipment. He noted that the 2008 projected net income was 7 to 8 percent; the 2008 actual net income was about 4 percent.

Konopa said that this request puts the Council in a tough spot. She noted that the Council held down the cost of water rates in trying to look out for the consumer.

Councilor Floyd Collins asked what would happen to the request if the City worked with AW to use indexes to take away some of the uncertainty of variables like commodity and fuel costs. Hines asked if this would mean that monthly rates would fluctuate. Collins said that the Council represents the consumer. If the City reduces risk for AW, then AW should be able to reduce its rates. It may result in a different way of packaging rates, but it would be in a way the consumer could understand.

Councilor Bill Coburn asked why commodity prices are low. Hines said that much of the recycled product went to the Beijing Olympics. When that project finished, they stopped buying materials. Even if prices rise again, there is enough inventory that it would take awhile to see increased income.

Collins asked staff to comment about the proposed \$0.21 increase for leaf collection. Public Works Director Diane Taniguchi-Dennis said that staff was expecting to see about \$0.14 to \$0.15 per month based on Allied Wastes previous bid amount to remove leaves and the estimated number of accounts. The \$0.21 per month increase seems high. The City is not geared up to do leaf collection and to do so on a long-term basis would require the purchase of new equipment. From her perspective, doing the leaf collection as part of solid waste collection is more efficient.

Coburn asked if this is an annual increase request. Hines said that there was a rate increase in 2008 and 2006; there was not one in 2007. City Manager Wes Hare noted that part of the increase last year was due to implementation of the commingled recycling program.

Hare asked what would happen if the rate increase is not approved. Hauser said that the company would have to do an evaluation of revenues, which are down because of commodity sales and customers who have switched to smaller carts. He said the company wants to be sure it can provide the level of service to the City that it has in the past and have a reasonable rate of return.

City Attorney Jim Delapoer said the City provides the franchise with the exclusive right to garbage collection and, in return, AW gives up the right to unilaterally raise rates without Council approval. The Council is not obligated to

approve this request from AW for a rate increase. If an impasse is reached, AW is not obligated to provide services and the Council could look for another vendor or negotiate a reduced level of service.

Collins asked if there are other vendors available. Delapoe said staff has not investigated other vendors. Hauser added that AW has a reduced rate at the landfill due to volume. Coffin Butte landfill is owned by AW and it sets rates based on volume and commitment.

Councilor Dick Olsen asked how much of the total for management services goes to corporate CEOs, etc. Hauser said the total is a combination of local, regional, and corporate employee costs. He said he could provide a breakout another day.

Coburn said that he is struggling with approving a 10 percent increase, considering the City budget, salary freezes, etc. Hines said that the company underestimated some of the costs of the commingled recycling program and had assumed they would be able to add glass to the commingled carts this year. This has not been possible and an extra route must be run to pick up glass. Hauser said that a possible service reduction could be to discontinue glass recycling or reduce glass and used motor oil pick up to once a month instead of twice. He could not say what the reduction in cost would be. It was noted that customers could take glass to the recycling depot.

Konopa asked if rather than running a separate truck, the recycling truck could pick up glass and put it in a separate section of the truck. Hines said that it is more efficient to run a separate truck than it would be to have the driver of the commingled recycling truck get out and empty glass into a separate section.

Collins said that this request does not require a public hearing, but he asked if there is a way to get public input. Hare said it would be difficult to get reliable citizen satisfaction information back in two weeks time. This has not been a question on the citizen survey.

Coburn said that he would like to look at options for a possible reduction in rates for reduced services.

In response to concerns from AW about timing, Hare said that AW could provide options for the June 22, 2009, Work Session and the Council could make a decision at the June 24, 2009, City Council meeting.

#### ACCEPTING GIFT OF PROPERTY FROM OAK CREEK LLC

Parks & Recreation Director Ed Hodney drew attention to his memorandum and attached map in the agenda packet. He reviewed the areas owned by the City and areas conveyed to the City in 2004 as part of a wetland mitigation agreement approved by the Division of State Lands (DSL). The DSL is not satisfied with the efforts of Oak Creek Park LLC related to the wetland mitigation agreement and will require additional land to be set aside. Oak Creek Park LLC now wishes to donate an additional 12 acres to the City as part of the wetland mitigation. This area is shown on the map as Tracts H and K. All of the donated parcels are zoned Open Space. If the City Council has no objections, staff will work on the conveyance instruments and return to the Council for formal action later this month.

Konopa asked if there would be any fees or costs associated with accepting this property. Hodney said that he does not foresee any cost associated with managing the property other than perhaps occasionally having to clean up a dump site.

Hare said that he lives in the neighborhood and can give some local insight. The area is used a lot by local residents, including children who build forts and do other activities that the City would probably want to encourage. Hodney added that the properties labeled H and K will not be enhanced as wetlands; they are essentially forested properties and the City will not be responsible for improving them.

Olsen asked if the City is prevented from using the area as an improved park. Hodney said there is already a nature trail around the subdivision. He does not anticipate the City doing any additional development.

