

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, December 8, 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

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

Public Hearing

Adopting a supplemental budget to the Fiscal Year 2010-2011 Budget, to consider uses of PepsiCo settlement proceeds.

Konopa opened the public hearing at 7:18 p.m.

Finance Director Stewart Taylor explained that this supplemental budget was to implement direction received from the Council on November 10 regarding creating a loan from PepsiCo settlement proceeds to Local Improvement Districts Construction Projects. On November 17 the Council approved Resolution No. 5959 to transfer appropriations for the purchase of the East Thornton Lake Natural Area property. The appropriation transfers included in this supplemental budget create a more transparent budget by positioning the transaction in the Parks Capital Improvement Projects program.

Councilor Johnson commented on the East Thornton Lake Natural Area property saying that she is concerned that no one will donate funds. She said the land will need to be cleared, developed, and maintained and she believes the City will be paying for those items. She said the North Albany people were antidevelopment, in her opinion. She asked for the sale and agreement papers to be on the dais (in agenda file). She wanted to know if there was anything in them that could benefit the City.

Councilor Collins commented that the decision tonight was where to put the money in the budget. Tonight it is a procedural matter. The decision was already made.

No one else wished to speak.

Konopa closed the public hearing at 7:27 p.m.

MOTION: Collins moved to adopt the resolution adopting a supplemental budget to the Fiscal Year 2010-2011 Budget, to consider uses of the PepsiCo settlement proceeds. Councilor Olsen seconded the motion and it passed 5-1, with Johnson voting no, and was designated Resolution No. 5961.

Business from the Public

Bill Root, 2634 NW Valley View Drive, Chair of the Association for Motorcyclists of Oregon, thanked the Council for their contributions to the success of their toy drive (letter in agenda file). He gave special thanks to several local businesses and individuals in the community. He said there were between 250-350 motorcyclists and they gave out toys to 130 children. Thanks to all who helped.

Adoption of Resolution

Adopting an amendment to the Intergovernmental Services Agreement (IGA) between the City of Albany and the city of Millersburg for wastewater services.

Utility Engineer Chip Ullstad explained that an amendment to the service agreement is necessary to formalize the process and methodology based on principles included in the August 2007 IGA for Albany and Millersburg to share in the capital construction costs, land acquisition costs, and capacity of the Phase 1 Wetland Project. At the time of the original IGA, there was an unfunded portion of the project. Having secured funding, the project is under construction now. Staff has a good idea as to what costs will be. This amendment is needed to formalize the wetlands project. The Joint Management Committee reviewed the amendment at their November 18, 2010, meeting and voted unanimously to recommend that Albany and

Albany City Council Regular Session
Wednesday, December 8, 2010

Millersburg City Councils adopt the amendment. He said that the city of Millersburg will be adopting a similar resolution on December 14.

There was a brief discussion regarding Pacific Power poles that needed to be relocated.

MOTION: Johnson moved to adopt the resolution adopting an amendment to the IGA between the City of Albany and the city of Millersburg for wastewater services. Councilor Reid seconded the motion and it passed 6-0, and was designated Resolution No. 5962.

Adoption of Consent Calendar

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| 1) Approval of Minutes | |
| a) November 1, 2010, City Council Work Session. | |
| b) November 15, 2010, City Council Work Session. | |
| c) November 17, 2010, City Council Regular Session. | |
| 2) Adopting an updated Risk Management Policy. | RES. NO. <u>5963</u> |
| 3) Accepting the Oregon Department of Transportation Electronic Field Data Collection grant. | RES. NO. <u>5964</u> |
| 4) Approving a liquor license for Novak's Hungarian Restaurant Corporation, 2306 Heritage Way SE. | |
| 5) Accepting the following easements: | |
| a) Jabol Investments, LLC – Five-foot wide sidewalk easement. | RES. NO. <u>5965</u> |
| b) Paul L. Zehr – Variable width easement. | RES. NO. <u>5966</u> |
| c) Paul L. Zehr – Seven-foot wide franchise utility easement. | RES. NO. <u>5967</u> |
| d) Paul L. Zehr – 15-foot wide slope easement. | RES. NO. <u>5968</u> |

Reid asked for item 4) to be removed for discussion.

MOTION: Collins moved to adopt the Consent Calendar with item 4) removed for discussion. Olsen seconded the motion and it passed 6-0.

Reid recused himself from voting on item 4) because of a conflict of interest. His granddaughter works at the restaurant.

MOTION: Collins moved to adopt item 4) of the Consent Calendar. Johnson seconded the motion and it passed 5-0.

Report

Vacant property and fire investigation update.

Building Official Manager Melanie Adams and Fire Marshal Mike Trabue provided a PowerPoint (in agenda file) on the current rash of arson fires. Trabue reported that the most recent commercial building fire has been declared an arson fire but that it hasn't yet been connected to the other arsons.

Adams and Trabue said they have been carrying out a coordinated response to the arson fires. The costs to Police, Fire, and Building divisions have been climbing. There is a loss to the community's peace of mind as well as a potential loss of life. The community's concern was evident by the turnout for the public meeting held Monday, December 6. Vacant property is a community problem and their presentation was regarding vacant property.

Adams said there are 150 locations mapped right now as being vacant. Red pins on the displayed map indicated high risk, yellow indicated that they appear vacant but not necessarily attractive to an arsonist, and green indicated that they are not a big concern.

There followed a discussion regarding rising foreclosures in the city.

Adams said some of the arson targets are vacant houses that were cared for by the owner, so neglect isn't always an indicator.

