

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, May 11, 2011
7:15 p.m.

AGENDA

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

SPECIAL PRESENTATIONS

Taylor Johnson – Intel Science Project Award

Jim Huff, City Manager of Banks, Oregon, also serves on the Intel Science Project judging panel, presented the Middle School Northwest Science Expo, City of Banks Community Sensitivity Award to Taylor Johnson, a student at Calapooia Middle School, in Albany, for his *Erosion in the Valley* experiment that specifically targeted the Albany area. It was a 15 day experiment and brought a result different than what they had expected.

Oregon Festival and Events Association Annual Awards.

Scott Ingalls, Chair of the Oregon Festival and Events Association Ovation Award Committee, explained that the awards are given out once a year. This year the Association membership doubled and therefore the competition doubled. Albany continues to win a significant number of awards. This year, four awards were won by the City of Albany:

- Volunteer of the Year, Mike Murzynsky, Senior Accountant for the City of Albany
- Most Innovative Marketing Piece or Campaign, for the Summer Camp Program
- Best Vendor of the Year, won by Pepsi of Corvallis
- Sponsors of the Year, for tripling their investment in Albany, Carino's Italian Restaurant and Red Robin Restaurant of Albany

2011 Historic Preservation Awards.

Planner II Anne Catlin and Landmarks Advisory Commission Chair Oscar Hult presented the following awards:

- St. Mary's Church - for rehabilitating the Train House at 210 7th Avenue SW;
- R3 Development LLC - for rehabilitation of the J.C. Penney's building at 317 1st Avenue SW;
- JMA Investments - for the rehabilitation of the front porch of 225 Calapooia Street SW;
- City Public Works Operations - ongoing stewardship of the Vine Street Water Treatment Plant and Canal, 4th and Vine Streets;
- Jacho & Emma Eaton - for major rehabilitation of the Andrus House, also known as the Keyhole House at 1638 1st Avenue SE;
- John & Teresa Graham - for rehabilitating the exterior including replacing asbestos siding of their home at 438 9th Avenue SW;
- Rod & Kate Porsche - for exterior painting and improvements to 208 7th Avenue SE;
- Harry Wallace - for exterior painting and improvements to 323 Calapooia Street SW; and
- Michael & Rebecca Hake - for restoration of the carriage style garage doors at 916 Maple Street SW.

Catlin provided a PowerPoint of the buildings receiving awards (in agenda file).

Coloring Contest Winners:

- 6 and under awarded to -
One winner - Micaela Gutierrez, age 6.
- 7 to 9 year old category, 1st and 2nd place prizes awarded to -
1st place: Lisa Gutierrez, 9 years old; and
2nd place: Angel H, 9 years old.
- 10 and older category, 1st and 2nd place prizes awarded to -
1st place: Miguel Maciel, age 11; and
2nd place: Emma Denley, age 10.

PROCLAMATION

Motorcycle Safety Awareness Month.

Konopa read a proclamation declaring May 2011 as Motorcycle Safety Awareness Month in Albany.

SCHEDULED BUSINESS

Communication

Accepting the resignation of Hal Schalles from the Albany Arts Commission.

MOTION: Councilor Johnson moved to accept the resignation of Hal Schalles from the Albany Arts Commission and send him a letter of thanks. Councilor Reid seconded the motion and it passed 5-0.

Legislative Public Hearing

CP-02-11, amending Ordinance No. 4447, which adopted the Albany Comprehensive Plan by adopting the Public Transit Plan and the Transportation Financial Plan; revising text in Chapter 5 of the Comprehensive Plan and the 2010 Transportation Plan; adopting findings and declaring an emergency.