#### EXTENDING CALL-A-RIDE SERVICE TO THE CITY OF MILLERSBURG

Airport & Transit Manager Guy Mayes introduced Paratransit Program Supervisor Barry Hoffman. Hoffman reviewed the request to enter into an Intergovernmental Agreement (IGA) to extend Call-a-Ride service to the city of Millersburg. Interim service has been provided to a client from Millersburg to provide her transportation to her work place in Albany. The city of Millersburg has asked if the City of Albany would extend service on a trial basis for the fiscal year starting July 1, 2009. Millersburg would reimburse Albany \$11.62 on a per ride basis. Passengers would pay the same \$1 per ride that Albany passengers pay. It is estimated that the IGA will generate up to an additional 500 rides per year once it gets going. Staff will present this at the next regular Council meeting for action.

Konopa asked if there has been any interest from Tangent for a similar agreement. Hoffman said that he has not talked with Tangent about this. If this IGA is successful, a similar agreement with Tangent could be pursued.

Hare expressed appreciation to staff for their efforts. He said that there was a situation where someone in Millersburg clearly needed the service; this agreement means that Albany will no longer have to subsidize that service.

Councilor Ralph Reid, Jr. said that he has talked to some in Tangent who think this service is needed and to others

who think it is not. He noted that Millersburg originally said the service was not needed there. He expressed appreciation to staff for coming up with an agreement that Millersburg is comfortable with. He said that he would like to review this in one year to see what the actual costs are.

Collins said this is an example of two jurisdictions working together for the benefit of the common good.

#### POLICY ALLOWING DIGITAL IMAGES TO SERVE AS ORIGINALS

City Clerk Betty Langwell said Deputy City Clerk Mary Dibble would give a staff report regarding the proposed Digital Image as Original (DIO) Policy scheduled for action at the June 10 Council meeting.

Dibble said that local government's obligation for records retention has changed due to advances in communication technology and concerns for sustainable practices. She reviewed the Albany Records Information Management (RIM) program, an important piece of which is the RIM Coordinator. Current City policy describes the use of digital images and electronic records for records retention, but does not allow them to take the place of a paper document. If the budgeting authority (the City Council) gives permission, the state will allow a digital image to take the place of a paper document for nonpermanent records following approval of the DIO policy by the state and adoption by the agency. DIO cannot be applied to permanent records. The proposed policy will allow staff to recycle certain paper records after they are scanned into Laserfiche. This will save paper, ink, storage space, and staff time. Albany would be only the third city in Oregon to implement this policy, following Springfield and Lake Oswego.

Konopa asked if this policy would apply to past documents. Dibble said that approval of the policy would allow for the paper copy of many of the documents that have been scanned into the system to be recycled. Langwell noted that this would not apply to permanent documents such as Council meeting minutes.

Olsen asked what would happen if the computer burned up. Langwell said that there is a policy in place that requires backups to be kept offsite.

Reid asked if electronic files can be directly retained without being printed. Dibble said the internal policy allows for record retention for two years or less in Outlook, Excel, or Word. Under the proposed policy, nonpermanent records that need to be retained for longer than two years could be converted to digital format. The goal is to print only what needs to be printed.

Langwell said that one of the key components of the program relates to the technical clerk who scans the documents. That position is currently housed in the Building Department due to the backlog of Planning and Building Department documents that needed to be scanned at the time that the position was filled. When the City Clerk's Office lost its contract with an outside scanner, an agreement was negotiated that Citywide documents would be scanned by this employee. The work load has since increased and, as part of this program, the responsibilities will also increase. Staff is suggesting that the position be moved from the Building Department into Central Services.

Hare said he is supportive of this request. It will not change the number of personnel, but will move this employee from one fund into another.

Konopa asked that this transfer be included in a written report for Council's consideration on June 10.

#### REVISIONS TO ALBANY MUNICIPAL CODE RELATED TO DOGS

City Attorney Jim Delapoe reviewed the request to consider amendments to the Municipal Code to require dog licensing within the City limits, to reestablish a limit on the number of dogs allowed per property, to create a process for allowing exceptions to the limit, and to establish an animal control assessment for violations of the animal code which would create a source of revenue to offset animal control costs. He noted that this issue began with a discussion of how many dogs a person could have without an exemption. He reviewed the work of a City task force around this issue. The proposed ordinance requires that citizens license their dogs. It maintains the current two dog limit and allows for an exception for up to four dogs, if the owner has not been convicted of any prior animal violations and pays a \$50 fee. The fee is estimated to be for cost recovery only. In an attempt to shift some of the burden of animal control funding from the general tax base, the ordinance proposes a \$100 assessment be added to any animal violation conviction.

Sergeant Curtis Hyde thanked the Council for allowing his input on this issue. He said that dog control is a frustrating issue. There have been increasing calls and a lack of resources. Linn County used to pay the City for doing animal control in the Albany City limits; those payments stopped several years ago and last year, the county told Albany Police that they will charge the City for any dead animals the City picks up. The City takes about 1,200 dog calls per year and does a great job at dog control. If the City stopped doing dog control, the citizens would lose.

