

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, September 28, 2011  
7:15 p.m.

**MINUTES**

**CALL TO ORDER**

Mayor Sharon Konopa called the meeting to order at 7:15p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Konopa led the pledge of allegiance to the flag.

**ROLL CALL**

Councilors present: Jeff Christman, Ray Kopczynski, Floyd Collins, Dick Olsen, Bill Coburn, and Bessie Johnson

**PROCLAMATION**

Oregon Days of Culture.

Konopa read the proclamation declaring October 1-8, 2011, as Oregon Days of Culture.

**SCHEDULED BUSINESS**

**Business from the Public**

Bill Root, 2634 Valley View Drive, read information about his nephew's son who was bitten by a neighbor's dog (written account in agenda file). He had 1,000 stitches and a severed ear. He urged the Council not to allow a dangerous dog to bite again.

Christine Ruck, 37170 Rockhill Drive, Lebanon, said she was running for a Linn County Commissioner position and wanted to introduce herself to the Council.

Dick Owen, 810 Cox Street, said he read a newspaper article about the Eagles Lodge, that the Council wants to tear it down and put in a parking lot. He is against that idea and asked the Council not to let it happen. Konopa said he really didn't have all of the information about what the Eagles want to do. She will meet with him.

Nancy Reed, 1733 Park Terrace NW, said she understands there were two other dogs in the backyard with Blue and he may not have been the one that bit the child. She asked that the Council allow Blue to go home with staff at the kennel.

Ellen Hamill, 2042 Hill Street, said Blue's issue is a totally different story from the one Mr. Root talked about. With Blue, there was no record of any past injuries. Blue has a clean record. She said that input from her group is not well represented on the Dangerous Dog Committee or in the proposed ordinance. Konopa suggested they submit what they would like to see in the ordinance to the committee. She said the ordinance is not coming to the Council tonight. Campbell said that Albany is now known as an inhumane city and she is not proud of the city anymore.

Sandra Ambrose, 2151 Three Lakes Road, Space 77, said she lived around the corner from Blue and encountered him over three years. She doesn't understand why dogs are grouped all together and not judged individually. She also asked for the Council to consider letting Blue go home with the Pet Hotel staff.

Gary Nelson, 2535 Circle Drive, said he had a product to be developed and it was stolen. It is glow-in-the-dark sticks. It could also be used for bark dust and on roofs.

Tami Wilson, 1519 Del Rio Avenue SE, wants everyone to agree that an error was made with Blue. She wanted a positive resolution.

Dan Miltenberger, 2825 Jackson Street, told a story about a young friend being attacked by an aggressive dog after which there was a personality change in his friend. He also commented on the Airport Fixed Base Operator Request for Proposal (RFP) process, saying that it was too cumbersome. People he had talked to that were interested were put off by the 19 page application requirement.

**First Reading of Ordinance**

CP-02-10 and DC-05-10, amending Ordinance No. 4447, which adopted the City of Albany Comprehensive Plan and Map, and amending Ordinance No. 4441, which adopted the City of Albany Development Code by amending the Comprehensive Plan text and maps, and Development Code text relating to protection of

natural resources (Statewide Planning Goal 5), adopting findings, and becoming effective December 1, 2011.

City Attorney Jim Delapoer read for the first time in title only “AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN AND MAP; AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE BY AMENDING THE COMPREHENSIVE PLAN TEXT AND MAPS; DEVELOPMENT CODE TEXT RELATING TO PROTECTION OF NATURAL RESOURCES (STATEWIDE PLANNING GOAL 5); ADOPTING FINDINGS, AND BECOMING EFFECTIVE DECEMBER 1, 2011.”

MOTION: Councilor Coburn moved to have the ordinance read a second time in title only. Councilor Collins seconded the motion and it passed 6-0.

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

MOTION: Coburn moved to adopt the ordinance. Councilor Kopczynski seconded the motion.

Councilor Johnson asked if City parks were exempt from the overlay requirements. Planning Manager Heather Hansen said it is an allowed use rather than a conditional use in an open space. It doesn't exempt them from Goal 5 requirements. The reference on page 140 of the agenda refers to the Parks and Open Space Plan.

Johnson asked, if we pass this ordinance, how can it get amended and how difficult would that be? She would like to see this as the closest to the minimum that the state will allow. Delapoer said, like any ordinance, it can be amended. There is a process in place that includes review by the Planning Commission and the Council, and it would take that route.

Coburn said he too was concerned about unintended consequences. Once those become identified, he was happy to hear that changes could be made.