Konopa explained that this legislative public hearing is regarding legislative amendments related to a Periodic Review work task per OAR 660-025-0040. The amendments will complete the final task related to Statewide Goal 12: Transportation. The amendments revise the text of Chapter 5 of the Albany Comprehensive Plan; the text in the adopted Albany Transportation System Plan dated February 2010; and adopts the Albany Public Transit Plan, dated January 2011, and the Albany Transportation financial Plan, dated May 2011, as standalone documents supporting the 2010 Transportation System Plan. The applicant is the City of Albany. This is City of Albany case file CP-02-11.

Konopa called to order the Legislative Public Hearing at 7:40 p.m.

Konopa asked if any member of the Council wished to abstain. No one did.

Konopa asked if any members of the City Council wished to declare a conflict of interest, or report any significant exparte contact or a site visit. No one did.

Konopa explained for all those wishing to testify, please be aware that you must raise an issue with enough detail to afford the Council and parties an opportunity to respond to the issue if you later want to raise that issue on appeal to the Department of Land Conservation & Development. Testimony and evidence must be directed towards the approval standards staff will describe or other criteria in the plan or Development Code which you believe apply to the decision. If additional documents or evidence are provided by any party, the City Council may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension to the 120-day limit. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes any action or damages in Circuit Court.

Konopa called for the staff report.

Community Planner Janet Morris said this project has been to the Council several times. This time it wraps up a work program for the periodic review, Work Program #4, related to the Transportation Plan. She said the project had a partial approval in 2010. Two elements needed to be completed and they have been. She mentioned that the transportation financial plans would need to be adopted if the Council adopts the ordinance.

Councilor Coburn had questions relating to the Kittelson & Associates Report. He said they mention that there is a need to build a facility for the buses. He asked, has there been any consideration for a gas "fuel surcharge" to cover that expense? Public Works Director Diane Taniguchi-Dennis said their focus has been to keep a certain rate for their customers, but that discussion could take place with the Council.

Coburn said on page 36, under marketing, they suggest instituting an annual "free-ride day". He suggested a free ride for a can of food, along with a free-ride day.

Coburn asked, on page 38, ID #'s "T3" and "T4", Project Name "Discontinue Routes 1 & 4", why delete routes with a cost to the City of around \$46,000? Taniguchi-Dennis said by extending the other routes they could get better efficiency. There is a trade-off cost.

Coburn said page 41 talks about Albany becoming a Metropolitan Planning Organization (MPO). He said, the City is spending a lot of money on this study. He asked, if it becomes a MPO, will a new study be

needed? Taniguchi-Dennis said master plans are created to be adaptive. There will be adjustments and changes, but they will not need to start from the beginning.

Reid mentioned that the Federal Department of Transportation may raise the level to a population of 100,000 to become a MPO, and Albany may not qualify.

Coburn asked for Table 5-2 on page 68 to be consistent with the same Table 8-1 on page 103.

Coburn said at the top of page 104 the replacement vehicle comment is out of date (it says "to arrive in October 2010") and needs to be corrected.

Coburn said on page 115 it says "...with the addition of shelters to all major transit stops." He asked, does the City intend to have shelters at all the stops? Taniguchi-Dennis said no, it would be at the major stops where there are a lot of people congregating to catch the bus.

Coburn commented that page 119 refers to the "Fare Strategy". He supports looking at that and asked if that is part of the plan. Taniguchi-Dennis said the fare strategy would be a separate policy and staff can bring discussions to Council work sessions. She mentioned that the patrons that use the transit system are very sensitive to increases in prices. It is a delicate balance in the community. Coburn suggested the strategy would be to implement small increases rather than a big one.

Johnson asked, does the plan allow for expansion of the bus routes in the future? Taniguchi-Dennis said they are looking at how to expand the services but are limited by the financial structure in place.

Konopa mentioned that if anyone wished to enter an exhibit into the record as part of their testimony, please briefly describe the letter, photo, or map and then present it to the City Clerk. She said no one had signed up but asked if anyone from the audience wished to speak. No one wished to speak.

