



**NOTICE OF PUBLIC MEETING**  
CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
333 Broadalbin Street SW  
Wednesday, January 8, 2014  
Immediately following ARA Meeting

**OUR MISSION IS**

*“Providing quality public services  
for a better Albany community.”*

**OUR VISION IS**

*“A vital and diversified community  
that promotes a high quality of life,  
great neighborhoods, balanced  
economic growth, and quality public  
services.”*

**AGENDA**

Rules of Conduct for Public Meetings

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ROLL CALL

Action: \_\_\_\_\_

4. SCHEDULED BUSINESS

a. Communication

1) Accepting Ron Terhaar’s resignation from the Airport Advisory Commission. [Page 3]

Action: \_\_\_\_\_

b. Business from the Public

c. First Reading of Ordinance

1) Levying assessments against property specially benefited by sewer and water connections and the assessment of sewer, parks, and transportation system development charges and property described as Tax Lot 1208 of Parcel 11S03W08CB01208 and site address 1605 Oak Street SE and declaring an emergency. [Pages 4-7]

Action: \_\_\_\_\_ ORD. NO. \_\_\_\_\_

d. Adoption of Consent Calendar

1) Approval of Minutes

a) November 6, 2013, City Council Regular Session. [Pages 8-17]

b) November 13, 2013, City Council Regular Session. [Pages 18-22]

c) December 4, 2013, City Council Regular Session. [Pages 23-27]

2) Accepting a \$2,500 Walmart grant for educational materials for the Albany Police Child Safety Program. [Pages 28-29] RES. NO. \_\_\_\_\_

Action: \_\_\_\_\_

e. Appointments

1) City Boards, Commissions, and Committees. [Pages 30-31]

Action: \_\_\_\_\_

2) Council Audit Committee. [Pages 32-35]

Action: \_\_\_\_\_

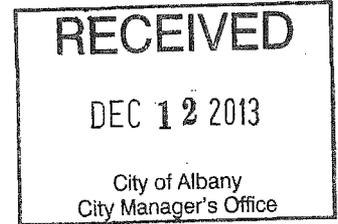
5. BUSINESS FROM THE COUNCIL
6. NEXT MEETING DATE: Regular Session January 22, 2014
7. ADJOURNMENT

City of Albany Web site: [www.cityofalbany.net](http://www.cityofalbany.net)

*The location of the meeting/hearing is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-917-7508, 541-704-2307, or 541-917-7519.*

327 Oak Street NE  
Albany, OR 97321  
541-223-3162  
November 29, 2013

Mayor Konopa and Albany City Council  
Albany, OR 97321



12-12-13 10:07 RCVD

Dear Mayor Konopa and Council Members,

Please accept this letter as my resignation from the Airport Advisory Committee.

The reason is aggravation over the handling of the airport fence issue. Here's how it looked from my side. When the previous section of security fence went in (three airport managers ago), it did not get put where the airport users were told it would go. Determined to get any new improvements right the first time, members of the committee have been insistent that the committee have input and see where the fence is going prior to putting it out to bid. Over the last many years, our chairperson has said as much every time the issue has come up. And it has been often. At a recent meeting, a motion with a general description of how the fence should go was discussed and passed unanimously. The Airport Manager was present and voiced no disagreement. We felt we had a plan. Shortly after, the surveyors began staking the fence. The stakes did not follow the recommendation. When I noticed and stopped to ask why this was changed, I ended up in a heated discussion with Mr. Shepard regarding who made the change. I never got an answer. Life's too short for heated discussions.

I completely understand that the committee is advisory in nature. (It's in our committee title.) In fact the staked fence line may be the best place to have the fence. The case should have been made. I'm open to persuasive arguments. But if we are going to take the time of seven of our citizens (and city staff) for monthly meetings and requisite additional time, the committee members should at least be made aware when their recommendations are ignored.

The Airport Advisory Committee has been charged with making the Airport self-sustaining. While progress is sometimes painstakingly slow, we have the airport in the black. The Committee has been worthwhile.

My thanks to Dick Olsen for my appointment. I have made the effective date of my resignation Dec 31, 2013. I will continue to be involved in airport issues albeit from the outside. Feel free to contact me if you would like my opinion on any issue in the future. My opinion is still free and worth every penny.

Sincerely yours,

A handwritten signature in cursive script that reads "Ron Terhaar". The signature is written in dark ink and is positioned above the printed name.

Ron Terhaar

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO LEVY ASSESSMENTS AGAINST PROPERTY SPECIALLY BENEFITED BY SEWER AND WATER CONNECTIONS AND THE ASSESSMENT OF SEWER, PARKS AND TRANSPORTATION SYSTEM DEVELOPMENT CHARGES AND PROPERTY DESCRIBED AS TAX LOT 1208, OF PARCEL 11S 03W 08CB 01208, AND SITE ADDRESS 1605 OAK ST SE; AND DECLARING AN EMERGENCY.

WHEREAS, the Albany City Council approved System Development Charges on this property for an 81-unit apartment complex in the amount of \$248,149.37, on December 4, 2013. The charges were levied on five of the six buildings (# 2 through # 6), that are identified as Oak Street Apartments. The System Development Charges included in this ordinance are levied against the final building, building # 1, designated as a "Recreation Center" on this property at 1605 Oak St SE. (See "**Exhibit A**" list of property assessments)

WHEREAS, the Sewer System Development Charge, as referred to in this ordinance, is to provide sewer connections to serve the structures on this property; and

WHEREAS, the Transportation System Development Charge is intended to assess charges for future expansion or capacity increases to the system, and are aimed at providing additional levels of services to the existing road network; and

WHEREAS, the Parks System Development Charge is intended to impose a portion of the public cost of capital improvements for parks upon properties where developments create the need, or increase the demand for park improvements; and

WHEREAS, these charges will be assessed on the property described as Tax Lot 1208, of Parcel 11S 03W 08CB, and site address 1605 Oak St SE. (See attached map "**Exhibit B**")

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The Sewer, and Transportation System Development Charges and the assessments for the same will be levied according to the provisions of Albany Municipal Code, Chapter 15.16. The Parks System Development Charge and the assessment for the same will be levied according to the provision of Albany Municipal Code, Chapter 15.20.

Section 2: The total cost of the Sewer, Transportation, and Parks System Development charges is \$119,930.16. (See attached "**Exhibit A**" and "**Exhibit B**")

Section 3: The City Recorder is hereby directed to enter a statement of the assessments as provided above in the docket of the City liens and give notice thereof as provided by law.

Section 4: Emergency Clause: In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: \_\_\_\_\_

Approved by the Mayor: \_\_\_\_\_

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**“Exhibit A”**

Owner of Record

Oak Street Apartments LLC  
Hans Thygeson  
825 Harritt Dr NW  
Salem, OR 97304

Property Description

1605 Oak St SE  
Albany, OR 97321  
11S 03W 08CB 01208

Assessment Description

Parks SDC (Bldg # 1)  
Amount: \$18,410.16  
Acct #: psdc2013-0010-000

Sewer SDC (Bldg # 1)  
Amount \$63,480.00  
Acct #: ssdc2013-0013-000

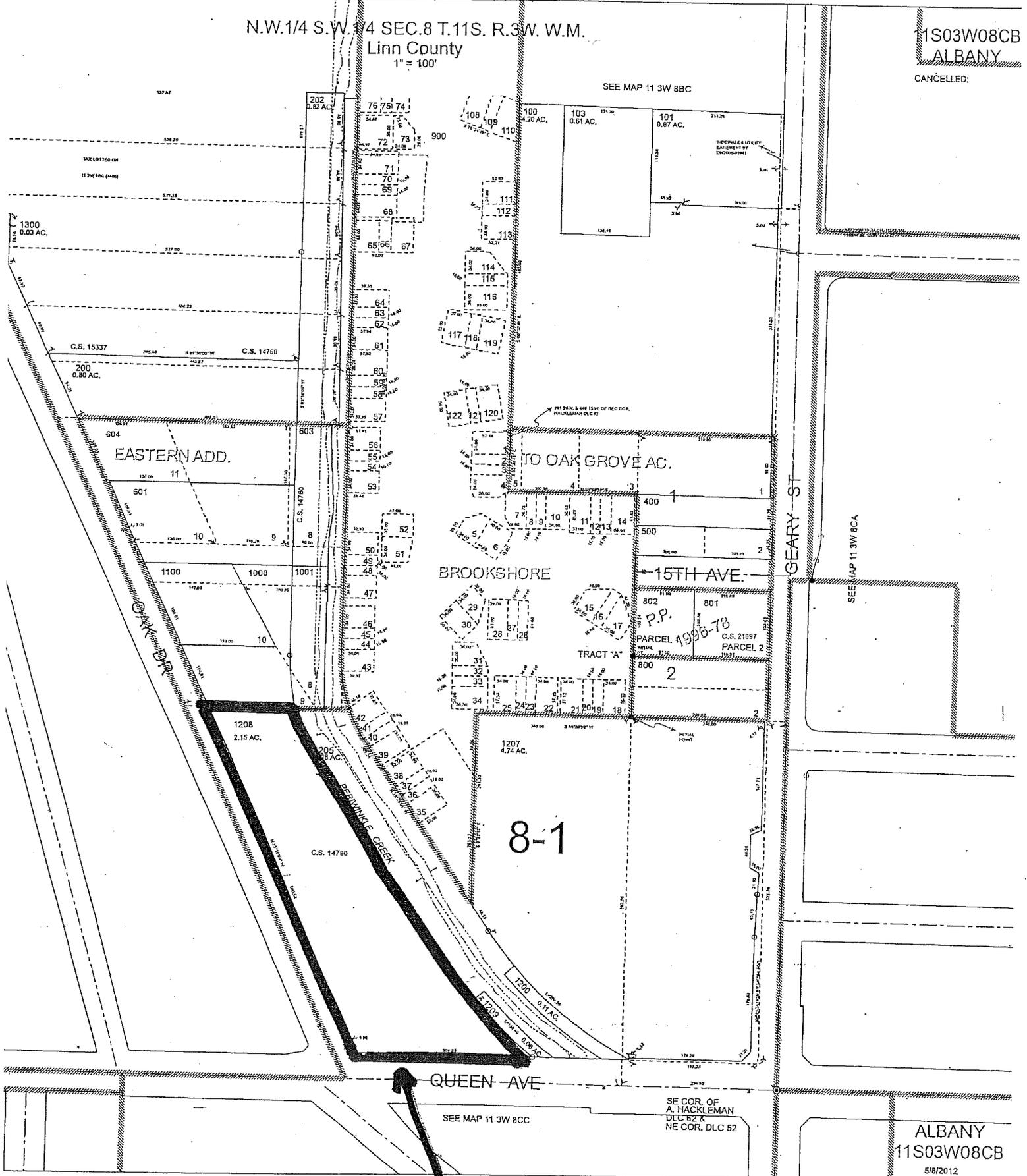
Trans SDC (Bldg # 1)  
Amount: \$38,040.00  
Acct #: stsd2013-0010-000

