

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, October 12, 2011
Immediately following the Albany Revitalization Agency Meeting

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 7:33 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge allegiance to the flag.

ROLL CALL

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

Councilors absent: None.

SPECIAL PRESENTATION

Albany Police Department Commendations

Police Chief Ed Boyd introduced Captain Eric Carter and Captain Jeff Hinrichs. Tonight they will be presenting awards to staff. Boyd is very proud of his staff and the work they do in the community every day. He encouraged the Council to go on a ride-a-long with officers to see firsthand the types of situations they deal with in the community.

Boyd said that tonight they are here to honor four officers who were involved in critical incidents that would have turned out completely different, if not for their immediate actions and decisions, their tenaciousness, and their overall professionalism and outstanding performance. Personnel are nominated for the awards based on specific criteria. Boyd will be awarding three Medals of Valor and one Life Saving Award. Boyd said he is very proud of these officers for the work they do and their commitment and dedication to the Albany Police Department and the community.

Officer Ryan McHuron was awarded the Non-Criminal Lifesaving Merit Award. Boyd read the nomination letter to the Council (see agenda file.) Boyd said, to say that McHuron used extreme tenaciousness to find a suicidal subject is an understatement; he went above and beyond what most would have done and refused to give up until he found her. By the grace of God he did, and she is alive today because of McHuron's actions. Boyd presented the award and a plaque to McHuron.

Lieutenant Curtis Hyde was awarded a Medal of Valor. Boyd read the nomination letter to the Council (see agenda file.) Boyd presented the award and a plaque to Hyde.

Officer Buck Pearce was awarded a Medal of Valor. Boyd read the nomination letter to the Council (see agenda file.) Boyd presented the award and a plaque to Pearce.

Lieutenant Marv Hammersley was awarded a Medal of Valor. Boyd read the nomination letter to the Council (see agenda file.) Boyd presented the award and a plaque to Hammersley.

Boyd said his officers do magnificent work in the community and put their lives on the line every single day. They display great professionalism, dedication, courage, and effort. He is very proud of them.

Konopa said that the Council appreciates Albany Police Officers. Most of them don't know what they will face each day. She said, the Council appreciates the Police Department; it is one of the best in the state. She thanked them for their service.

PROCLAMATION

National Friends of Libraries Week

Konopa read the proclamation for October 16-22, 2011, National Friends of Libraries Week (see agenda file).

Konopa thanked the Friends of the Library. They are a very active group and she thanked them for their commitment and all they do.

SCHEDULED BUSINESS

Communication

Accepting resignation from Erin Johnson from the Landmarks Advisory Commission.

MOTION: Councilor Bessie Johnson moved to accept the resignation of Erin Johnson and send a thank you letter. Councilor Ray Kopczynski seconded the motion and it passed 6-0.

Business from the Public

Bill Root, 2634 NW Valley View, thanked all who came to the fundraising event for East Thornton Lake Natural Area (ETLNA). They had a successful silent auction and dinner to help pay for the purchase of the property. It was a wonderful venue at the Wheelhouse on the fourth floor. The venue was donated and the food was donated at cost. The servers and the auctioneer also donated their time. Auction items were also donated. Root recalled that the late Ralph Reid Jr. had said that he specifically wanted to see community-wide support for this project, not just support from North Albany; Root was pleased to report that it is definitely becoming a project with community-wide involvement.

Adoption of Resolutions

Affirming City of Albany participation in the Oregon Cascades West Regional Consortium and granting the City Manager authority to approve additional financial participation on a case-by-case basis, not to exceed appropriated amounts.

Community Development Director Greg Byrne said this is the next step in a process that has been going on for three years. The task force has reached the point where they feel it is wise to form a nonprofit corporation to deal with wetlands and industrial properties on a regional basis. It is being headed up by Council of Governments (COG).