Councilor Olsen asked, regarding projects I-1 and I-2 on page 21 of the agenda, the roundabout on Main Street and 4th Avenue, is it to augment the traffic on 1st and 2nd Avenues? Does the City really want more traffic on 1st and 2nd Avenues? He asked, was this his last chance to argue about it? Transportation Systems Analyst Ron Irish said the table you are referencing is a list of Transportation System Program (TSP) projects and is included in this document for reference. It is not the last chance to discuss the project. It is in the Capital Improvement Program (CIP) a couple of years out, so up until it becomes a budgeted project for the following year, the Council can have discussion on it.

Councilor Collins said these two projects will alleviate some traffic issues through the underpass. He commented that the City should continue to bring the Oregon Department of Transportation (ODOT) to the discussion and he supports Olsen's concerns and would be leery of the projects unless the City has a commitment from ODOT.

Konopa closed the Legislative Public Hearing at 8:00 p.m.

City Attorney Jim Delapoer read for the first time in title only an "ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE ALBANY COMPREHENSIVE PLAN BY ADOPTING THE PUBLIC TRANSIT PLAN AND THE TRANSPORTATION FINANCIAL PLAN; REVISING TEXT IN CHAPTER 5 OF THE COMPREHENSIVE PLAN AND THE 2010 TRANSPORTATION PLAN; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY."

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

Delapoer read the ordinance a second time in title only.

MOTION: Reid moved to adopt the ordinance. Coburn seconded the motion.

Collins commented that it actually took three to four years of research and study on the part of staff to come to this vote. It may seem that the decision was made quickly in this meeting, but a lot of thought and research has gone into the ordinance.

VOTE: A vote was taken on the motion and it passed 5-0, and was designated Ordinance No. 5753.

Consolidated Quasi-Judicial Public Hearing

CP-01-11 and ZC-01-11, amending Ordinance No. 4447, which adopted Albany Comprehensive Plan Map; amending Ordinance No. 4441, which adopted the Albany Zoning Map; and adopting findings for changing the designation and zoning of properties located at 111 Davidson Street SE and on the east side of Davidson Street, north of Salem Avenue.

Konopa said this consolidated quasi-judicial public hearing is regarding both a Comprehensive Plan Map amendment that would change the designation of 4.26 acres of property from Residential Medium Density to Light Industrial, and a Zoning Map amendment that would change the zoning of the same 4.26 acres of property from RM (Residential Medium Density) to IP (Industrial Park). The applicants are Candace Rivera and Scott Lepman.

Konopa opened the consolidated quasi-judicial public hearing at 8:02 p.m.

Konopa asked if any member of the Council wished to abstain. No one did.

Konopa asked if any members of the City Council wished to declare a conflict of interest, or report any significant exparte contact or a site visit. Johnson disclosed that she owns property in the area. Collins disclosed that he had done some work for Mr. Lepman, but nothing since being on the Council.

Konopa explained for all those wishing to testify, please be aware that you must raise an issue with enough detail to afford the Council and parties an opportunity to respond to the issue if you later want to raise that issue on appeal to the Department of Land Conservation & Development. Testimony and evidence must be directed towards the approval standards staff will describe or other criteria in the plan or Development Code which you believe apply to the decision. If additional documents or evidence are provided by any party, the City Council may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension to the 120-day limit. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes any action or damages in Circuit Court.

Staff Report

Planner II Anne Catlin said the applicant, Scott Lepman, has submitted a concurrent Comprehensive Plan Map and Zoning Map amendment application to change the designation and zoning of 4.26 acres located at 111 Davidson Avenue SE, which includes two parcels of land and portions of a third and fourth parcel. The proposal is to change the Comprehensive Plan designation of the 4.26 acre site from Medium Density Residential (MDR) to Light Industrial (LI) and change the zoning from Residential Medium Density (RM) to Industrial Park (IP). The purpose is to expand the existing self-serve storage facility by 1.09 acres. Under the current RM zoning, self-serve storage facilities are limited to three acres in size. The IP zoning district allows self-serve storage facilities as a Conditional Use, but does not have a restriction on the size of the site. The Planning Commission found that changing the Zoning and Plan designation of the small amount of mostly developed land from RM to IP will have little impact on the Comprehensive Plan goals and policies and will have no effect on the Statewide Planning Goals. They recommended the Council approve these quasi-judicial map amendments. She reviewed some staff findings in the agenda file and said two people testified at the Planning Commission.