Report Total: \$119,930.16

# "Exhibit B"

N.W.1/4 S.W. 1/4 SEC. 8 T.11S. R.3W. W.M.  
Linn County  
1" = 100'

11S03W08CB  
ALBANY  
CANCELLED:



**Tax Lot 1208**

ALBANY  
11S03W08CB  
5/8/2012

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, November 6, 2013  
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon 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: Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Ray Kopezynski, Dick Olsen, and Floyd Collins.

Councilors absent: None.

PROCLAMATION

Konopa read a proclamation honoring fallen Oregon City Reserve Police Officer Robert Libke and supporting the City of Oregon City as it heals from this tragedy (see agenda file).

SCHEDULED BUSINESS

Public Hearing

ZC-01-13, amending Ordinance No. 4441, which adopted the City of Albany Zoning Map and adopting findings and conclusions for property located at 1605 Oak Street SE, and declaring an emergency.

Konopa said the next agenda item is a consolidated quasi-judicial public hearing regarding Planning File ZC-01-13. This is a quasi-judicial public hearing regarding the rezoning of the northerly 40,500 square feet of an existing 3.1 acre parcel from Residential Medium Density (RM) to Residential Medium Density Attached (RMA). The reason for this zone change request is to allow a proposed 24-unit residential apartment building to develop under densities permitted in the RMA zone that are not permitted in the RM zone. The location is 1605 Oak Street SE. The applicant is Hans Thygeson.

Open: Konopa opened the consolidated quasi-judicial public hearing at 7:18 p.m.

Konopa asked if any Councilors wished to declare a conflict of interest. No one did.

Konopa asked if any Councilors wished to report any ex parte contact. No one did.

Konopa asked if any Councilors wished to report a site visit. No one did.

Konopa asked if any Councilors wished to abstain from participating in the proceedings. No one did.

Konopa asked if anyone wishes to challenge the City Council's right to determine this matter or the participation of any Councilor in this hearing and decision. No one did.

Konopa said for those wishing to testify there is a sign-up sheet at the table (see agenda file).

Konopa said, for 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 Land Use Board of Appeals (LUBA). Testimony and evidence must be directed towards the approval standards staff will describe or other criteria in the comprehensive plan or development code which you believe to 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 the proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.

Konopa called for the staff report.

Staff Report

Planner III David Martineau said that the owner of Oak Street Apartments, represented by Hans Thygeson, is applying to rezone the northerly 40,500 square feet portion of his existing 3.1-acre parcel from RM to RMA. The affected property is on the east side of Oak Street, north of Queen Avenue. The purpose for this rezone is to allow the development of a 24-unit residential apartment building under densities permitted in the RMA zone that are not permitted in the RM zone.

Martineau said there are two standards that deal with allowable residential density in a given zone. The first standard looks at minimum land requirement by unit type (specifically number of bedrooms). Of the 24 units being proposed, 12 will be one bedroom and 12 will be two bedroom. One bedroom units require 2,000 square feet of land per unit, and two bedroom units require 2,400 square feet of land per unit. Based on minimum land requirement by unit type, 1.21 acres of land would be required to accommodate the completed 24 unit development, which exceeds the amount of land available.

Martineau said the second standard for density considers the maximum number of units allowed per gross acre of land. The RM zone caps density at 25 units per acre; the RMA zone allows 35 units per acre. The subject property is 40,500 square feet, which equals 0.93 acre. So according to the second standard, the number of units would be limited to 23 under the existing RM zoning. Under RMA zoning, the proposal could meet both standards of density, because by design, the RMA zone allows higher density than the RM zone. RMA zoning here would also be consistent with the existing RMA zoning on the rest of the applicant's property.

Martineau said the Comprehensive Plan designation for the property is Medium Density Residential (MDR). According to the Plan Designation Zoning Matrix in Albany Development Code (ADC) 2.760, both RM and RMA are compatible with the MDR designation; therefore this request does not require an amendment to the comprehensive plan.

The proposal was reviewed for conformance with criteria for zoning map amendments found in the Development Code. Staff and the Planning Commission found that:

- The proposed zoning is consistent with the Transportation System Plan.
- Existing public utilities in Oak Street adjacent to the subject property are capable of serving development that would be allowed in the proposed zone; and
- On balance, the Residential Medium Density Attached zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan.
- The proposed amendment will not affect implementation of the Statewide Planning Goals.
- Therefore, staff and the Planning Commission recommend approval of the proposed zoning map amendment.

Councilor Rich Kellum asked, is there ample parking between the two zones? Martineau said they were calculated according to Article 4 so regardless of what it is zoned, the parking standards apply to the use.

Councilor Bill Coburn asked how many people showed up to the neighborhood meeting held at the Boys and Girls Club a year ago, and what their comments were. Martineau said there were a handful of people that showed up. A manager of another apartment complex across Periwinkle Creek asked the nature of the development. There were no other issues raised.

Applicant

Konopa said, if anyone wishes to enter an exhibit into the record as part of your testimony, please briefly describe the exhibit and present it to the City Clerk.

Konopa asked the applicant to come forward to state their name and address, and make any statements.

Mark Grenz represents Multi Tech Engineering at 1155 13<sup>th</sup> Street, Salem. Grenz represents Thygeson. When he acquired the property they talked to the City about what could be done there. They knew the densities between the two parcels and based on that they came up with a plan for 81 units for the site along with adequate parking. When they applied for site design review, staff pointed out that one of the buildings would exceed densities allowed under the RM zone by one unit. They tried to reconfigure the site to orient the buildings in order to get two different types of buildings to fit but were not able to do so and still meet all the other criteria. They obtained site design approval with conditions that would allow them to add one more unit following a successful rezone. This would allow them to meet development criteria and maintain all the setbacks, parking, etc. Initially they also provided transportation information the Public Works reviewed. With the current application, they provided a Transportation Planning Rule (TPR) analysis. Both intersections are still within the criteria with this addition. One unit adds less than one p.m. peak hour trip. Grenz said the Planning Commission approved this unanimously.

Konopa asked, does anyone wish to speak in support of the application? No one did.

Konopa asked, does anyone wish to speak in opposition of the application? No one did.

Konopa asked, does anyone wish to speak who is neither in favor nor in opposition to the application? No one did.

Konopa asked, does the applicant have any rebuttal testimony? No one did.

Konopa asked, does any staff member wish to respond to any testimony presented? No one did.

Close: Konopa closed the public hearing at 7:29 p.m.

City Attorney Jim Delapoer read the ordinance for the first time in title only: "AN ORDINANCE AMENDING ORDINANCE 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP AND ADOPTING FINDINGS AND CONCLUSIONS FOR PROPERTY LOCATED AT 1605 OAK STREET SE; AND DECLARING AN EMERGENCY."

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

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

MOTION: Councilor Bessie Johnson moved to approve the ordinance and Kellum seconded it. The motion passed 6-0 and was designated Ordinance No. 5826.

Konopa said, within five days of the decision the Community Development Director provides written notice of the decision to the applicant and any other parties entitled to notice. A decision of the City Council may be appealed to LUBA by filing a Notice of Intent to Appeal not later than 21 days after the decision becomes final.

#### Business from the Public

Matthew Bechtel, 1433 Circle SE, said he is a disabled Iraq war veteran and the Chief Executive Officer of Albany Alternative Health Solutions. He handed out a flyer on Albany Alternative Health Solutions (see agenda file).

Greg Bechtel, 978 Ferry Street SW, said he is also a service-connected disabled veteran and the Chief Financial Officer of Albany Alternative Health Solutions. He said they represent a section of the growing Oregon Medical Marijuana Program (OMMP) community in and around Albany. This community has gone through all kinds of obstacles to get the pain management medication that they need. They would like to open a clinic in Albany that will include dispensing medical marijuana as a key service. They would like to work with the City to ensure that they have a clinical atmosphere and to do what they can to dampen the stigma that dispensaries currently have. Specifically, they would like to open a clinical dispensary that offers alternative health solutions. For example, they are interested in providing tobacco cessation, aromatherapy, OMMP, natural remedies, prayer, spiritual resources, and merchandise in hopes that some of the retail sales will offset their operating costs.