Byrne said the attachment to the staff report shows four properties in Albany to be included in this regional wetlands permit. They represent several different properties and about 440 acres. To be included, properties need: to be industrial and offer the potential for job development in the community; to be impacted by wetlands; and the owner of the property needed to apply to be included in the permit. The task force has worked to reach consensus with the rest of the jurisdictions in the region to establish these 20 properties, four of which are in Albany. This resolution affirms continued participation in the group under the bylaws of a nonprofit corporation.

MOTION: Councilor Floyd Collins moved to adopt the resolution affirming City of Albany participation in the Oregon Cascades West Regional Consortium and granting the City Manager authority to approve additional financial participation on a case-by-case basis, not to exceed appropriated amounts and Councilor Dick Olsen seconded it.

Councilor Jeff Christman wanted to know what the \$1,000 pays for. He assumes all six agencies contribute that amount so the total would be \$6,000. Byrne said the money will be used to defray administration costs for COG. Most work is done under grants which COG has received, and the properties participating will get onsite wetland delineation work done, if they don't have current active delineation that has been accepted by the Division of State Lands (DSL). They will also participate in regional permitting that will shorten the process should any of the properties have a buyer or developer that wants to create jobs on the property. The wetland permitting process can be lengthy. This will take 20 of the properties up to the 80% mark through the wetland permitting process so that if an employer comes to Albany, these properties will be primed and ready to take the last step in wetland mitigation.

Konopa explained that the support COG gets from the 27 jurisdictions in all three regions is less than 1% of their overall budget. COG has taken the lead role for the grant process but they don't have the staff to oversee the program on a short-term or long-term basis without some funding. Konopa thinks the City's contribution is minimal and the City will get a good resource from it.

Christman said he is concerned because the staff report notes that additional funding may come later. He wants to know, how much more will they want down the road? Right now \$1,000 isn't much but if the City continues to finance the project periodically, eventually they will get to a point where they have put in too much money to be able to reasonably back out. He wants to make sure the City is not started down that path. He is concerned with the open-endedness of the budget.

City Manager Wes Hare said the good news is that the grant received by COG was \$250,000. He said, they have already done an outstanding job of bringing resources that are unique to our area and we are the only ones in the state, that he is aware of, that are engaged in this kind of a project. Albany also has a unique need, because there are several industrial sites that are affected by wetlands. He assured the Council that he would warn them if he perceived this to be a black hole but he thinks COG does a good job finding resources and the City should be able to limit their future liability. The Council also would always have the final say in the level of commitment they want to extend.

Konopa said that is COG's concern too; that the program is able to continue and that they have enough to staff it.

Kopczynski asked, if the program is already in place for the 20 properties to be processed to the 80% mark, then what is the \$1,000 needed for? Byrne said the next step is to find a way economically to deal with the mitigation cost. The grant funds will take the project through the permitting process, delineations on the ground, and acceptances by DSL, but not the mitigation costs. One thing this group will be doing is evaluating mitigation costs for the loss of wetlands on these properties. There are several different options to look at, for example: buying credits from a wetlands bank and holding them; or buying options on credits and exercising the options in the future if properties are developed; or creating a wetland bank by buying property, converting it to wetlands, and holding the credits for the participants. This group will evaluate these alternatives and report back to the project participants.

Johnson asked, if COG is running this regional project, does it take away local control? For example, if Albany finds something that we want to pursue with a property, is it going to be tied up with the group plan? Byrne said, yes, the City could proceed; our participation in this project does not reduce our control at all. He noted that there are some properties in town that do not have wetlands that did participate and others that do have wetlands but the owners didn't want to participate. There is a wide variety of properties. This project advances Albany properties to the head of the line in the region by getting some of the work done ahead of time.

VOTE: The motion was voted on and it passed 6-0 and was designated Resolution No. 6043.

Authorizing the City of Albany to submit a grant application to the Oregon Department of Transportation (ODOT) for the flexible funding program to fund sidewalk improvements on Gibson Hill Road.