Applicant

Candace Ribera, representing Scott Lepman, 100 Ferry Street, doing business as Glorietta Bay LLC, said the intention of the amendment is to provide for the expansion of the self-storage facility. Currently they have a vacancy rate of 8.7% with nine out of 10 units being small units. This change would allow an additional 23,950 square feet, or 98 additional units. Access to the property will continue to be solely from Davidson Street. In the future the remaining 1.47 acres fronting Salem Avenue will be utilized for multi-family development. They believe the use allowed in the Industrial Park designation is more compatible to their building goals. They plan a single story, fortress design, which means the back of the building will be adjacent to the landscaping. The doors will open to the back of the lot and not be seen on the residential side. There are six other such facilities in Albany. A traffic impact analysis was prepared for this request. The peak hour trips were far less than the minimal requirements. The current building will be expanded rather than creating a standalone facility created. The result of the change will have no significant effect on the neighborhood.

No one wished to speak in support of the application.

No one wished to speak in opposition of the application.

Konopa closed the hearing at 8:18 p.m.

City Attorney Jim Delapoer read for the first time in title only "AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE ALBANY COMPREHENSIVE PLAN MAP; AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE ALBANY ZONING MAP; AND ADOPTING FINDINGS FOR CHANGING THE DESIGNATION AND ZONING OF PROPERTIES LOCATED AT 111 DAVIDSON STREET SE AND ON THE EAST SIDE OF DAVIDSON STREET, NORTH OF SALEM AVENUE."

MOTION: Coburn 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 a second time in title only.

MOTION: Coburn moved to adopt the ordinance. Johnson seconded the motion.

Johnson commented that rezoning is a good move. Lepman's storage units are clean, quiet, and an asset to that neighborhood. She doubts anyone would want to build anything residential there. She was pleased to hear that staff and the Planning Commission were in favor of the change.

Reid said he would be voting against the change as he has proposed having this area used as an overpass to for access to that area of Albany. He feels that part of the City will become less and less accessible because of activity by Union Pacific Railroad along the river. An overpass would go over the railroad tracks on Waverly Drive. This change would block it. He doesn't want to lose access to that part of the City.

There followed discussion of Reid's concept for the crossing. Ron Irish said the concept was looked at during the Transportation Systems Program process and they found that it would be costly and difficult to build because of clearance over the railroad tracks and the length of Salem Avenue isn't long enough to facilitate the rise to the needed height. Also, the north side ramp would not extend far enough. Irish reminded the Council that what is before them is a zone change not a development proposal.

VOTE: A vote was taken on the motion and it passed 4-1, with Reid voting no, and was designated Ordinance No. 5754.

Business from the Public

Bill Root thanked the Council for the proclamation for Motorcycle Safety month and discussed their charitable fund raising efforts. He mentioned going to Washington DC to visit the Vietnam War Memorial.

Dr. Arlene Brooks, DVM, 1030 Running Dog Lane SE, Turner, said Blue is beginning his ninth month in the Linn County kennel without exercise or walks and no definitive date for his release. She feels he may be succumbing to the "kennel crazies" similar to a person who is held in solitary confinement. It could become irreversible. She said this is in-humane. The issue is not just about a biting dog, but also questions and concerns about the ordinance, the wording of the ordinance, the application of the ordinance, and procedural requirements. They have around 800 signatures calling for a settlement conference or relief for Blue's "in-humane" situation. She said his situation doesn't have to remain in-humane. She pleaded for the Council to have some compassion, some humanity, and a resolution of the case.