Greg Bechtel said there are those in the community that have expressed concern, specifically because Oregon voters have said no to dispensaries in the past. Measure 74 was written to allow limited sale of marijuana. Bechtel said, it was poorly written and lacked clarity regarding regulation, operation, and enforcement; and it would have cost the state between \$400,000-600,000. He said they believe that those are the reasons why Measure 74 was defeated, and not because Oregon residents are against dispensaries. The sale of marijuana was, is, and will continue to be illegal in the state of Oregon as well as federally. He said, we will never sell marijuana. He said, some others have voiced concerns about problems caused by dispensaries. The idea that dispensaries will bring marijuana into Albany is naïve; because it is already in Albany. Local, legal patients are forced to resort to illegal means to acquire the medicine they need. It is not realistic for patients to grow it themselves; Bechtel said it cost them over \$2,000 in set up equipment just to grow for their own personal needs. He said, that is why the law was written; for specialized growers. The primary difference between a legal operation and an illegal retail marijuana establishment is the bottom line. He said the law is written so that is must be zero-sub, meaning that one cannot profit from nor can they sell marijuana.

Greg Bechtel said, regarding the federal regulations, this is not first time Oregon has stood behind legislation that is counter to federal rules; for example, the Death with Dignity Act. Additionally, the Obama administration has said they will not file suit against states that have legalized the use, medically or otherwise, of marijuana; however, the pursuit of criminal enterprises who benefit from the sale of marijuana against state regulation will continue to be a prime target of the Department of Justice. Bechtel said, we welcome this. The criminal element does profit from the sale of illegal drugs; by comparison, Walgreens profits by the sale of legal drugs. He said, we would rather see Walgreens in the neighborhood. He said the unique opportunity that cities have is to dramatically decrease the illegal trafficking of it through oversight and regulation. He said, we welcome that; and by working with the City we can be the flagship for how organizations that are medically minded down the road should operate, by writing and setting the standards. This is the advantage they have at this juncture; the cities can write the rules about how these organizations can operate. Not only can they do it locally but also on the state level.

Greg Bechtel said, right now they are at the crossroads of prohibition versus regulation. Medford chose the prohibition route and as such they are going to be in for a long and expensive legal battle. Albany has a unique opportunity to custom build regulations about how dispensaries can operate and how the City can be repaid for allowing that. He said, they prefer to work side by side on a mutually beneficial future where patients have safe, legal access to medication, so they can stop the bad reputations associated with terms such as "dank tank", which he says they find reprehensible.

Matthew Bechtel said that they plan to follow a nonprofit model with patient needs in mind while still following state regulations. Currently, most of their patients live in rental units or assisted living and every time they treat their pain at home they risk becoming homeless because there is nothing in the law that protects them from landlords. Bechtel said, considering that 40% of the city are renters, potentially that could be 7,500 families that could be homeless. This is just one of the threats that patients face on a daily basis without a facility to accommodate their needs. He said, granted, not all of them are patients; but there are currently 1,600 marijuana patients in Linn County alone and 11,000 in surrounding counties. When House Bill 3640 goes into effect, Post Traumatic Stress Disorder (PTSD) will be an OMMMP qualifying condition. He said, there will likely be a massive influx on the system as more veterans are able to join the program and what we need now is a professional clinic. He said, we are here and ready to work with the City. He asked, what does the City need from them?

Konopa said that at the end of the meeting, the City Attorney will be updating the Council on what he found out regarding information the Council had asked for on this subject.

A copy of the 2013-2014 Oregon Resource Guide was passed out (see agenda file). Page 14 features the Albany Municipal Airport.

Dan Miltenberger, 2825 Jackson Street SE, said he is aware that City staff put in a fence that would not be on the Airport's property line. He said he was there when the Airport Advisory Committee voted to have it on the property line and staff had explained that Parks & Recreation employees would mow the lawn and it would not be an expense to the Airport to take care of the property outside the fence. Miltenberger said he agreed with the Commission that they should put the fence on the property line. He said that later he learned it may be a wrought iron fence. He said if that happens he wonders if the Airport would have to cover the additional cost. The Federal Aviation Administration wants the fence to protect the Airport though he doesn't think they require it. Konopa said there has been no decision to have a wrought iron fence.

Cameron Settlemeier, 230 Seventh Avenue SW, distributed pictures of the structure at 177 Seventh Avenue (see agenda file). He said this particular property is being considered to purchase for a future fire station. It is a unique structure that was built in 1915. Settlemeier said the map shows that it was an auto repair garage. He described the architecture of the building.

Settlemeier said that in 1915 the Model T was popular. This building is from the infancy of the automobile era and it shows a transitional era in history, moving from the horse and buggy era to the horseless carriage era. It still maintains much of its original features. He said, Albany is looked at as a leader in the historic movement and should not be destroying a key historic structure just because it is in an inconvenient location. He is asking that the Council exclude this property from the resolution or state that the building be preserved or moved to another location where it can be preserved.

Konopa thanked him for bringing it to the Council's attention.

#### Adoption of Resolutions

Authorizing the City Manager to enter into a purchase and sale agreement with the owners of properties at 177 Seventh Avenue SE, 623 Lyon Street SE, and the east portion of 655 Lyon Street SE, not to exceed \$545,000, plus associated closing costs.

Fire Chief John Bradner said staff is requesting that the Council authorize the City Manager to enter into a purchase and sale agreement with the owners of properties at 177 Seventh Avenue SE, 623 Lyon Street SE, and the east portion of 655 Lyon Street SE. He said they have been working with an environmental attorney and City Attorney Jim Delapoer and there is a purchase and sale agreement ready to go. The property owner's intention is to give \$50,000 back to the Fire Department because, as he stated, the Fire Department has been good neighbors for many years and he respects that relationship. That is not included in the purchase price; it is a donation. Bradner described the map on page 31 in the agenda packet.

Bradner said the purchase would allow the City to acquire about 14,000 square feet of land and two buildings. The dry cleaners would go through some environmental analysis and most likely would be demolished. As to the property at 177 7<sup>th</sup> Avenue, Bradner has talked to the owner about relocating or salvaging the building. With the additional purchase the total land for the downtown fire station would be 1.6 acres, which is what the consultant said they need in order to build a two-story fire station.

Bradner said they learned that the City was successful in getting the Oregon Brownfield Redevelopment Grant for \$60,000 to go towards environmental assessment and attorney costs. If there is an issue, there are also Oregon Department of Environmental Quality (DEQ) dry cleaner funds available.

Delapoer complimented Bradner on getting the Brownfield Grant. It was structured in such a way that it will allow the City to recover our costs for specialized legal counsel. This has complex site remediation elements dealing with the dry cleaners and Oregon DEQ. The agreement is very detailed to protect the City and is fair to the property owner. It is a very good agreement and he is very pleased that through the efforts of Bradner, they will be getting reimbursed through the grant.

Johnson asked if the dry cleaner fund was depleted. Bradner said they are active in current projects so it will spend down some of the funds, but in all the dealings he has had with the DEQ he believes there will be adequate funds available for the City of Albany.

Konopa asked Lead Long Range Planner Anne Catlin if this structure falls under the City's historic code regulations. Catlin said it falls outside the boundaries of the historic district so is not subject to any of those regulations.

Councilor Dick Olsen said he wants to add to the resolution that they will do everything possible to find a way to move the historic building.

MOTION: Olsen moved to approve the resolution with the amendment to make all possible efforts to preserve or relocate the building at 177 Seventh Avenue SE and Johnson seconded the motion.

Kellum said that the voters just turned down a GO Bond for a new Police and Fire station. He doesn't know what the ramifications are if, one day after voters said no to the bond, the Council approves a purchase for property. He said this situation bothers him.

Council Floyd Collins asked about the timing of the amendment to the resolution; what does "all possible efforts" mean? Delapoer said it is a good faith expression of intent. It is not binding since by four votes the Council can change any direction, including a resolution. Discussion followed.

To Kellum's comments, Coburn said, we don't know why people voted no. He has heard that some wanted to vote on the stations separately; some thought it was too much money; and some thought there should be a design done first. He said, there is no way we can come to the conclusion that it means the voter's don't want a fire station altogether, so for him personally the defeated measure does not factor into the current decision. He said, we have known for a long time that we need a new fire station because the current building will not last. They also know that downtown is the best location because of all the discussion and studies that have taken place. He has been on the Council for five years and on the Public Safety Committee for three years prior, so for at least eight years now they have known that they will need a new station. So if they know they need a station, and they know this is the best location for it, then it becomes an opportunity to purchase the property. If we wait it out for another ten or twenty years, we will still need the station, but the property will be gone. This is one step towards the logical conclusion.

Kellum said that he understands Coburn's point of view and agrees with much of it, but is still uncomfortable with the situation. He explained that he thinks the vote was too recent and we don't have an indication of why the people voted no, and won't know why until they get some feedback.

Coburn said his frustration is that the many questions that have come up in the media and other places can be answered, but it is difficult to get all the information out to the people in a timely manner. Coburn said that he understands Kellum's concern but for him, he can separate the two issues.