Public Works Director Mark Shepard said this project is listed in the Capital Improvement Program (CIP) to construct sidewalks on Gibson Hill Road from the roundabout to the west. On the south side of Gibson Hill the sidewalk would be extended to Penny Lane and on the north side to Broadway Street for the first phase. This is an approved and budgeted project.

Shepard said that ODOT notified the City of a funding opportunity for flexible funds and they thought sidewalk along the entire length of Gibson Hill Road would be a good fit. Staff is asking for Council authorization to submit an application for the grant funds. If they are awarded, the City would use the money they were planning to use anyway on the east end as the match, in order to do improvements all along the entire length of Gibson Hill Road. Staff will hear from ODOT sometime in February. If they are unsuccessful in the grant process, they would still move the CIP project forward.

Hare said that the City has submitted applications for grant funds on other occasions for Transportation Enhancement dollars but they didn't fit the criteria of the grant. This sidewalk project has been a longstanding priority to help kids get to school safely. It is a great project and they have been scouting for opportunities for resources.

Councilor Bill Coburn asked, would this include sidewalks all the way to Scenic Drive? Shepard said yes, and it would be on both sides of the road from the roundabout to Scenic Drive.

MOTION: Christman moved to adopt the resolution to submit a grant application to ODOT for the flexible funding program to fund sidewalk improvements on Gibson Hill Road and Coburn seconded it.

Collins said this is an example of a project that was brought to the City by citizens of the neighborhood years ago and added to the CIP. This is leveraging the money set aside to get a full project for about 10 % of the cost. This would meet the needs that were expressed by the community.

Konopa said that this shows how having a project in the CIP sometimes helps to get grant funding.

VOTE: A vote was taken on the motion and it passed 6-0 and was designated Resolution No. 6044.

AR-10-02, Airport Runway Rehabilitation project.

Accepting Federal Aviation Administration Grant Amendment No. 1 to existing grant No. 3-41-0001-011 for Airport runway improvements.

Konopa said that on the dais was a revised resolution for AR-10-02 (see agenda file).

Shepard explained that the credit and debit were listed in the wrong column in the resolution that was part of the agenda packet. The revised resolution fixes that error.

Shepard said that this is a housekeeping item. He explained that the Airport project was started under a manager who has since retired. The scope and additional funding from the FAA was all negotiated by the previous project manager. Civil Engineer II Jeff Woodward stepped in and finalized the project, but realized there were some steps that were missed. This accepts the funds from the FAA and the change order which is over 10% and so

requires Council approval. Shepard said the work has already been done and the FAA paid for it, so there was no cost to the City.

MOTION: Collins moved to adopt the revised resolution on the dais accepting Federal Aviation Administration Grant Amendment No. 1 to existing grant No. 3-41-0001-011 for Airport runway improvements and Kopczynski seconded it. The motion passed 6-0 and was designated Resolution No. 6045.

Approving a construction contract increase to Wildish Construction Company in the amount of \$167,508.34.

MOTION: Collins moved to approve the construction contract increase in the amount of \$167,508.34 as presented in the staff report and Kopczynski seconded it. The motion passed 6-0.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) August 15, 2011, City Council Work Session. [Pages 21-22]
 - b) September 14, 2011, City Council Regular Session. [Pages 23-27]
- 2) Approving a liquor license for Jose Vazquez, D/B/A Hunter's Market, 1025 Pacific Boulevard SE. [Page 28]
- 3) Authorizing the Fire Department to accept \$3,972 from the 2009 State Homeland Security Grant Program for a Basic Public Information Officer class. [Pages 29-30] RES. NO. 6046
- 4) Authorizing the Fire Department to accept \$1,800 from the Target Corporation Public Safety Grant Program to purchase weather radios. [Pages 31-32] RES. NO. 6047
- 5) Accepting following right-of-way dedication deeds from:
 - a) Thomas C. Meagher. [Pages 33-38] RES. NO. 6048
 - b) TLK Properties, LLC. [Pages 39-44] RES. NO. 6049
- 6) Accepting a sanitary sewer easement from TLK Properties, LLC. [Pages 45-50] RES. NO. 6050
- 7) Accepting a correction deed from William and Della Burcham Revocable Living Trust. [Pages 51-59] RES. NO. 6051

Johnson asked that the item 1b), the September 14, 2011, Regular Session minutes, be pulled for discussion.

