

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, October 27, 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., Dick Olsen, Bill Coburn, and Bessie Johnson
Councilors absent: Floyd Collins
Guest Councilor Mike Huycke

SCHEDULED BUSINESS

Business from the Public

Takena Street traffic issues.

Kathy Lyons, 1229 SW Takena Street, had concerns about the street between Queen Avenue and 12th Avenue. It is a very narrow street and some of the properties have no driveways. The neighbors are mostly growing families as the older residents sell their homes and move. There is also very little room for the school bus. With this growing children population they have several concerns about child safety and the only safe place to park is on the curb.

Lyons said that several motorists are treating the street like a main thoroughfare by exceeding the speed limit. This puts parents and children in jeopardy of being hurt. She related a story about a little girl almost getting hit while playing among the parked cars. She said they had a speed sign that is no longer visible and believes it is on school property. The neighborhood asked the Council to move the speed limit sign so it is more visible, for both sides of the street and create speed bumps (like on Marion Street). The neighbors on Takena Street want to keep children and families safe.

Councilor Reid asked, did you live there before parking was allowed? Lyons said she has lived there for seven years. When she purchased the house the neighbors told her parking on the curb was allowed.

Councilor Coburn asked, did you say some houses do not have a driveway? Lyons said yes, some do not, but some have very short driveways. When multi-car families move in, there is nowhere for them to park.

Coburn said from the picture the Council has, it appears people are parking on the sidewalk. Lyons said there is some extra room before the sidewalk and that is what they are parking on.

Guest Councilor Huycke asked, would safety bumps encourage neighbors to park off the sidewalk? Lyons said no, there is not enough room for parking. The street was not built for everybody to have a car.

Tammy Houchin, 1540 Takena Street, said they raised four kids and got tickets for parking outside of their own home. Her family has been given tickets on multiple occasions and went to the Police station and they have been dismissed.

Mary Kolseth, 1530 Takena Street, said they have a large truck and a Honda car. Both vehicles do not fit in their driveway. They can't park on the west side of Takena Street from 9:00 a.m. to 3:00 p.m. When they have company they have to park on 12th Avenue. It would be nice to be able to park in front of their own home. She is hopeful that something can be worked out.

Jeff Houchin, 1540 Takena Street, said his family lives in his grandmother's house and has been there for years. He is concerned about emergencies. A fire truck would not make it down the street unless the cars are parked on the curb.

City Manager Wes Hare said that there seems to be a legitimate issue here. It is a narrow street and he believes people slow down because they have no choice because of the narrowness of the street, which is a traffic calming strategy. He agrees the 1976 Resolution seems to give the neighbors the right to park on the curb. It seems unfair to ticket them. There needs to be some permanent solutions. He would suggest having the Traffic Safety Commission deal with the issue.

City Attorney Jim Delapoer gave some legal background of what Councils have done. Resolution No. 1790 was passed June 9, 1976. Delapoer read the following:

“WHEREAS, the Albany Parking and Safety Commission has met for study and recommends the following action be taken.

NOW, THEREFORE, be it resolved by the Mayor and the Albany City Council that the following recommendations be adopted:

1. That parking be allowed over the curb and on the 2' parking strip to continue to allow parking on both sides of Takena Street between Queen and 12th. Avenues.
2. That parking be eliminated for 20' back from the properties of both Queen and Takena Streets at this intersection.
3. That parking be eliminated on the east side of Pacific Blvd. from 34th Avenue southerly for 350 feet.

DATED this 9th day of June, 1976.”

Delapoer said it does seem to give authority for the residents to park on the curb. But there is a City ordinance stating that a vehicle cannot park on the curb or sidewalk. A resolution can't trump an ordinance that says you can't park on sidewalk or curb. There is also state vehicle law to consider. In 1999 this issue came before the Traffic Safety Commission and the Council with no resolution for the neighbors. He concurs with the City Manager's recommendation. When there is a resolution of the issue the Council may need to amend the ordinance.

Councilor Johnson remembers that neighbors didn't want high-schoolers parking in the area. She asked, how are we going to change the ordinance without giving the high-schoolers the option to park there as well?

Police Captain Ben Atchley said years ago they addressed the possibility of allowing the neighbors to park with special stickers. But that idea was not used.

Public Works Director Diane Taniguchi-Dennis said that Public Works would be willing to work with the neighbors, the Police Department, and the schools to resolve the issue.