Hansen said there are some replacement pages on the dais (see agenda file). Staff had received requests for some minor changes. In article 6.065 the word “reduce” should have been inserted. Also, in the last “whereas” statement on page 2 of the ordinance and Section 11 on page 3 of the ordinance, strike “on City owned property”, as it limits the use of the payments.

Councilor Christman commended staff for their work and efforts regarding Goal 5, but he is going to vote no. He believes it is too much regulation and feels that there is already too much regulation by government.

Kopczynski said it bothers him that the City is being mandated to do these things. He too believes it is too much regulation.

Collins said he is going to reluctantly support the ordinance. He said he is frustrated that they are dealing with a mandate from a state division that has administrative rules that he believes were not what the legislature intended. The City has received a lot of public input, and he thinks this is the ordinance that will work, considering the parameters.

Johnson thanked Dan Watson and Ed Schultz for their input during the process.

MOTION: Coburn moved to amend the original motion in order to accept the updated changes on the dais. Collins seconded the motion and it passed 6-0.

VOTE: A vote was taken on the original motion and it passed 4-2, with Christman and Johnson voting no.

#### Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) June 22, 2011, City Council Regular Session.
  - b) July 13, 2011, City Council Regular Session.
  - c) July 25, 2011, City Council Work Session.
  - d) August 22, 2011, City Council Work Session.
  - e) August 24, 2011, City Council Regular Session.
- 2) Approving a liquor license for Sweet Red, Inc., D/B/A Sweet Red Coffee Bistro & Wine Bar, 208 First Avenue SW.

MOTION: Coburn moved to adopt the Consent Calendar as presented. Kopczynski seconded the motion and it passed 6-0.

Reports

Airport Advisory Commission recommendation on Fixed Base Operator proposals.

Airport and Transit Manager Chris Bailey explained that the Airport Advisory Commission's opinion is that since the two Requests for Proposals (RFP) advertisements resulted in three unsatisfactory proposals, they want to take some time to re-evaluate what is in the best interest of the City with respect to the Airport. Their concern is that any scenario that requires the City to pay a monthly subsidy to a Fixed Base Operator (FBO) will cause the Airport budget to be out of balance within two to three years. They feel it is better to take additional time now to fully explore scenarios that would contribute to a sustainable Airport budget, rather than enter into a contract which may have severe negative long-term impacts. The Commission recommends that the Council authorize the cancelation of the RFP without awarding either proposer. Authority to cancel was included in language of the RFP.

Coburn asked, is the RFP process too cumbersome? Bailey said staff and the Commission tried to make the second round much clearer. Purchasing and contract language for public documents can be confusing, but are required by law.

Public Works Director Mark Shepard said the Commission is asking to try to make something fit for Albany. It may be something untraditional. But, they need to have that discussion, including a funding discussion.

There followed a discussion regarding comparisons to smaller airports. Bailey wasn't sure that Albany has the capacity to make the operation profitable. They would like time to reassess.

Kopczynski asked, who owns the fuel? Bailey said the City does.

Collins said the Council created the Commission in order to get advice. He thinks they should respect their recommendation.

MOTION: Collins moved to approve the recommendation of the Airport Advisory Commission to close the Request for Proposal for Fixed Base Operator Services without accepting either of the two proposals submitted. Johnson seconded the motion and it passed 6-0.

W-01-04, Siemens equipment purchase settlement agreement.

Shepard said they are asking the Council to authorize the City Manager to sign a settlement agreement with Siemens. He said the agreement has been in negotiations for years. He thanked Water Superintendent Jeff Kinney and his crew for working through the long process of trying to get the plant operating correctly. He also thanked Craig Massey with CH2M Hill for their support. The City is getting a new set of filter membranes, a promise of reduced pricing for purchasing additional filter membranes, and receiving new strainers. The Joint Management Committee unanimously recommended approval of this settlement.

City Manager Wes Hare said the key things the City is getting is that we have a plant that is producing very high quality water and through this agreement the City is bringing maintenance costs into line with what was expected.

Johnson asked, was there ever a problem with the quality of the water? Kinney said the quality of the water was always excellent. It was the quantity of water and the maintenance of the membranes that had some issues. Clogging was happening more often than anticipated. Those events dropped from 4 to 5 times a year to 2 times a year. Staff is happy with this outcome.

MOTION: Collins moved to authorize the City Manager to execute the Maintenance and Release Agreement with Siemens Industry Inc. Johnson seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Konopa said there is a resolution on the dais for the Council to consider.

Albany Microenterprise Program.

Konopa said this issue came to the Council Work Session.