City Manager Wes Hare said, consider what we asked the voters; we asked a specific question, which was for \$20 million to build two stations. He said, we did not ask if the City should buy land for a future fire station. The City has purchased land before when the price was good with a future use in mind because there was a need for it. In terms of what was voted on, it was a very specific question. He said, now we go back to the drawing board, and perhaps start a citizen's panel, as has been suggested. But whatever the plan turns out to be, the City will still need the land.

Collins said he has been involved in several land purchases for government agencies. He said they have to consider that they have willing sellers now; and that is not always the case. If they miss this opportunity the willing seller may liquidate the property to someone else and the result is that it will preclude using it for other activities down the road. He understands Kellum's concerns but for him that is overridden by that fact that they have a willing seller. The parcels being acquired would fit into the plan regardless of when construction takes place. Collins said that like Coburn, he has spent many years on this subject and they did look for other parcels downtown to find a different location, but they did not have willing sellers. So while there may be better parcels, the property owners did not want to sell them and this Council has not expressed a desire to exercise eminent domain to acquire them. He agrees with that direction and he prefers to deal with a willing seller. He thinks they should incrementally take the steps necessary to secure the land to preserve their option for the future.

Johnson said she does not want to go against the voters; though she said that Hare made a good point. This purchase has been in the works for a long time and it is not what was on the ballot. Also they know that this is the best location based on the consultant studies. There are willing sellers at a good price. She thinks this is a

different question than what was voted on. It has been in the process for a long time. This is the way to secure the location for whenever construction might happen.

Konopa said that the voters said no to spending tax dollars, but purchasing this property will be paid for from settlement proceeds, which was not tax imposed.

VOTE: A vote was taken on the motion and it passed 5-1 with Kellum voting no, and was designated Resolution No. 6274.

Authorizing the use of litigation settlement proceeds to pay property tax on the Timber Ridge property acquired by the City on August 15, 2013.

Konopa said this property was acquired because it went into foreclosure. Hare explained that the City got this deed in lieu of foreclosure because the deed was the security that was used for a Local Improvement District (LID) that was used to fund road improvements for Timber Ridge School. The past property taxes need to be paid although the City will be exempt from paying future taxes. There is not a designated source of funds for property taxes. When the property sells they will put the money back into the litigation settlement funds.

MOTION: Kopczynski moved to approve the resolution and Kellum seconded it.

Collins wants to schedule a discussion for how to get this property marketed. He wants it to be on an agenda by the end of the first quarter of 2014. He does not want the City to hang onto the land for too long.

VOTE: A vote was taken on the motion and it passed 6-0 and was designated Resolution No. 6275.

#### Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) September 11, 2013, City Council Regular Session.
  - b) September 25, 2013, City Council Regular Session.
  - c) October 7, 2013, City Council Work Session.
- 2) Supporting the acceptance of Oregon Department of Transportation grant funds to purchase speed measurement devices in Fiscal Year 2013-2013. RES. NO. 6276
- 3) Approving the following liquor licenses for:
  - a) Tup Tim Thai Cuisine, LLC, 236 First Avenue SW.
  - b) Matthew and Marcia Morse, d/b/a Cellar Selections, 1907 Marion Street SE.
- 4) Adopting Financial Policies and repealing Resolution No. 6167. RES. NO. 6277
- 5) Readopting an Investment Policy and repealing Resolution No. 6165. RES. NO. 6278
- 6) Readopting the Risk Management Policy and repealing Resolution No. 6166. RES. NO. 6279
- 7) Reaffirming ward boundaries in the city of Albany.
- 8) Granting a ten-foot wide easement to Pacific Power. RES. NO. 6280

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

#### Appointment

##### Appointing Cortney Hall to the Community Development Commission.

Kopczynski said the applicant may not be qualified for the Commission so he will be voting no. He noted the application is blank with "NA" written on several pages so he has no way to assess her qualifications. Catlin explained that the members of the new Community Development Commission were asked to serve because of their specific experience rather than applying to serve on any commission so Catlin wrote "NA" on the pages of the application asking for background in order to streamline the application process; they are the same people that were on the Community Development Block Grant (CDBG) Task Force.

Konopa explained that most of the members have already been approved but that those with financial backgrounds had to get permission from their corporate bosses before they could serve. This particular Commission must have certain expertise so they sought members with specific backgrounds. One of the original members was unable to serve on the Commission so this applicant is the alternative. Discussion followed.

Collins asked if applications for the other members were provided to the Council. Konopa said no; the full Commission was ratified due to the nature of the unique circumstances. Catlin explained that a spreadsheet was providing details about each member was provided in the packets. Collins said he thinks that was a mistake; he thinks that they should have filled out applications so that the Council would know what their skill set is.

Shepard said that time was of the essence, because they needed to get the Commission set up in order to get programs up and running. This was not a normal process. The terms are staggered and as they expire the new applicants will go through the normal process of filling out an application. Collins said, we could ask them to fill out the application now so that it is at least on file. Olsen and Johnson agreed.

Catlin asked if the Council wants her to ask the appointed members to submit revised applications. Hare noted that they have people of goodwill that are willing to serve; he thinks they can be trusted to serve the public.

The Council did not ratify the appointment of Courtney Hall to the Community Development Commission. Staff will ask her to fill out the application and the agenda item will come back to the next Council meeting.

#### Report

##### Replacement of Police computers.

Hare explained that the Police Department sets aside money annually during the budget process for equipment replacement. They are changing the operating platform of the existing computers in the Police Department. It is also the scheduled time to replace the Mobile Data Terminals (MDT). This scheduled replacement should help the MDTs to work better.

Kellum asked if the computers that the City gets rid of are scrubbed of data. Hare said yes, the Information Technology (IT) Department takes care of that.

Collins said that a lot of organizations do not have equipment replacement reserves. They wait until they need new equipment and then there is a big impact to the budget. He appreciates that the City of Albany has elected to use the equipment reserve and rolling stock.

MOTION: Kopczynski moved to approve the replacement of Police computers from IT Computer Equipment Replacement Funds. Collins seconded the motion and it passed 6-0.

#### BUSINESS FROM THE COUNCIL

Shepard passed out a map of the Airport property (see agenda file). The first map shows the location of the riparian zone and flood plain information, and how Cox Creek impacts the property. Shepard said the red dash line is the fence location proposed west of Cox Creek. The green line is the existing chicken wire fence. The blue dash line is where there is existing chain link fence that will be replaced by the new fence.

Shepard also had a sketch of what the fence might look like (see agenda file). He said, this is not exact because it will have a top rail. There is also a plan of the fence that will be installed (see agenda file) to see what it will look like.

Shepard said he talked to Collins and Kellum about the location of the fence. One idea is if the fence is located west of Cox Creek then the Council may want to pass a resolution to reaffirm the use of the Airport property for airport uses, except for some previously agreed upon uses such as overflow parking. He passed out a draft resolution (see agenda file). Staff's recommendation is to place the fence west of Cox Creek; the Airport Advisory Commission wants it placed east of Cox Creek along Price Road. Discussion followed.

Konopa asked, if the Council decides to put the fence close to Oak Creek, on the west or east side, are we stuck with the fence in that location even if it turns out to be a poor choice since these are FAA funds? Shepard said it is possible the fence could be moved but they would have to do more than just say they don't like it there. If there is development or some other justification, his understanding is that the FAA would at least entertain the idea of relocation to accommodate improvements or security issues.

Konopa asked if there is a timeline that applies. Shepard said he doesn't think that the FAA timeline is an issue, but the contractor is waiting to work. If the City delays a decision on the fence and then asks them to come back to do the fence after they have finished the other work, then a Change Order would be required for remobilization.

Konopa said she wishes there had been more public involvement. She thinks it looks like a prison yard fence and is not attractive, especially up against the beautiful Timber Linn Park. She passed out pictures of how close the fence would be to the sidewalk (see agenda file). She is disappointed that this would be the streetscape. Discussion followed.

Johnson asked where the Airport Commission wants the fence to be. Shepard said, along western boundary of Price Road. Johnson asked the contractor's status. Shepard said he asked them to hold off until after this meeting. Johnson asked, if the fence is along Price Road, could a gate be used for overflow parking and if that would still keep the Airport property intact? Shepard said that overflow parking would not be impacted; it would still be accessible.

Coburn asked if the fence can be closer to the creek in the riparian area. Shepard said no, not without extensive permitting. Coburn said he doesn't see how they could put it closer since half of it is riparian area; and the other issue is that if it is on the other side of the creek then there would be two creek crossings, and asked whether or not that has been designed. Shepard said it has not been designed; the area would be left with no fence for the time being and staff would have to go through a design and permit process for the crossing, which is a similar situation to the south end, which will be a project for the future. It will be a challenge with flood flows and environmental issues and still providing security. Any creek crossing that would be required to relocate to the east side of Cox Creek, as the Airport Commission has requested, would be done at a future date.

Olsen asked how the airplanes cross the creek now. Shepard said there is a bridge already in place that will not be fenced off. They will need to do that at a later time to see if there is a way to improve the security across the creek and still maintain a way for the planes to cross. Olsen asked if there is a chance of a plane's wheels getting caught on the cyclone fence. Shepard said that is possible. Olsen asked if the FAA standards insist on the barbed wire. Shepard said the FAA does set the design. Shepard said he did ask the FAA if the fence could be lowered to six feet and he was informed that the FAA has standards that must be followed. Olsen thinks they should just stay with the chicken wire fence.