City Attorney Jim Delapoer provided an update to the Council on communication streams between Mr. Warren, the City's Attorney, and Mr. Meadowbrook, Blue's owner's lawyer. He included a copy of an email from Mr. Meadowbrook asking to have Blue transferred to Hope Haven. Delapoer said no one wants the dog to languish at the pound. The City received a copy of a letter on April 26 (in agenda file) from Mr. Warren to Mr. Meadowbrook suggesting arbitration in this matter. Delapoer explained that arbitration is when both parties agree to some process outside of court where the matter is heard, considered, and resolved. It has the advantage that it is cheap, it is fast, and it is final. A mediation or settlement conference is completely different; the judge is only the facilitator. The judge is the host to the meeting. He said the law applies to everyone equally. Mediation doesn't work in this case because the City's negotiating team would not have the authority to say that the law doesn't apply here. The City Council has to apply the law uniformly. The constitution says the government must provide equal rights and liabilities for all citizens. If the Council were to not apply the law in Blue's case, they would be basically repealing the law because they cannot arbitrarily decide to apply the law in one case and not in another. The speediest solution is arbitration. The City can consider housing Blue somewhere else.

The Council asked what the response from Meadowbrook was, and Delapoer said it was rejected.

Dr. Brooks commented in response to releasing Blue to Hope Haven, it is not set up to provide interim housing. If released to Hope Haven it would be a permanent resolution. She reiterated that currently Blue doesn't get to exercise or walked at the kennel. She said anything the Council can do to expedite or solve the case is worth it. The City is holding personal property that is alive. She believes there are issues with the ordinance as it is written, particularly concerns about the seriousness of the wound and a professional evaluation. She would like the ordinance to function like it is meant to, protect the public by removing dogs that are a hazard, but she doesn't believe that happened in this case.

Konopa said the Council heard that Hope Haven was an option, but now it is not. Dr. Brooks said it is an option, but they would be retraining him and that type of investment requires that it be a permanent resolution. She hasn't been able to get into the Linn County Kennel to evaluate Blue and was surprised that he hasn't already become difficult because of his confinement for nine months. She would like to see him, evaluate him, and put him somewhere where he can get exercise.

Delapoer responded that arbitration has been rejected. The City has consented to Dr. Brooks seeing the dog. The dog can't be released to a citizen, but can be to a facility with trained staff, an animal shelter, or something similar; some sort of secure facility as long as there is an understanding that the dog will be brought back for euthanasia, if that is the court's decision.

Coburn asked, has this offer to move him to a secure facility been made to Mr. Raymond or his attorney? Delapoer said that is his understanding.

Dr. Brooks said she emailed both attorneys that Hope Haven is an alternative to euthanasia.

There followed a discussion regarding Dr. Brooks visiting Blue.

Coburn commented that the ball is in Mr. Raymond's court. He needs to find an alternative place to house Blue, if unhappy with the Linn County Kennel.

Johnson said this is the process that we have. Appeals are what slowed the process. She suggested getting Blue some care at Safe Haven.

COUNCIL RECOMMENDATION: Collins requested that the City Manager work with staff, Linn County, and Dr. Brooks to meet a time frame that works for all to allow Dr. Brooks to visit the dog "Blue." There was consensus by the Council.

Coburn suggested they talk to Linn County about the boarding conditions. The City is not in charge of the Linn County Animal Shelter.

Charlene Morrison, 1350 Springhill Drive, said she talked to Mr. Meadowbrook and he said that all that has to be done is an agreement for a settlement conference and the dog could be released.

Konopa said Mr. Raymond does not want arbitration, he and his lawyer want mediation. They have filed civil rights suits against the City. The City wants to protect their rights as a City.

Ellen Hamill, 2042 Hill Street SE, said that Raymond has released Blue to someone who will retrain him. They want him alive. The decision that Blue is a dangerous dog was the wrong decision. This wasn't provocation and Judge Scott made a mistake. The Council can change it. The Council created the ordinance in the first place. She presented a petition with more signatures to the Council (in the agenda file) saying there were around 800 signatures.