Coburn said he may need more information on how these enterprises are funded.

Hare said, in the past, they received money from the city of Corvallis, Lebanon, Sweet Home, and Linn and Benton counties. Benton County, as a lead applicant, funded through a state community block grant. That funding is no longer available. They serve both Linn and Benton counties and Albany citizens are taking advantage of the program.

Collins said he supports the funding in order to help small businesses. It allows the City to partner with folks that can provide expertise and advice to emerging small businesses.

Christman was concerned that the Council continues to use the economic development funds little by little. He said the Council needs to come up with a better plan for the economic development money.

MOTION: Johnson moved to adopt the resolution authorizing financial support to the Albany Microenterprise Program conducted by the Linn-Benton Small Business Development Center. Kopczynski seconded the motion and it passed 6-0, and was designated Resolution No. 6042.

Coburn would like the Council to consider modifying the dogs'-at-large ordinance. He would like voice command control to be an option and a replacement for the requirement of a leash.

Collins read a letter he received complaining about dogs running-at-large at and around Monteith Park (in agenda file) and the lack of control. He asked, who judges the control of a voice command? He is not in support of changing the ordinance.

Councilor Olsen would prefer to finish amending the dangerous dog ordinance, then talk about voice command or other control.

Hare suggested scheduling discussion later in the year.

Coburn asked about Blue being allowed to go to a kennel staff member's home. He asked, is that even possible? Konopa feels there would be too much risk to the City, considering that the dog has been designated a dangerous dog.

Olsen said he discussed this issue with Susan Jones who is a certified dog trainer.

Delapoer said any changes would be "defacto" to the ordinance. If this is allowed, in the future someone in a similar situation should receive the same kind of treatment. The Council has no unilateral power to allow this. The Council would have to give direction to Mr. Warren to ask for a modification of the Court order.

There was no support from the Council to consider the modification.

Coburn said he would like to move forward on the Police Station, in some manner. He would like staff to move ahead, perhaps on the wording for a Request for Proposal. He is frustrated with what he sees as another delay in the process. The City needs to strike while the iron is hot. Considering the depressed economy in the construction industry, prices are low. If the City would start building a new Police station, jobs would filter throughout the community.

There followed a discussion about using local business and if it could be advertised that way. Shepard said public funding wouldn't allow it.

Collins said he agrees with Coburn's reasons, but doesn't think the Council has debated on which building is the highest priority. They need to be on equal footing to make that decision.

Christman thinks the City can do both at the same time. Based on information received at the Work Session on Monday, he believes the City could have the consultants look at Option 3 for the Fire Department while moving forward on the Police Station. He said staff can come up with the funding sources and the Council can receive both reports at the same time.

Olsen said it doesn't need to be a "Cadillac" Fire Station. If the City spends the money on the Police Station, at least make the downtown station seismically (earthquake proof) safe.

Johnson said selling the current Fire and Police stations could provide some money.

Hare said the Council has discussed options, now they need to resolve where to place the Fire Station. The City needs to have a spot for the Fire Station in order to be on an equal footing with the Police Station.

Coburn said for the Police Station we have the spot, we have the money, and we are ready to go.

Konopa agreed with Coburn. She said it is the Police Department's turn. There is too much unknown for the Fire Department.

There followed a discussion about the process.

MOTION: Coburn moved for the Council to support building a new Police Station. Johnson seconded the motion.

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Christman thinks no matter what the Council does, they will have to go out to the voters for funding anyway.

Hare said the City could probably fund the Police Station. There followed a discussion about funding.

Collins thinks there needs to be other funding strategies provided.

VOTE: A vote was taken on the motion and it failed 2-4, with Christman, Kopczynski, Collins, and Olsen voting no.

MOTION: Johnson moved for staff to bring to the Council a funding source for building a new Police Station. Christman seconded the motion.

VOTE: A vote was taken on the motion and it passed 4-2, with Collins and Olsen voting no.

Christman commented about his belief that there are too many regulations. He provided an example of his frustration regarding his efforts to change his driveway and comply with the Americans with Disabilities Act (ADA) regulations.

Collins said the Airport send off for former Councilor Reid has been postponed.

NEXT MEETING DATE

The next scheduled session of the City Council is a Work Session, on Monday, October 10, 2011, at 4:00 p.m. in the Municipal Court Room of City Hall. The next scheduled Regular Session, is Wednesday, October 12, 2011, at 7:15 p.m., in the Council Chambers of City Hall

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:35 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, MMC  
City Clerk

Stewart Taylor  
Finance Director