Konopa asked if the new fence can be put along the site of the current fence to keep it away from Cox Creek. Shepard said he thinks they could do that according to FAA regulations but it would not add additional overflow parking area. Discussion followed. Konopa asked who maintains the space and weeds around the cyclone fence. Shepard said Parks & Recreation staff maintains the area along Cox Creek and up to the chicken wire fence. He has not discussed with the Parks & Recreation Director what would happen with the mowing and maintenance between the chicken wire fence and a fence that is located on the west side of Cox Creek. Konopa does not think it would be a desirable space for RVs to use as overflow parking. Collins and Johnson disagreed because the back lot of the Expo Center is fenced in and it is often full of RVs.

Collins thinks that moving the red line, representing the proposed fence, exacerbates the Airport Commission's concerns. On the other hand, he asked, what will happen with the property between the east boundary of the creek and Price Road? He said, it has no basic functional use other than perhaps some overflow parking during the Northwest Art & Air Festival. The functional use on east side of creek is none other than overflow parking. Putting the fence on the red line would still allow for overflow parking and will still be part of the Airport. He said adopting the draft resolution would put on the record that the Council supports that everything to the west of Price Road is for aviation related activities with the exception of the existing overflow parking for Parks & Recreation events and the Intergovernmental Agreement (IGA) with the Expo Center. It also says that any other requested action would have to be focused through the Airport Commission so they can make a recommendation to the City Council. He thinks that leaving the fence where it is and adopting the resolution to memorialize the intent of the Council is the best solution. He does not want to back away from this FAA project because it is already incorporated into the Airport Master Plan, for fear of jeopardizing future FAA funding. Discussion followed about the location of future hangars.

Konopa asked if this area is along the flood plain. Shepard said the 100 year flood plain does not go outside the top of Cox Creek anywhere east of I-5, so the controlling issue is the riparian buffer.

MOTION: Kopczynski moved to approve the resolution affirming the use of the Albany Municipal Airport Property and Kellum seconded the motion.

Delapoer read the resolution out loud for the benefit of the audience.

Kellum asked if they need the verbiage "and/or"? Delapoer said yes; otherwise they would be giving a non-City body control of city property. Collins said the intent is that they Airport Commission can advise the Council but ultimately the Council would have to make the decisions.

Johnson thinks this is a good compromise.

VOTE: A vote was taken on the motion and it passed 6-0 and was designated Resolution No. 6281.

Shepard apologized to the Airport Commission and the City Council for the way this was handled. He believes the technical solution is correct but the process was broken. He said, it should have been handled better and worked through in a more productive way.

Delapoer gave an update on options for permitting or excluding marijuana dispensaries, based on the Council's request at the previous Council meeting. Delapoer said he will be speaking about the law as it relates to HB 3460 and will not be speaking to the merits of dispensaries one way or the other. Delapoer said the law, not just as it is in statute but in the interpretations of the statute, is a moving target. He said, it is evolving as we speak. Under the law the state still has several more months to develop the final regulations and applications for dispensaries won't be received before March 15. During this timeframe state agencies are still writing their implementing their rules to deal with the statute. This will make a difference how it is interpreted, along with a companion piece of legislation related to Genetically Modified Organisms (GMO) that has been unintentionally thrown in to the mix.

Delapoer pointed out a letter on the dais from Dexter A. Johnson, Legislative Counsel for the State of Oregon, regarding the regulation of medical marijuana dispensaries (see agenda file). Johnson is a lawyer for the legislature, which means his interpretation will be different than the opinion of the lawyers working for the League of Oregon Cities (LOC), who promote government flexibility. Both are good attorneys. The letter on the dais, from Legislative Counsel, is firm on the position that the state has preempted local government's ability to regulate marijuana dispensaries and that they are precluded from prohibiting them by a license restriction, land use law, or otherwise. Delapoer said the letter from Legislative Counsel says that there might be some incidental regulation allowed by cities so long as that regulation does not have the effect of an unworkable burden on the ability of the dispensaries to be formed. There is a companion law, SB 863, which is intended to prevent primarily counties, though it embraces local government as well, from adopting regulations that put new, separate rules on GMO. The law is sloppy and the agricultural product definition, in the opinion of Johnson, includes marijuana. Delapoer said, Legislative Counsel thinks cities cannot regulate it, but the LOC thinks cities can, though how is unclear. The city of Medford is going to try to prohibit them by not issuing a business license.

Albany does not have business licenses so that avenue is not available to the City Council if they wanted to use it. Delapoer thinks that Medford's pursuit will likely be resolved with a judicial determination about whether or not cities have the right to adopt regulations of this type. It is difficult to know how it will turn out. Delapoer said the City may be able to adopt local laws that supplement state laws, but that do not prohibit dispensaries. However adopting a land use law would very likely draw legal challenge. Delapoer thinks the City has a good chance of ultimately prevailing, though he could not be certain. Delapoer said the law will get clearer as the GMO law is clarified as to whether or not it includes marijuana. There is also another LOC opinion expected shortly. Both sides are weighing in.

Delapoer said the question boils down to preemption. Delapoer said, the Supreme Court has said that if a city is a home rule city, such as Albany, we have the authority to adopt our own form of government and to adopt local laws and regulations on matters that are primarily of local concern. The law generally says that if the state wants to preempt a field, they must do so in one of two ways: either clearly say that it is their intention not to allow local regulation (which was done in the GMO law, but not in the dispensary law); and by prohibiting local government from adopting laws that are in direct conflict with the state law. But, local government can adopt laws that are supplemental to state law. A good example is the liquor license laws; the state has several laws but that does not preclude a city from being a dry city; however the City could not adopt a separate regulatory scheme that is different than the state's liquor license laws.

Delapoer said, in summary, the current weight of authority says that dispensaries can't be prohibited. That will be judicially tested by the city of Medford. He suggests that the City of Albany do nothing now; rather, let Medford fight this and when the judicial determination has been arrived at, then Albany will know what can or cannot be done.

Delapoer said another thing to consider is that there may be another initiative on the ballot for legalizing recreational use of marijuana. If that measure passes, regulating dispensaries will be moot. He does not advise that the Council act now; rather, let the process play out since dispensaries cannot be licensed before mid March anyway. If closer to that time the Council decides to prohibit dispensaries, then Delapoer can write an ordinance with that framework even though Albany has no business license, though he cautioned it would likely draw a legal challenge.

Collins asked, can we adopt laws related to proximity to schools, etc? Delapoer said the law already addresses proximities to schools so the City could likely not regulate in an area where the state already does. Delapoer read a portion of the letter from the Legislative Counsel which addressed Collin's question. Traffic regulation was an example. Delapoer said the City could make further rules so long as the rules are not designed to, or have the effect of, undue burden on the ability of the facilities to operate. He speculated that the City would not likely draw a challenge from the proponents of dispensaries since they would likely be willing to work with the City as opposed to prohibition. He said, the best win is to get what you think you need without litigating.

Hare said they can also see what the LOC recommends, as the LOC's goal will be to work to preserve the rights of cities to operate locally. Discussion followed.

Hare said it will be hard for the City to work with the Bechtel's on what might or might not work in Albany until they see what happens with the other current issues.

Kopczynski said they have no way of knowing what dispensaries are out there now, whereas if they helped to formulate some regulatory processes, he thinks it would be better than the dispensaries staying underground.

Collins asked, what quandary are we in by being stuck between state and federal laws? Delapoer said, generally speaking, the state cannot force the City to take an action that is prohibited by federal law; but the dispensary law does not force the City to do anything. So the state dispensary laws cannot force the City to issue business licenses; but, according to Legislative Counsel's opinion, the City cannot use the argument of federal disconnect as a reason to disobey a state legislative scheme. The issue is not clear, similar to immigration laws; for example, for years many states have not been enforcing immigration laws because they rely on the federal government to do so. There is a disconnect and a break down in that system from time to time. Discussion followed.

Delapoer said he can report back monthly as the legislation evolves. He will forward the LOC opinion when it becomes available.

Delapoer suggested that if the Bechtel's want to talk to City folks about dispensaries, that they should start with the Albany Police Department (APD) since the APD will have the most direct involvement. They could also talk to Planning staff.

Kopczynski thinks it is disingenuous and hypocritical of the way the federal government set this up because they already grow marijuana and mail it to people.

Olsen said that he was watching the 11:00 p.m. news on Channel 3 from Eugene, and Representative Sara Gelser said the train needs to stop in Corvallis. A professor from Oregon State University (OSU) also spoke in favor of it. In the November 6, 2013, *Albany Democrat-Herald* there was a story about the rail route being debated (see agenda file). There is a meeting tonight in Eugene about the rail. They have already obtained 2,000 signatures on a petition for the train stop in Corvallis since it is bigger than Albany. Olsen pointed out that Corvallis' population is larger only because of the OSU students, not because of tax-paying citizens. Olsen is worried they may be successful. Discussion followed.

Olsen said he found an article from the newspaper from March 17, 1977 (see agenda file). He said that in the 1970s the politicians suggested that Amtrack stop in Albany and Olsen said the City Council passed a resolution supporting it. Now Albany has a MultiModal Transportation Center and it would be a shame not to take advantage of that. He suggested to the viewing audience to attend a meeting the next day, November 7, 2013, at Linn Benton Community College, from 5:00 p.m. to 7:00 p.m. to testify that the train should stop in Albany.

Olsen also wants the *Albany Democrat-Herald* to run an article.

Konopa said that Gelser is in support of the train stopping in both Albany and Corvallis. Konopa said she would be very surprised if it would go to Corvallis because the objective is to not have an increase in stops, since the overall goal is to be efficient. Discussion followed about the route.