Transportation Systems Analyst Ron Irish provided an overhead map of Takena Street for the Council.

Councilor Christman said there is more than one issue here. He asked, what is the process for speed bumps? Irish said there is an application process that the neighborhood would start and the City would measure speed and volumes of traffic. The neighborhood would then be involved with a traffic calming plan. If a majority of the neighborhood approves the plan, it would go forward. The cost for the process is generally split, 50/50, between the City and the neighborhood. Irish said Takena is about a quarter mile long from Queen Avenue to 12th Avenue. The right-of-way is 40 feet. Curb to curb it is between 24 to 26 feet wide, which is narrower than the skinny streets they are building in new subdivisions and one of the reasons there is a problem here. It is a school bus route. When cars are parked, even when they are parked on the curb, there is essentially one lane down the middle. Although most of the lots do have driveways, they tend to be single car driveways and garages. If there is more than one car, it will be on the street. There is a long history of the street going back and forth to the Traffic Safety Commission. In the past the concerns have been parking with spill over of the high school students parking on the street. Because the school district has expanded their parking area, it may be that the concern for the high-schoolers parking is gone. The difficult issue now is parking on the sidewalk. The sidewalks seem to be six feet with an 18-24 inch strip behind the curb. Very often there is not enough room to meet Americans with Disabilities Act (ADA) standards. Also, Oregon Vehicle Codes prevent sidewalk parking, so some research needs to be done. He agreed with the suggestion for the neighbors to work with staff and take their recommendation to the Traffic Safety Commission.

Reid asked, if the City were to deed the property from the curb to the adjacent property line back to the property owner, that would remove the sidewalk from City property. Irish said yes but was concerned about a City street with no sidewalks and ADA problems. There followed a discussion regarding streets with no sidewalks.

Councilor Olsen asked, do we have a standard legal width for sidewalks? Irish said the development standard is five feet. Olsen suggested removing the sidewalk and side strip, tear up the street, and put in a 3-4 foot sidewalk. He asked, why does the City have to be so strict about parking on the sidewalk?

Hare talked about asking the Police to enforce some laws and not others. It is generally a position the City does not want to put a Police Officer in.

Christman agrees with Irish. He suggested involving the school district.

Direction: The Council directed the neighborhood to work with Transportation Systems Analyst Ron Irish on a plan for the neighborhood, to present the plan to the Traffic Safety Commission (TSC), and have the TSC provide a recommendation to the Council.

Veterans Day

Louie White, President of the Veterans Commemoration Association, thanked the City for its continued support of the Veterans Day Parade. He said the Parade Grand Marshal this year will be Grant Lindsay, a farmer in the Shedd area who served extensively in World War II. He said the keynote speaker is Rear Admiral Clinton Adams, Vice President for Clinical Affairs, Dean of the College of Osteopathic Medicine of the Pacific Western University of Health Sciences in Lebanon, Oregon. He also invited the Council to the December 7 services at the County Courthouse steps.

Airport

Dan Miltenberger, 2825 SE Jackson Street, thanked the City for the updated construction at the Albany Airport.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) July 12, 2010, City Council/Airport Advisory Joint Work Session.
 - b) August 11, 2010, City Council Regular Session.
 - c) August 23, 2010, City Council Work Session.
 - d) September 8, 2010, City Council Regular Session.
 - e) September 20, 2010, City Council Work Session.
 - f) September 22, 2010, City Council Regular Session.
- 2) Accepting the Oregon Association Chiefs of Police Safety Belt/Three Flags Traffic Safety Grant to enforce safety belt, speeding, and DUII laws. RES. NO. 5955
- 3) Accepting the Oregon Association Chiefs of Police DUII Overtime Grant for the detection and removal of impaired drivers from our streets. RES. NO. 5956
- 4) Accepting donation of a CDR Premium Hardware Kit for use by the Multi-Agency Investigation Teams for DUII investigations from the Linn County Victim Impact Panel, Inc. RES. NO. 5957

Olsen asked for items 2), 3), and 4) to be removed for discussion.

MOTION: Johnson moved to adopt the Consent Calendar with items 2), 3), and 4) removed for discussion. Coburn seconded the motion and it passed 5-0.