Hyde said that the two-dog limit is a tool that can be used for enforcement. The proposed ordinance retains that tool but allows for exemptions for responsible owners. It documents dog owners through licensing and mandates a revenue source for animal control activities.

Delapoe said that the two-dog limit and exemption for up to four dogs is his recommendation. Task force members had a range of recommendations regarding limits. He feels that requiring people to license dogs would generate

revenue for Linn County and create a better system overall. Konopa noted that Safe Haven was in support of requiring licensing in order to create a better facility and allow dogs to be kept longer.

Collins asked if there would be an exception for visiting dogs. Hyde said that he would like to leave that as a judgment call on the part of responding officers who could choose not to cite someone based on the totality of the circumstances. Delapoer said that he could write a definition of “keeping” that excluded temporary care; for example, if a dog was licensed to a third party and was visiting for no more than three weeks at a time.

Olsen said that he likes the concept of “innocent until proven guilty”, which this policy does not afford. He asked how citizens would know about these new rules. He said that he has found dogs playing along the canal and he would hesitate to call the police under this ordinance because it would mean that the dog owner would become a law breaker. Hyde said that the officers would use discretion; if it is a one-time offense, owners would likely not be cited. He said officers are adept at determining whether someone is a good pet owner. Olsen questioned the idea of not ticketing one person, but ticketing another for the same offense. Delapoer agreed and said the Council should not approve regulations that it does not want enforced.

Konopa led a review of the ordinance. There were no comments about Section 1.

Regarding Section 2, Coburn said that he is fine with the proposal; he supports the work of the task force.

Reid said that he would prefer a maximum exemption of three dogs.

Olsen said that he does not support this; he would like people to be presumed innocent until proven guilty. He stated that, if this ordinance is passed, he would like for people to start with a clean slate and for past violations to not count.

Konopa said that Safe Haven seemed to support the proposal. They were concerned about people with previous violations and expressed that they want responsible dog owners.

Olsen said that he does not support a special assessment going to the Police Department.

Collins said that he is willing to adopt the ordinance and see if it works. It could be revised in the future if needed. He suggested that it be brought to a vote at the Council meeting.

In response to an inquiry from the Mayor, Reid said that he would probably support a four-dog maximum limit rather than pick apart the proposed ordinance. Reid asked about the possibility of a City of Albany dog license. Hyde noted that state law stipulates that counties are the governing bodies for dogs. Konopa stated that a City dog licensing program would require the City to get into the shelter business. Collins said that he would not support the City going into the shelter business when it is unable to meet some of its other fiscal responsibilities.

Delapoer will revise the ordinance, adding a definition of “keeping” as discussed. Delapoer said that the assessment was an attempt to address the concern that there is not a revenue generating vehicle for dog enforcement. It can be removed from the ordinance, if the Council does not support it.

Coburn requested a list of the task force members. Staff will provide that.

#### REQUEST TO APPLY FOR REIMBURSEMENT FUNDS FROM-SAFE ROUTES TO SCHOOL

Assistant City Engineer Jeff Blaine reviewed the staff request for authorization to submit a reimbursement application to the Oregon Safe Routes to School Program to fund construction of about 2,000 linear feet of sidewalk improvements on the north and south sides of Gibson Hill Road. The project is in the Capital Improvement Program (CIP) and this request will come before the Council for action on June 10.

Hare added that Safe Routes was formed about three years ago and one of the reasons it was formed was to have access to these grants. If successful, this would be the first grant received. Another grant application involves funding for a half-time Coordinator position.

Collins noted past public comment regarding the need to be aware of sight distances. He asked that sight distance be considered as this moves forward.

Reid asked if the Coordinator position could be combined with the City’s ADA Coordinator position to make one full-time position. Building Official Melanie Adams said that the City’s ADA Coordinator is currently funded as a full-time position. Hare added that he thinks the Safe Routes to School Coordinator would work best as a school district employee. Preliminary discussions with the school district are to have a current half-time physical education teacher take on this responsibility, assuming that the grant is successful.

#### COUNCILOR COMMENTS

Collins thanked the Council for its patience while he was out of town. He is glad to be back in Albany.

Konopa said that she attended a motor home rally at the Linn County Expo. There was a wonderful turnout with about

550 motor homes. The rally will be a national event next year, to be held in Redmond. She hopes that they will come back to Albany the following year. These rallies bring a lot of money into Albany.

#### CITY MANAGER REPORT

Hare said that there was a noise complaint about Bailey's over the weekend. Police went out, though no citations were issued. He briefly reported on a neighborhood meeting regarding noise and parking problems. The Elm Street Zone is a unique place, he said, and staff does support a revision of the Development Code through the normal process to require a conditional use permit for this particular use in that neighborhood.

#### ADJOURNMENT

There being no other business, the Work Session adjourned at 6:14 p.m.

Respectfully submitted,

Teresa Nix  
Administrative Assistant

Reviewed by,

Stewart Taylor  
Finance Director