Konopa discussed the trolley that the Councilors will be riding in during the Veteran's Day Parade on November 11.

Kellum said that he came close to hitting someone who was crossing Santiam Boulevard near Fred Meyer. He said he understands that the City is having trouble with ODOT to get a crossing there. If folks are going to cross there then there needs to be better lights. Konopa discussed 34<sup>th</sup> Avenue and Pacific Boulevard being too dark for pedestrians. Shepard will have his staff look into both areas.

NEXT MEETING DATE: Regular Session November 13, 2013  
Work Session November 18, 2013

#### ADJOURNMENT

There being no other business, the meeting was adjourned at 9:31 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC  
City Clerk

Stewart Taylor  
Finance Director

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, November 13, 2013  
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon 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: Councilors Rich Kellum, Bill Coburn, Ray Kopczynski, Dick Olsen, and Floyd Collins.

Councilors absent: Councilor Bessie Johnson was excused.

PROCLAMATION

Albany Charitable Toy Run.

Konopa read the proclamation for Albany Charitable Toy Run.

Konopa said the Toy Run is a wonderful event. Bill Root is part of organizing this event and several hundred kids participate. Konopa appreciates the hard work it takes to provide the toys for needy kids in the community.

Bill Root said that the event is on December 1, 2013. The parade starts at 11:00 a.m. in the K Mart parking lot. They will have someone doing karaoke and have participation from car clubs in addition to the motorcycles. Lunch will be provided at the Eagles Lodge for participants. There will be 400-500 motorcycles in the parade and a Fire Department apparatus will lead the parade.

Konopa noted that the Twice Around Downtown event is on the on the same day in the evening.

SCHEDULED BUSINESS

Business from the Public

Patty Louisiana, Chair of Albany's Veteran's Day Parade and President of the Veteran's Commemoration Association, thanked the Council and others in the City for their help with the parade. She said that spectators were five deep on the sidewalk, including families with multiple generations. She described employees from different businesses that helped to organize the route. Citizens also step up and create wonderful floats. There were 340 motorcycles and it was a great day.

Konopa said the parade was wonderful. She asked how many volunteers it takes to put the parade on. Louisiana said it is close to 100 and they have various roles (set up, alignment, check-in, etc). Lots of volunteers return each year. Konopa thinks there were more attending this year than last year. Louisiana said she thinks that the word has gotten out that Albany puts on a wonderful Veteran's Day parade. There were 219 entries, and some were bigger than last year.

Konopa said that Louisiana has done an excellent job in managing the parade. She is very organized.

Councilor Dick Olsen said one of his brothers is a Vietnam veteran. Olsen invited him to the parade and said that his brother said that for the first time he felt good about his military service. Olsen appreciates the parade. Louisiana said it can be very healing for veterans to hear "welcome home", because it perhaps may be the first time they have heard it.

Second Reading of Ordinance

VC-01-13, vacating an access easement on Lot 1 of the Coastal Farm subdivision plat, Linn County Survey Number 23139, in Albany, Oregon; adopting findings; and declaring an emergency.

Konopa said, next on tonight's agenda is a second reading of an ordinance regarding Planning File VC-01-13: Vacation of a private easement. The applicant is Coastal Farm and Home Supply.

This ordinance was read for the first time in title only on August 14, 2013.

MOTION: Councilor Bill Coburn moved that the ordinance be read for a second time in title only. Councilor Floyd Collins seconded the motion and it passed 5-0.

City Attorney Jim Delapoe read the ordinance for a second time in title only: AN ORDINANCE VACATING AN ACCESS EASEMENT ON LOT 1 OF THE COASTAL FARM SUBDIVISION PLAT, LINN COUNTY SURVEY NUMBER 23139 (ORDINANCE EXHIBIT A), IN ALBANY, OREGON; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY.

MOTION: Coburn moved to adopt the ordinance and Councilor Ray Kopczynski seconded it. The motion passed 6-0 and was designated Ordinance No. 5827.

Konopa read the final portion of the Mayor's Guide for VC-01-13: Within five days of the decision the Community Development Director provides written notice of the decision to the applicant and any other parties entitled to notice. A decision of the City Council may be appealed to Land Use Board of Appeals by filing a Notice of Intent to Appeal not later than 21 days after the decision becomes final.

#### Adoption of Resolutions

Approving exemption from the competitive bidding process for the purchase of one low-floor bus through an existing interstate cooperative contract with Stark Area Regional Transit Authority and Gillig LLC; to issue a notice of intent to award contract with Gillig LLC; and authorizing the Public Works Director to enter into a contract with Gillig LLC, not to exceed \$375,000.00.

Public Works Director Mark Shepard said the use of large regional purchasing groupings has advantages because the City doesn't have to go through the time and expense of putting together specifications and going out to bid. Also, there is a cost savings because when companies bid on large regional purchasing agreements they give better prices since they have the opportunity for multiple sales. In order for the City to take advantage of a cooperative contract, they need Council approval. Most of the cost for the bus will be paid for with a grant, with 17% from the City as a grant match. Shepard said it has been budgeted in the current fiscal year.

Councilor Rich Kellum asked how long it was since the Stark bidding process occurred. Transit Programs Supervisor Barry Hoffman said it was a 2008 bid. The bid includes an escalator per year but this price is still less than going out for a new bid. This bid option expires in April 2014.

Coburn noted that the letter from the manufacturer states that there is a 16 month wait for it to be built. Hoffman said that is normal in the industry. Kellum asked if the price stays the same even though takes 1.5 years to construct. Hoffman said yes.

Olsen asked, is there more than one company that makes this kind of bus? Hoffman said there are four big bus manufacturers in the country. Olsen asked if they all have bid processes like this. Hoffman said yes. Gillig is widely used for city transit busses, whereas New Flyer makes articulated busses; the companies have their niches.

Kopczynski asked if this will be replacing an existing bus. Hoffman said that two of the busses, the Loop busses, are at 600,000 miles and over 12 years old, which puts them at the end of their life span. Most likely they will put the new bus into daily service and put the 1995 Gillig into backup status. They have not decided what to do with the second bus yet. The oldest bus they have is a 1991 Gillig; they try to avoid using it and it may be disposed of when the new bus arrives.

Konopa asked if the 1991 Gillig can be used as backup bus or tourism, such as in the Parks & Recreation Department. Hoffman said it depends on how it was purchased originally, with Federal Transit Authority (FTA) money or City money. At some point the FTA releases their hold, but he is not sure if anyone would want the bus anyway. Konopa suggested adding a wrap for advertisement and using it like the trolley, or for transportation for the Northwest Art & Air Festival. Hoffman said a problem is that it is a Spirit Bus, which was only made for one year before they discontinued it so finding body and electrical parts is difficult.

Collins noted that the local match is coming from Equipment Reserve funds. He said, this is something that the City of Albany does really well, taking rolling stock and building reserves. He appreciates having funds available for things like this and the next item on the Council agenda, which is also an equipment purchase.

MOTION: Collins moved to adopt the resolution and Kellum seconded it. The motion passed 5-0 and was designated Resolution No. 6282.

Approving exemption from the competitive bidding process for the purchase of one vac-con combination jet/vacuum sewer cleaner through a contract with National Joint Powers Alliance and Atlantic Machinery, Inc.; issuing a notice of intent to award contract with Atlantic Machinery, Inc.; and authorizing the Public Works Director to enter into a contract with Atlantic Machinery, Inc., not to exceed \$299,950.00.

Shepard said this item is to purchase a large jet vacuum sewer cleaner truck, which is used to clean out sewer lines, manholes, stormdrains, and occasionally is used for hydraulic excavation. It is used almost every day, is an important piece of equipment, and is expensive. The difference between this purchase and the bus purchase is

that staff is asking the Council to declare the current truck as surplus property so they can use it as trade-in for \$51,000.

Collins said this action does not exempt competitive bidding; rather it is an exemption to the process because these items have already been competitively bid through other agencies.

Kopczynski asked if the other truck can be used as a backup. Shepard said it would have more value in the trade-in. Also, they have two trucks so they already have a backup.

Coburn asked what the delivery timeframe is. Shepard said, three months.

MOTION: Collins moved to adopt the resolution and Kopczynski seconded it. The motion passed 5-0 and was designated Resolution No. 6283.

#### Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) October 21, 2013, City Council Work Session.
  - b) October 23, 2013, City Council Regular Session.
- 2) Appropriating funds for the Oregon Business Development Department Brownfield's Redevelopment Fund Grant to conduct environmental site assessments of properties being purchased for replacement of the downtown fire station. RES. NO. 6284

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

#### Appointment

Appointing Cortney Hall to the Community Development Commission.

MOTION: Kopczynski moved to ratify the appointment of Cortney Hall to the Community Development Commission. Kellum seconded the motion and it passed 5-0.

#### Report

Annual Performance Benchmarking Report.

Collins thinks it is good that the City is tracking these activities, but he thinks we are not telling our story very well. He said he would like to find a way show people that the City is looking at ways to become more efficient by measuring itself against performance standards in order to improve delivery of services.

Hare said that this is an issue that the City faces routinely. They do a newsletter called *City Bridges* that has a wide distribution; they use a Comcast Cable TV, Channel 23 (for North Albany) and Channel 28 (for Linn County, Albany residents); and they have an incredible website. The dilemma is, how much resources should be invested in advertising what the City is doing versus using that money to do other things? Hare noted that Management Systems Director Bob Woods will be retiring in 6-8 months but his position will not be replaced. Woods brings a unique skill set and the performance measurements and other information he has made available on the website are very valuable.

