

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, July 28, 2010
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

Konopa led the pledge of allegiance to the flag.

ROLL CALL

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

Absent: Bill Coburn

SPECIAL PRESENTATION

Albany Visitors' Association (AVA) Report

Jimmie Lucht, AVA Executive Director, reviewed their accomplishments from last year and presented a PowerPoint (in agenda file). He mentioned new and ongoing tours, trails, and programs.

Councilor Johnson commented that the AVA has made big strides in the eight years she has been on the Council.

SCHEDULED BUSINESS

Communication

Accepting Ellen Hamill's resignation from the Arts Commission.

MOTION: Johnson moved to accept the resignation of Ellen Hamill from the Arts Commission and send a letter of thank you for her service. Councilor Collins seconded the motion and it passed 5-0.

Public Hearing

Determining the assessments against properties specifically benefited by the removal or cutting of noxious weeds and vegetation pursuant to the provisions of the Albany Municipal Code Sections 7.84.160-7.84.180, providing for the docketing of assessments as city liens, and declaring an emergency.

Finance Director Stewart Taylor gave a brief overview regarding the levying of assessments for last summer's (2009) fire season.

Open the public hearing

Konopa opened the public hearing at 7:35 p.m.

No one wished to speak.

Close the public hearing

Konopa closed the public hearing at 7:35 p.m.

City Attorney Jim Delapoer read for the first time in title only "AN ORDINANCE DETERMINING THE ASSESSMENTS AGAINST PROPERTIES SPECIFICALLY BENEFITED BY THE REMOVAL OR CUTTING OF NOXIOUS WEEDS AND VEGETATION PURSUANT TO THE PROVISIONS OF THE ALBANY MUNICIPAL CODE SECTIONS 7.84.160-7.84.180, PROVIDING FOR THE DOCKETING OF ASSESSMENTS AS CITY LIENS, AND DECLARING AN EMERGENCY."

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

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

MOTION: Reid moved to adopt the ordinance. Councilor Christman seconded the motion and it passed 5-0, and was designated Ordinance No. 5743.

Delapoer explained that ordinances regarding grass abatements continue to be a concern for everyone. They can be for high grass or a fire danger. Staff's practice is to continue to talk to property owners and encourage them to mow the offending property themselves. It is generally enforced on a complaint basis. He reviewed some history of grass abatement as it pertains to Albany.

Business from the Public

Warren Harrington, 2326 Holley Place, spoke regarding the donation for the natural area on Thornton Lake. He was concerned that Albany has donated \$1,000,000. He said he hasn't seen any plans, etc. for the natural area. He was concerned that there wasn't enough thought put into the decision. He objected to the money being used for this purpose.

Johnson commented that mixed messages have been sent to the public regarding this issue.

Jeff Soash, 2550 Collingwood Street SE, was concerned about his water bill. He felt it was disproportionate to the sewer bill. He said 80% of the bill is for flat charges and only 20% is for usage. This type of billing offers no incentive to reduce water usage. He said he is not concerned with the water usage charge, he would like his flat rate reduced. City Manager Wes Hare will review his bill and meet with him.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) June 23, 2010, City Council Regular Session.
- 2) Annual liquor license renewals.

MOTION: Collins moved to adopt the Consent Calendar as presented. Johnson seconded the motion and it passed 5-0.

Appointment

Appointing Bodie Dickerson to the City Tree Commission.

MOTION: Collins moved to appoint Bodie Dickerson to the City Tree Commission. Councilor Olsen seconded the motion and it passed 5-0.

Reports

Receiving Code Enforcement Team Fourth Quarter Report for Fiscal Year 2009-2010.

Management Assistant/Public Information Officer Marilyn Smith said that this year they spent only half of their budget. She mentioned that the City Attorney had established a docket priority in Albany Municipal Court for junk and trash citations since these complaints directly affect neighborhood harmony and livability. Most who receive junk and trash citations clean up in less than 30 days and the citations are dismissed.

Johnson said, regarding item #1, 3216 Geary Street, that she received a call from the owner, who lives in Bend, asking if there was a way to no longer be charged with water and sewer since he doesn't live there. Johnson asked, if no one is living there, is there a base charge? Hare said that they can ask to have their connection terminated. But if they do that, they need to understand that there will be a cost to reconnect later. He suggested that questions such as these be routed to him.

Smith commented that people contacting her should include their name and a way to contact them for follow up and if more information is needed.

Reid asked, regarding item #31, 3016 Grand Prairie Road SE, with the difficulties on that particular property why is the City just citing and closing the case? Smith said "closing the case" is a Police term that means they are no longer actively pursuing it. It is now in the hands of the courts.

Ermine Street fence.

The Council received a letter from the Barr family regarding keeping the Ermine Street path closed (in agenda file).

MOTION: Johnson moved to retain the temporary fence that closes the pedestrian path at Ermine Street and 36th Avenue SE. Collins seconded the motion.

Johnson said she had talked to the neighbors in the area. It is not perfect, there are still problems, but over all they are pleased.

VOTE: A vote was taken on the motion and it passed 5-0.

Industrial Wetlands update and next steps.