Adams and Trabue asked the Council to consider what level of accountability is appropriate for owners of vacant property – secured, secured but vacant indefinitely, or secured with a plan to reoccupy. Once accountability is defined, how is it enforced? The City has an effective dangerous building code, but only one person is responsible to enforce it due to budget cuts. Other communities have options the Council might consider, including: creating a vacant property registry, fees or other licenses, small grants to assist property owners for boarding up, and enhanced enforcement. Even if the arsonists are caught, these properties will continue to be potential targets for violent crime.

Collins wasn't sure what the right answer was. He believes there should be a due-process, similar to grass abatement.

Albany City Council Regular Session
Wednesday, December 8, 2010

Other Council members provided information concerning specific properties they feel could be potential targets.

City Manager Wes Hare mentioned that it was not a new problem, just becoming more acute. There is an enforcement process that must take place before the City can take action against someone's property. Though it is not cheap and often there is controversy surrounding the property. Staff would like to be more aggressive in order to address risky property. They have identified some mechanisms to look at, but they are not very attractive. He asked, can the Council provide direction?

City Attorney Jim Delapoer said there is a provision in the Municipal Code for imminent danger. Vacant houses that are unsecured are an imminent danger to the community and costs to secure them can be liened.

Johnson asked if there was a provision for condemnation of a property under these circumstances. Delapoer said the City's condemnation authority is under eminent domain, not dangerous property. He said when there is no response from the property owner regarding the dangerous building code the City can go in and secure the building, but has no authority to condemn the property.

Hare said, if it is the Council's will, staff can come up with a temporary program to fund some special emphasis in this area.

Councilor Coburn said he would like to see any ideas that staff could come up with. He understands that there's no guarantee for whatever the Council decides to put in place will stop the arsons.

Collins said the programs can't protect everything. He is hopeful staff can take action under the dangerous building code. He is okay with staff putting a program together to go after the worst of the worst.

Councilor Christman said he would like to see the program be within the ordinances and processes we already have in place, not creating another ordinance. There may be a need to be more aggressive with our current processes and there is a need for additional resources.

Johnson praised the Fire and Police Departments and other employees involved with this issue.

Coburn said he agrees with the Fire Chief when he said that this is a unique situation; it has never happened before in Albany.

There followed discussion regarding the difficulty in finding owners of houses that have been burned or for any risky property.

Delapoer explained the legalities surrounding foreclosures and that a lien goes with the property, not the owner. A lien holder has no right to control anything on the property.

Hare asked if the Council is willing to have staff come back with temporary resources for temporary measures. He said trying to impose additional costs to property owners doesn't seem like a good thing to do. The plan would take advantage of the code resources the City currently has.

DIRECTION: Council directed staff to prepare a temporary action and funding plan to deal with the current arson issues.

BUSINESS FROM THE COUNCIL

Collins asked, what happened to the fence at the abandoned Arco station on Pacific Boulevard and Albany Avenue? Code Compliance Inspector Mary Gaeta said the fence is gone and Arco has been contacted about cleaning up the lot. She has left a message for them, but has heard nothing.

Olsen provided copies of the Council of Governments, Community and Economic Development, and Industrial Lands – Wetlands Mitigation Banking Strategy Policy Development Task Force talking points (in agenda file). It included the next steps the Task Force would like to take. Olsen said they are anxious to get this finished up. The cities of Corvallis and Lebanon approved the preliminary plan. Olsen provided copies of the Cascades West Regional Consortia Preliminary Business Plan (in agenda file), which include a market analysis and financial plan. He said attachment "A", "Competition for Wetlands Banking" lists existing mitigation banks by region. Attachment "B" has to do with board member voting options. Attachment "C" is a draft of the bylaws.

Collins said the Council may want to invite Pam Silbernagel to a work session for an overview of the wetlands plan.

Johnson said she will be out of town from December 17-24.

Albany City Council Regular Session
Wednesday, December 8, 2010

Tax Abatement Resolution

Hare reported on the request from Pacific Cast Technologies for an additional two year extension for enterprise zone benefits. They have made an additional investment in the business located in Albany that will create 24 new jobs.

MOTION: Reid moved to adopt the resolution approving an extended property tax abatement agreement between the City of Albany, a cosponsor of the South Santiam Enterprise Zone, and Pacific Cast Technologies, Inc. Johnson seconded the motion and it passed 6-0, and was designated Resolution No. 5969.

Hare provided copies of an e-mail string regarding the Lowe's project (in agenda file). He said since staff hadn't heard any definite commitments from Lowe's, they were getting concerned. The City has spent over \$100,000 in design work on the streets. His recommendation is to stop work on design until the City has a better idea as to the intent of the property owners. Staff would like to continue progression analysis with the Oregon Department of Transportation (ODOT) because to disrupt it right now would not be productive.

Hare said he doesn't want to extend the City any further until Lowe's does what they say they will do.

Delapoer explained that they continue to wait for signatures on the agreement that had been verbally agreed to. They have not received it back from Lowe's.

MOTION: Christman moved to suspend all work on Lowe's infrastructure design and the spending of funds until the Development Agreement is signed, except for work currently being done with ODOT. Reid seconded the motion and it passed 6-0.

Public Information Officer/Management Assistant Marilyn Smith reported that next Monday's work session will be at the Police Station.

Hare reported that staff is working on having Michael Waldock do a presentation for the Council with the Chamber of Commerce.

NEXT MEETING DATE

The next scheduled meeting of the Council is a Work Session, on Monday, December 13, 2010, at 4:00 p.m., in the Municipal Court Room, of City Hall.

The next scheduled Regular Session, is on Wednesday, December 15, 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 9:07 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, MMC
City Clerk

Stewart Taylor
Finance Director