In terms of how to get the story out better, Hare is not sure. He said Management Assistant/Public Information Officer (PIO) Marilyn Smith does a great job as the PIO, but she also is the head of the Code Squad, is active in the homeless issues, and many other things. Graphics & Web Specialist Matt Harrington does an excellent job keeping the website's content fresh and accessible. Hare said, to step up the quest to get more information out to the public would require an investment of more time and people. He said, it is a tough choice.

Collins said he appreciates the balance of effort and cost in order to achieve results. He thinks it is useful to step back and ask what types of responses they are getting, and perhaps it is because folks don't know where to go for the information. Hare noted that the City is also active in social media for both the City as a whole and as individual departments. There are a lot of ways for folks to see what the City is doing, if they are interested. Hare said, we compete with other sources of information. Also the City of Albany, like other government agencies, is suspect in the eyes of some people because they will label the information that we put out as propaganda. He said, we rely on local media to provide good coverage. He said, we are open for suggestions. Hare said they often consider how to put out accurate, honest information that is not propaganda, and then how to get people interested enough to actually look at the information.

Konopa said that they have received criticism over the last few years so whatever the City is doing, isn't quite enough. She thinks the Comcast channel could be utilized more, for example, by using it to show different PowerPoint presentations. The Parks & Recreation Department and the Libraries have so many activities that could be advertised on the Comcast channel as well. She thinks it is worth exploring, maybe using interns. She said, whatever we are doing is not enough, and we need to step it up to get the message out to the citizens.

Kellum said this issue bothers him, too. They need to give the information to the people in the way they want to receive it, or else they are critical of the City. He has been on the Council for 11 months, and he doesn't know how to make it easier for people to get the information either. Kellum suggested that if someone in the viewing audience has an idea, to please tell the Council.

Collins said, we do a lot of posting of reports, information, etc.; but, we post it in "government speak" and not in a way that citizens might understand. They need to talk in non-government language. Discussion followed.

Hare said an effective form of communication is a dialogue in a meeting setting, where folks can ask questions. Unfortunately, people don't join clubs like they used to so it reaches a smaller group of people. Unfortunately, the national mood towards government in general is not popular. He is willing to invest more time to come up with more content for the Comcast channel.

Woods said, Kellum is right; finding out what folks want is a really important thing and a really hard thing to do. He said, there are two components: articulating the story of what we have done, what we are proud of, when we have messed up, and what we plan to do about it; and the other is finding out what we need internally as managers to make the organization better. Managers need to make decisions based on what they know, not what they think, and tracking benchmarks is the way to do that. The last four years have been very hard as staffing levels have dropped, yet the City is still providing the same services. They are trying to get the data to know where to make improvements.

Collins said that the City Council agenda needs to explain what is happening for the public. Hare pointed out that the full agenda packet is posted to the website on the Friday before a Council meeting and it includes a short executive summary written by Hare as the first page, which describes in layman's terms what the actions would do. Discussion followed. Koczynski read out loud a portion of Hare's executive summary for tonight's meeting and he agreed it is clear and understandable.

Konopa said they have been taping meetings for seven years now and this conversation was similar to the conversation they had seven years ago. The issue that remains is how folks can follow along when they don't have an agenda in front of them.

Collins suggested giving a preamble to the audience at the beginning of the meeting to describe what is on the agenda, and then doing a follow-up after the meeting to put the final actions into terms that people can understand.

Hare noted that the Council and City staff are very accessible in the community to answer questions. For example, Hare gets phone calls every day and he is happy to talk to people. There are many different ways people can interact with the City.

Collins said that he recognizes that the City wants to do as good a job as possible to get the information out, and that if citizens have other suggestions they should send them in. Hare said he will spend more of his time in trying to get information out.

Olsen suggested the City Manager could give a small explanation about the agenda items as they come up during the Council meeting.

#### BUSINESS FROM THE COUNCIL

Olsen said he was glad to see the Councilors show up at the Oregon Passenger Rail Leadership Council meeting. He suggested that the Albany City Council adopt a resolution in support of using the blue option as a route (which uses the Albany Train Station and the Union Pacific (UP) rail line as the preferred method). Collins said that one of ODOT's next steps is to put some numbers to the options and when those costs become public, it may influence decisions. Collins said that as Chair of the Metropolitan Planning Organization (MPO), he spoke to Hal Braner of the Corvallis MPO. They each have a responsibility for regional planning. Collins met with Roger Nyquist, Vice Chair of the Albany MPO and the staff from Council of Governments (COG); they think it is a good idea to get the two MPOs together so they could come to an agreement on a common approach to provide input to ODOT. They are working through COG staff to coordinate those meetings. Discussion followed about the options presented so far.

Olsen encouraged the Council to study the options and if they agree that the blue option is the best, they should show support for it. Collins noted that at a previous meeting the Council directed Konopa to convey the Council's support for use of the UP line, but they did not adopt a formal resolution. Olsen wants them to adopt a resolution.

Staff will draft a resolution to be considered at the next Council meeting. Coburn noted that the resolution should include that Albany has a multi-modal transportation station, and that Corvallis doesn't have a facility like that. He commented that whenever he drives past Albany's station it is always very busy.

Collins described the cost of Corvallis putting in a station and running a line, versus improving the commuter transportation from Corvallis to Albany. He is interested in seeing the costs; he thinks they will be telling.

Kellum asked if the transient lodging tax revenues increased because the hotels/motels raised their rates or if it is because more rooms were rented. Hare said, it is a little of both. Kellum would like to see the numbers if they are easily available. Konopa said it is great to see the tourism revenue increase; everyone has been working together to bring in the tourism dollars.

Hare noted that on the dais is a memo from Fire Chief John Bradner, dated November 13, 2013, regarding closing costs for the purchase of 531 Lyon Street (see agenda file). The lease with a tenant is not set to expire for many years, but the City has the opportunity now to buy out the lease for \$20,000. Hare thinks this can fall under closing costs. The Council previously approved that staff enter into a purchase agreement not to exceed \$625,000 and this would exceed that cost; therefore he is asking for Council approval.

Delapoer noted that the City is not doing anything to move the tenants out, but if they acquire the property and they want to preserve the ability to have them move out sometime in the future, then the City would have to be prepared to pay for their relocation, etc. In doing the preliminary math, staff thinks this compromise is a better deal. The alternative is to condemn a lease and that is seldom a cost efficient choice for government.

Collins asked, since the lease doesn't expire until 2019 and we don't know when voters might approve a bond measure, can we offer a 12 month notification period? Delapoer said they have had those discussions and they have done what they can to encourage the tenants to stay; but they have chosen this course of action. It is not something that the City is pushing.

Kellum asked if the business, Edward D. Jones, is a local or national outlet in the Albany location. Delapoer said the lease is under the national business but they have no way of knowing who is the driving factor, the local manager or the national leaders.

Hare said if the Council has no objection, they will proceed with the buy-out. The Councilors voiced no objections.

Delapoer said, there are always costs that we can't anticipate when doing projects of this scale, and this is one of those scenarios.

The City Council supported staff's request to terminate the existing lease for \$20,000.

NEXT MEETING DATE: Work Session November 18, 2013  
Regular Session December 4, 2013

#### ADJOURNMENT

There being no other business, the meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC  
City Clerk

Stewart Taylor  
Finance Director

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, December 4, 2013  
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon 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: Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Ray Kopczynski, Dick Olsen, and Floyd Collins.

Councilors absent: None.

SPECIAL PRESENTATION

Albany Police Department Lifesaving Award.

Police Chief Mario Lattanzio and Police Lieutenant Chris Carter presented the Non-Criminal Lifesaving Merit Award to Police Officer Sam Posthuma.

Lattanzio read from the memo which nominated Posthuma for the award (see agenda file). Lattanzio described how Posthuma heard a suicidal subject call being taken by dispatch. He was close to the area and reached the subject 2.5 minutes after dispatch answered the phone call. Posthuma arrived to find the subject lying on the ground next to a small fire. The subject entered the fire and his garments ignited. Posthuma proceeded to pull him and extinguish the flames on his clothing. Posthuma suffered minor burns but saved the man's life.

Lattanzio presented Posthuma with a plaque, ribbon, medal, and certificate.

Posthuma said that anyone in his same position would have done the same. Posthuma said he works with competent Officers and he was just in the right place at the right time, doing his job.

Konopa thanked Posthuma and said that she is very proud of the whole Police Department. It is always unknown what Officers will face each day. She commended Posthuma for his service and the quality of life he brings to the community.

SCHEDULED BUSINESS

Business from the Public

There was no business from the public.

First Reading of Ordinance

Levying assessments against property specially benefited by sewer and water connections and the assessment of Sewer, Water, Parks, and Transportation System Development Charges and property describe as Tax Lot 1208, parcel 11S-03W-08CB-01208, and site address 1605 Oak Street SE, and declaring an emergency.

City Attorney Jim Delapoer read the ordinance for the first time in title only: AN ORDINANCE TO LEVY ASSESSMENTS AGAINST PROPERTY SPECIALLY BENEFITED BY SEWER AND WATER CONNECTIONS AND THE ASSESSMENT OF SEWER, WATER, PARKS AND TRANSPORTATION SYSTEM DEVELOPMENT CHARGES (SDCs) AND PROPERTY DESCRIBED AS TAX LOT 1208, OF PARCEL 11S-03W-08CB-01208, AND SITE ADDRESS 1605 OAK ST SE; AND DECLARING AN EMERGENCY.