Pam Silbernagel, Community and Economic Development Planner II with the Oregon Cascades West Council of Governments (CWCOG) reported that they have been working with eight partner cities in Linn and Benton Counties, including the City of Albany, and the state of Oregon, to improve development readiness of industrial lands. Most property has wetlands on it. The biggest impediment to industrial development appears to be the uncertainty and time required by a prospective industry to move through wetlands analysis and permitting requirements. Most industrial land seekers want to locate within a six month to one year period. The partners recognized that they need to find a way to move through the permitting process and mitigation process. Recognizing that wetlands do provide important storm water retention, filtration, and other natural system benefits, the partners have been trying to find a way to retain these wetlands functions and values while also allowing industrial development to occur. The group has identified two tracks that they would like to actively pursue. They are identified in the brochure *Executive Summary – Regional Industrial Wetlands/Wetlands Mitigation Project* (in agenda file). She said they could move a group of about 20 sites through a regional permitting process. The regional permit would provide industries about 70% certainty of wetlands requirements and also significantly reduce the time required for an industry to complete the final wetlands permit steps. Also, a joint approach to wetlands mitigation banking for at least the industrial sites that move through a regional permit process appears to be a cost-effective and efficient approach to providing another 10-20% certainty for prospective industries.

Silbernagel said CWCOG is asking for a commitment to work together to establish a wetlands mitigation bank and appoint two elected officials, a representative and an alternate, to serve on a work group. They also would like a staff representative. The representatives will report back to the Council within three months with information. The funding window opens in January. They need to work through this fall.

Collins asked, is the focus public use or public development for private purpose? Silbernagel said the focus has not yet been formulated. It will be one of the questions for the work group.

Collins asked, will this group be approaching the state to change the rules? Silbernagel said they are not yet sure. It has been talked about. That may not be possible because of federal regulations.

Christman asked if outside agencies were participating, specifically businesses with a lot of knowledge and experience with this issue. Silbernagel explained that it was limited to the eight partners in the group because it is their money. They specifically asked the state not to participate in discussion or debate, but the public is welcome. They will have open meetings. Christman encouraged the work group to ask for outside input because there is a lot of knowledge and experience available.

Johnson asked if the Pepsi property would be included. Silbernagel explained how the five year window helps and the certainty of banking credits. Hare explained how wetlands mitigation takes place.

It was the Council consensus to have Planning Director Greg Byrne, and Councilors Collins and Olsen represent Albany.

PepsiCo settlement allocation.

Collins will bring his motion from the Monday meeting back for a vote at the next Council meeting where there is a full Council.

Christman said he wanted discussion on the main objectives for the use of the money to be a priority. He was concerned that when the Council has a discussion there is a public perception that the money was being designated.

MOTION: Christman moved for the City Council to set five (5) objectives: City funds reimbursement, economic development, capital projects, reduction of debt, and LID/CARA loans. Collins seconded the motion.

There followed discussion regarding defining the categories and projects. Christman wants to have projects designated under categories without any money attached. Collins would like any remaining balance to be used for a multiyear strategy. Christman agreed.

Olsen said this gives the Council a chance to look into the future to encourage economic development.

VOTE: A vote was taken on the motion and it passed 5-0.

Christman handed out a list he had compiled of projects that fit in the objectives (in agenda file). The Council reviewed the list. Christman said, the piece deliberately left off is the dollar amounts. He wants to see discussion first, and then dollar amounts. He said they need to conceptually agree on the projects before spending the money.

Collins agreed, but would like all six Councilors present when discussing these issues. Christman agreed.

This item will be brought back to the next regular session. Councilor Coburn is expected to be there.

Olsen added that he would like the extension of 53rd Avenue as an Urban Renewal District added to the list of projects.

There was discussion regarding the Risk Management Fund and Collins explained to the audience the difference between allocating money and spending money.

Johnson spoke in support of this plan.

BUSINESS FROM THE COUNCIL

Johnson mentioned that the Service Employees International Union (SEIU) will be having their General Council meeting at the Linn County Expo Center.

Johnson said she received a letter from FISH of Albany (in agenda file) regarding permit fees and asked if anything could be done to help. The Mayor and other Councilors also received the letter, but staff did not.

Olsen spoke to the FISH issue and the requirements of the Building Department. Community Development Director Greg Byrne will review the letter. The Council agreed to refer FISH to staff.

Reid will be out of town until Tuesday.

Konopa said she received an email from Public Works Director Diane Taniguchi-Dennis stating that the contract for water meter reading services was advertised in the *Albany Democrat Herald* (in agenda file).

Hare wanted the Council to be aware that the City is not watering all of the parks. They have cut back on watering this year due to limited resources. He has heard from a gentleman that it was leaving a bad impression of Albany. The Council will probably hear more complaints.

Konopa said she thinks that the Public Works Director might have a solution regarding watering the parks.

Smith distributed a list of National Night Out events.

NEXT MEETING DATE

The next scheduled City Council Work Session is Monday, August 9, 2010, at 4:00 p.m., in the Municipal Court Room, in City Hall. The next scheduled City Council Regular Session is Wednesday, August 11, 2010, at 7:15 p.m., in the Council Chambers, at City Hall.

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:20 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, MMC
City Clerk

Stewart Taylor
Finance Director