Cindy Kastl, 1106 Ferry Street, was concerned how the dog was determined to be dangerous. Is there some way to go back to determine if he is dangerous?

Konopa said arbitration seems to be the only option for the City. As she understands the legal process, evaluation happened according to the law.

Richard Brooks, 1030 Running Dog Lane, Turner, read the ordinance and commented on portions of it. He doesn't believe that the dog was "at large" or that there was provocation involved. He said he tried to bring this up at the trial and wasn't allowed to.

Delapoer strongly advised the Council not to discuss what took place at the trial. If they do that, they run the risk of starting a new appeal process because this could be deemed another hearing where decisions are being made. It is appropriate to discuss the ordinance, but not what went on at the hearing; the Council was not there.

Shari Holverson, 608 Alpine Meadow, read a letter describing an incident at Edgewood Estates, in which Blue was "at-large" and when faced with a confrontation with a Mrs. Ambrose, went running home. She believes he is not a dangerous dog. She said they have collected 765 signatures and asked the Council to do the right thing.

Tammy Wilson, 1519 Del Rio, said she lives for taking care of animals. It is time for change. The ordinance needs to be reevaluated. Her heart is in it for Blue and she wants to be the voice for Blue.

Mark Azevedo, 1210 Skyline Drive, said this has become a polarized situation. He too is disturbed by an animal in solitary confinement for such a long period of time. He offered to find a livable and secure place for the dog, and work with the polarized groups. He was volunteering to mediate.

Ellen Hamill read the petition language presented earlier, saying they have 780 signatures. They are concerned about the lack of resolution of the case. They want a review of the case, believe the ordinance needs review, and asked the City to enter into a settlement agreement.

Perry Ligterink, 2634 Pine Lane, said the incident bothers him. It sounds like the City is holding the dog hostage. He is willing to volunteer to work with Blue.

Larry Holverson, 608 Alpine Meadow, was concerned that this is being tied up in the legal process. What about a settlement out of court? This is a unique situation and circumstances. He can't believe there isn't some way to satisfy both concerns in this case.

Rose Looney, 1350 NW Springhill Drive, asked if the Council could change the ordinance tonight. City Manager Wes Hare said there is a process that would require a written ordinance and two readings, etc.

Olsen commented that he went to see Blue with Mr. Raymond. He read the notes he took of the visit which included petting and playing with Blue. He said after that visit, Blue was locked up and unable to receive visitors. He wants to amend the ordinance to say when a case comes before a judge there is an intermittent place to send the dog.

Looney said the language in the ordinance needs to include someone who is trained in assessing the dog.

Collins commented that the Council needs to receive input from the judge, police, professionals, etc. They will never be able to write a perfect ordinance. When the Council starts that process, those are the types of issues that need to be brought up.

Adoption of Resolution

ST-08-06, Infrastructure Improvements – School to Knox Butte, accepting the Engineer's and Financial Investigation Reports and setting a public hearing.

Civil Engineer Christopher Goins explained the Greater Albany Public Schools (GAPS) received a Notice of Decision for the construction of a new school, Timber Ridge, in 2007. An anticipated private development project was going to be constructed between the school site and Knox Butte Road. However, the developers withdrew their application, leaving GAPS with a significantly increased responsibility to complete off-site public infrastructure improvements in order to serve the new school. GAPS approached the City with the idea of forming two Local Improvement District (LID) projects to facilitate the construction of the public improvements while distributing the project costs equitably among the properties receiving special benefit from the project. The first LID completed the improvements north of the new school and the assessments were finalized in June 2010. This project completed Timber Ridge Street south to the traffic circle at Knox Butte Road and associated utility improvements on Timber Ridge Street and Knox Butte Road. Staff is asking the Council to accept the Final Engineer's Report and Financial Investigation Report, and adopt the attached resolution to schedule a public hearing for May 25, 2011.