Olsen asked what "Three Flags" of the Oregon Association Chiefs of Police Safety Belt/Three Flags Traffic Safety Grant stands for. Police Captain Ben Atchley explained that it is an international program covering Canada, Washington, and Oregon. The grant is typically used around holiday times for enforcement of the seatbelt law, speeding, and DUIIs. Enforcement generally is a collaborative effort with the Albany Police Department, the Oregon State Police, the two County Sheriffs, and other surrounding agencies. They use the funding from these grants so they are not taking officers off the streets. The Linn County Victim Impact Panel is used if someone receives a DUII they are required to go to the Impact Panel to talk about the result of a DUII crash. The Multi-Agency Investigation Team will be using money to purchase equipment for computers. Atchley explained the computer equipment and how it will be utilized.

Olsen led a discussion regarding the use of alcohol and impaired driving.

Konopa suggested the Police Department bring the equipment to a Council Session and demonstrate it.

Hare commented that it was only \$6,000, which is not a financial incentive to increase DUII enforcement.

MOTION: Coburn moved to adopt items 2), 3), and 4) of the Consent Calendar. Johnson seconded the motion and it passed 5-0.

Report

Receiving Code Enforcement Team First Quarter Report for Fiscal Year 2010-2011.

Public Information Officer/Management Assistant Marilyn Smith said only 11 cases are listed on this report. She will have more details at the November 15 Work Session. She mentioned that the barbed-wire surrounding the shut-down Arco Station on the corner of Pacific Boulevard and Albany Avenue is not a code violation. The over-growth of vegetation is on Oregon Department of Transportation right-of-way, as well as the junk. The building is not technically a dangerous building. They will contact ARCO again to ask them to tidy it up. They will also contact ODOT for the vegetation and junk.

Huycke commented about Allied Waste being willing to help with any clean up.

BUSINESS FROM THE COUNCIL

Coburn commented on the Monday Work Session with the Landmarks Advisory Commission, saying he would like to consider not charging for an appeal. He thinks the current charge is too high and may be the reason they have so few appeals. It is not generating a lot of revenue, so wouldn't really be a hit to their budget. If the City didn't have a fee and all of sudden there was a floodgate of appeals that could indicate that there is a different problem that the Council needs to look at.

Coburn said he understands that in order to get revenue from the federal government, the City has to comply with some rules and guidelines. He asked, how much money is the City receiving?

Coburn also received a request from a constituent about what is allowed for a business sign regarding their in-home business. Hare said the City has clear standards as to what is permitted for a home occupation in a residential neighborhood. The general rule for a home occupation business, in a residential zone, is that it not look like it is a business. The biggest issue is signs in the public right-of-way.

Planning Director Greg Byrne said they haven't issued citations for sign offenses for in-home businesses that he can recall. Generally the sign code is enforced only as it pertains to temporary signs in the right-of-way.

Olsen reported that he represented the City at the Council of Governments discussion on wetlands. They have had two meetings. Their discussion has been as to what should the City's role be, what are prime industrial sites, should it be restricted to industry or help other types of business, who should be involved, how should the costs be paid (private enterprise or government supervised wetland banks), and continued discussion on multiple uses for wetlands. He feels he is still catching up with the committee.

Reid invited the Council to participate in an "Introduction to a Metropolitan Planning Organization" webinar on November 9.

Huycke thanked the Council for the opportunity to participate in the Council meeting.

Hare said the school district offered to sell Deerfield Park to the City. That will be brought to Monday's work session.

Hare mentioned the tragic death at Bryant Park, and said that the immediate plan is to do nothing with the BMX bike track. There have been discussions to consider building a new track that is more visible at a manageable place.

Konopa said she got a call saying the bike track has been there since the 1960's.

Taniguchi-Dennis said that the APWA did their audit and the Public Works Department received an A-. They were not compliant in one issue, which was the Stormwater Master Plan. The City's Stormwater Master Plan is very old. A member of the APWA Board will present a plaque to the City. Albany is the third city in Oregon to receive accreditation.

NEXT MEETING DATE

The next meeting of the City Council is a Special Work Session scheduled for Monday, November 1, 2010, at 4:00 p.m., in the City Hall Municipal Court room.

The next Work Session is scheduled for Monday, November 8, 2010, at 4:00 p.m., in the City Hall Municipal Court room.

The next Regular Session of the City Council is on Wednesday, November 10, 2010, at 7:15 p.m., in the City Council Chambers of City Hall.

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:47 p.m.

Respectfully submitted by,

Betty Langwell, MMC
City Clerk

Reviewed by,

Wes Hare,
City Manager