MOTION: Coburn moved to adopt the Consent Calendar with Item 1b) removed for discussion. Johnson seconded it and the motion passed 6-0.

Johnson said she was gone during this meeting. She read in the minutes that the Council discussed collections for past due assessments. She said it seems this may be an ongoing issue with several delinquencies and that they should not wait ten years to collect. Delapoer said that actually there are very few delinquencies. Taylor said that only 34 out of 300 accounts are late. Delapoer said that most are paying their accounts on time, but this particular delinquency was the oldest and the worst one so it was brought to the Council to seek direction on how to proceed with not only this one, but the few others that are behind. Johnson said she thinks that waiting ten years is too long. It is not fair to those customers that pay on time.

Johnson made no changes to the minutes.

MOTION: Johnson moved to adopt Item 1b) of the Consent Calendar. Coburn seconded it and it passed 6-0.

BUSINESS FROM THE COUNCIL

Christman is the representative for the Council at the League of Oregon Cities (LOC). He reported that the LOC meeting he attended was very routine and there was no significant action. The LOC Conference had very good sessions.

Collins said he will be gone for the next Work Session and the Regular Session.

Johnson said the LOC Conference was great. She always learns something from it. She asked Hare if he would give the presentation that he led at the LOC Conference for the Council. It was a good session on promoting civility and integrating angry people.

Johnson said that for future Work Sessions from now until November 15, she may be up to an hour late due to the tax season and her job at the Linn County Tax Assessors Office.

Coburn asked Shepard if he looked into the improper Manufactured Home Park sewer rates. Shepard said staff talked to the largest Manufactured Home Park and have not got a response back from them. He met with Taylor and Delapoer about how to move forward. Staff would like to make an offer to the customers but want Council guidance before they proceed. They are considering offering them a settlement at 50% of what is owed by a date certain, and if they don't accept that offer then the City would move towards litigation. Shepard said that according to the Albany Municipal Code (AMC) staff cannot make an offer without Council direction.

Hare will bring back information about the amounts owed at the October 24, 2011, Work Session.

Olsen said that he enjoyed the ETLNA event and is glad it was successful. He thanked Bill Root for his efforts and the Parks & Recreation Department. They put on a very nice event. Konopa agreed it was a nice event.

Hare said that the LOC gives an annual Award for Excellence in the Large City category. It was presented to Albany and Millersburg for the Talking Water Gardens project. The City also got three other awards for the project. This particular LOC award is one that Albany applied for and beat out several other cities. Talking Waters captures folks' attention because it solved an engineering problem of waste disposal, and also created an attractive new amenity in the community. There is also a significant and important economic development component by helping one of the leading industries solve one of its' problems. Finally, it is a multijurisdictional project that involved both public and private agencies. It is a tribute to many people in different organizations and to the leadership in both City Councils. This new award follows the Good Governance Award that the City of Albany won last year from LOC for the Dashboard project.

Hare said that the City has won awards for a number of things this year. It is a tribute to our organization and the community. He is not sure folks in the community are aware of the awards or the projects that were awarded. Staff thought of having an open house at the start of the holiday season to present to the public some of the award winning projects, programs, and people. They are considering December 7, prior to the Council meeting, as the date. Hare described the set up.

Konopa noted that Talking Water Gardens is something the community can use for many years. Word is getting around about it. She got a letter from Mayor Julie Manning from Corvallis offering congratulations for the award.

NEXT MEETING DATE: Work Session October 24, 2011
 Regular Session October 26, 2011

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:28 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
Deputy City Clerk

Stewart Taylor
Finance Director