MOTION: Collins moved to accept the Final Engineer's Report and Financial Investigation report, and adopt the resolution to schedule a public hearing for May 25, 2011. Reid seconded the motion.

There was some Council discussion.

VOTE: A vote was taken on the motion and it passed 5-0, and was designated Resolution No. 5999.

Appropriating settlement proceeds for renewal of the wetland delineation for several tax lots associated with the former SVC/PEPSICO development and mitigation sites.

Hare commented that there is no way to say what kind of return the City might get for the money. The wetlands delineation does make the property potentially more attractive to a buyer. It may be the smallest barrier to cross.

Olsen suggested postponing this because of the costs and a discussion followed.

Collins said the question is if the Council thought they might get it sold before the renewal. If someone came in July they would not get on the site until February. He is frustrated with the rules of the Division of State Lands that lets a wetland delineation expire in five years. Wetlands on site do not change. He is in support of the resolution because the \$27,000 investment may help move the property. In addition, he wants to work with the League of Oregon Cities and others, to try to get the Administrative Rule changed so that it says that the delineation can be extended beyond the five years as long as there have been no significant change in the characteristics of the property. He doesn't understand why they would expire.

Reid wants to move ahead so that it is ready for the next buyer.

MOTION: Collins moved to adopt the resolution appropriating settlement proceeds for renewal of the wetland delineation for several tax lots associated with the former SVC/PEPSICO development and mitigation sites. Johnson seconded the motion.

There followed a discussion of the possibility that the property would sell before the renewal would be necessary. Consensus was that the current economic situation makes it unlikely.

VOTE: A vote was taken on the motion and it passed 5-0, and was designated Resolution No. 6000.

Albany City Council Regular Session Minutes
Wednesday, May 11, 2011

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) April 11, 2011, City Council Work Session.
- 2) Approving liquor licenses for:
 - a) Orange, LLC, D/B/A Albany 76, 3135 Santiam Highway SE.
 - b) The American Legion Post #10, 129 First Avenue West

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

BUSINESS FROM THE COUNCIL

Ordinance creating Albany Municipal Code Section 7.08.035, Drinking at Albany Station, prohibiting consumption of alcoholic beverages and possession of open alcoholic beverage containers at Albany Station and declaring an emergency.

City Attorney Jim Delapoer read for the first time in title only “AN ORDINANCE CREATING ALBANY MUNICIPAL CODE SECTION 7.08.035, DRINKING AT ALBANY STATION, PROHIBITING CONSUMPTION OF ALCOHOLIC BEVERAGES AND POSSESSION OF OPEN ALCOHOLIC BEVERAGE CONTAINERS AT ALBANY STATION, AND DECLARING AN EMERGENCY.”

MOTION: Reid moved to have the ordinance read a second time in title only. Coburn 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. Coburn seconded the motion and it passed 5-0, and was designated Ordinance No. 5755.

Collins asked Irish to look at speeds on Crocker Lane as accidents seem to be increasing. He would also like Public Works to consider a three-way stop at Robin Lane.

Olsen asked if the Council was willing to meet with the Police Chief and Municipal Judge regarding the dog ordinance. Coburn was interested in doing so. Reid, Collins, and Johnson said no.

Hare said he had tentative plans to go to Sri Lanka, representing the International City/County Management Association (ICMA), and may miss the next Council Work Session and Council Regular session.

NEXT MEETING DATE

The next City Council Work Session is scheduled for Monday, May 23, 2011, at 4:00 p.m., in the City Municipal Court Room, at City Hall.

The next City Council Regular Session is scheduled for Wednesday, May 25, 2011, at 7:15 p.m., in the Council Chambers of City Hall.

ADJOURNMENT

Respectfully submitted by,

Reviewed by,

Betty Langwell, MMC
City Clerk

Stewart Taylor
Finance Director