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

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

MOTION: Coburn moved to adopt the ordinance and Councilor Rich Kellum seconded it.

Councilor Bessie Johnson asked if this amount, \$250,000, is typical for a structure of this size. City Manager Wes Hare said this is a large assessment. He said, what generates SDC charges is the future demands that the new construction would be placing on the City's infrastructure systems; so the dollars represents charges for additional traffic control, water lines, and sewer lines for 81 units. In terms of demand on the system it would be similar to that of many households.

Public Works Director Mark Shepard explained what goes into the calculation for parks, sewer, and water SDCs.

Hare noted that Albany's SDCs are at the low end compared to other communities. He said that whoever will be building this is aware of the SDC costs, factored that in, and decided to move ahead with the project.

Konopa noted that this property was vacant for many years and now it has a newly constructed Oak Street that they did not pay frontage for.

Collins said SDCs paid a portion of the water lines in Oak Street. These SDCs being collected now, will reimburse that system; a system whereby the City prepaid on behalf of future owners. If the City didn't do this, then the first construction in, would have to pay for everything.

VOTE: A vote was taken on the motion to adopt the ordinance and it passed 6-0 and was designated Ordinance No. 5828.

#### Adoption of Resolutions

Accepting the abstract of votes regarding the ballots cast in the special election held Tuesday, November 5, 2013, regarding Measure 22-121, a City of Albany General Bond authorization.

MOTION: Kopczynski moved to adopt the resolution and Kellum seconded it. The motion passed 6-0 and was designated Resolution No. 6285.

Approving exemption from the competitive bidding requirements through a contract with the League of Oregon Cities, the lead contracting agency for National Purchasing Partners, and Deere & Company; issuing a notice of intent to award contract with Papé Machinery, Inc., the local John Deere Dealer; and authorizing the Public Works Director to enter into a contract with Papé Machinery, Inc., not to exceed \$27,000 to purchase a John Deere 3720 compact tractor with a 25A flail mower attachment.

Shepard said there is a replacement resolution on the dais with corrections regarding the Exhibit (see agenda file).

Shepard said, we are replacing a piece of equipment we obtained when we purchased property for the new Wastewater Treatment Plant; the 1979 Kabota tractor came along with the land. Now the tractor has some issues that need to be addressed. They evaluated fixing it or replacing it. They also considered that staff will start mowing the Airport internally rather than contractually, adding a flail mower to the tractor will allow that to happen with a payback of just over a year. The current tractor does not provide enough power for the flail so purchasing this new tractor is the only way to allow the City to do that mowing as well. This purchasing agreement allows the City to take advantage of good prices but it requires Council action to exempt the City from the bidding process.

Kellum asked, with a cooperative bid system, are all the manufacturers connected to the bidding process? Shepard said cooperative procurements are competitively bid. In a case like this, for example, they asked for landscaping equipment and there were likely some minimum qualifications, though it was open to anyone that wanted to bid. It is an open and competitive process that is done on a larger scale.

Kopczynski asked if the equipment was already budgeted for. Shepard said they had hoped to get through one more year but were not able to. This will be purchased out of equipment replacement funds.

Councilor Dick Olsen asked if there was a time limit or a limit to the number of items that can be purchased. Shepard said generally, yes, though he is not sure what the restrictions are for this particular agreement. He said this is fairly common, and other equipment is purchased the same way, such as fire trucks. Olsen understands using it for specialized items like a fire truck but wonders if other types of equipment could be purchased locally. Hare noted that this purchase comes from Tangent. Shepard said that the bid was run through League of Oregon Cities and there is a network of Pape dealers that will meet the price. In this case John Deere was selected, and the John Deere supplier in our area is Pape in Tangent.

Delapoer explained that any public agency can go to bid for a product. If they specify in their competitive bid process that other public agencies will have a similar right to buy the item, then the vendors know that if they are the low bidder they will likely sell to other qualified agencies who want to piggyback on the bid. Discussion followed.

Olsen is concerned that we should buy the product locally rather than elsewhere. Delapoer said it will depend on the bid; sometimes there is a local vendor that offers the items, and sometimes there is not. Delapoer pointed out that the state law prohibits the City from using "local" as a determining factor for purchasing.

Coburn said, even if we did go out to bid rather than using procurement agreements, we still could not choose only local vendors. Delapoer explained that if the law only allowed bids by local vendors then it would likewise prevent local vendors from bidding on other projects, which is why the state law gives vendors equal footing. It keeps the buying and selling playing field open.

Collins said using the procurement process saves time, energy, and paperwork. He said, if the City had to go through the bid process every time, we would need a purchasing department.

Kellum said he agrees with the request, but he pointed out that there is a downside for some businesses. He used his welding business as an example. He said, while the City can buy cheaper, we should remain cognizant that local vendors may be kept out of that market. Delapoer said, for smaller dollar amounts, we can purchase from local vendors; the procurement process is primarily for large purchases. The vast majority of City purchases are for small amounts.

MOTION: Kopczynski moved to adopt the resolution and Coburn seconded it. The motion passed 6-0 and was designated Resolution No. 6286.

Adoption of Consent Calendar

- 1) Declaring and disposing of surplus property, truck 609-02.
- 2) Removing 20 feet of on street parking on Thurston Street. RES. NO. NA
- 3) Accepting an easement from Pacific Northwest Investments, LLC. RES. NO. 6287
- 4) Affirming the City of Albany's support for passenger rail service to the community. RES. NO. 6288

Konopa noted that there is a replacement page on the dais for Item 4) so it should be pulled for discussion.

Johnson asked for item 2) to be removed for discussion.

MOTION: Coburn moved to adopt the Consent Calendar with items 2) and 4) removed for discussion. Kopczynski seconded the motion and it passed 6-0.

Regarding Item 2), Johnson said the staff report said there was no resolution with the neighbors regarding the parking. She asked if the duplexes across the street have parking. Hare wasn't sure; it is school district property. He also clarified that it wasn't that there was no resolution, rather the school district was not able to contact those who were parking there and obstructing traffic. He is unaware of complaints from neighbors about this plan. Discussion followed about parking in the area. Shepard said that City staff talked to the school district about different ways to get the busses turned around, and the alternative would have a bigger impact. The option presented tonight has the smallest impact on parking in the neighborhood.

Johnson does not like to take parking away from a neighborhood that doesn't have much parking already.

Konopa said it is Greater Albany Public Schools (GAPS) property, not residential property. Hare said they don't know that it is residents parking there; it may be that the space is used by parents picking up kids from school. There needs to be a good separation between bus loading and parents picking up kids, as has been demonstrated when some kids were actually hit at another school. This is a safety issue.

Shepard said that this solution is a compromise by GAPS; they wanted the busses to do a different maneuver but they agreed to this one. Kellum agrees with Johnson that this represents bad planning on the part of GAPS. He wants safety for kids, but he wonders what GAPS can do to solve it on their own. Removing parking makes it harder on everyone. He thinks there is something else GAPS can do at this location. Discussion followed.

Shepard said if the Council desires, staff could ask GAPS to present the other options they considered. There is a joint meeting planned for February 10, 2014.

Konopa pointed out that the resolution had an error; it should remove 45 feet, not 20 feet of parking (see agenda file).

Johnson wants to delay this action.

Collins is opposed to delaying this action. The option presented is the least objectionable. He supports making the point to the school district that when looking at their facilities that they need to consider the totality. But he does not want to hold this item up over up two parking spaces, for two months. Discussion followed about who is using the parking.

Coburn suggested that staff ask GAPS for additional information and for this decision to come back to the December 11, 2013, Regular Session.

Konopa noted that Item 4) has revised language which is in the resolution on the dais (see agenda file). She explained that there were two "whereas" statements added, pertaining to the Linn-Benton Loop transit system providing service between the two colleges; and that the Albany Metropolitan Planning Organization (MPO) and

the Corvallis MPO will be looking at transportation needs for the region together. Konopa wants to send this to the members of the Oregon Passenger Rail Leadership Council.

MOTION: Collins moved to adopt Item 4) and Kellum seconded it. The motion passed 6-0 and was designated Resolution No. 6288.

#### BUSINESS FROM THE COUNCIL

Johnson said she enjoys the Christmas decorations in the Council Chambers and the snowflakes on the poles downtown. She knows it is a lot of work to put the snowflakes up and she appreciates it.

Kellum said that a constituent said he ran into a pedestrian at the corner of Santiam Boulevard and Columbus Street. Kellum asked Shepard to look at it. Kellum said there is no street light there. The signage in the area used to give off some light but it no longer does.

Collins asked if Pacific Power & Light (PP & L) does maintenance on the lights that go on and off intermittently, or if they wait for someone to call. Shepard said his understanding is that repairs are complaint-driven. Discussion followed about what equipment generally fails on those poles.

Shepard said the City pays rent to PP & L and they have been given the option for LED lights. Due to the cost, however, the only lights LED might make sense for would be residential street lights. Hare said the city of Salem has been doing LED replacements and residents have been complaining about the new light. They are much more efficient but it is a different quality of light that is often found irritating by residents.

Coburn said there was a time when the City considered taking over the street lights. In the past, typically a police officer who would spot a light that was out and so would tie logger's tape around the pole, and then the electrical company would get a call. Shepard said that City staff does field those complaints and sends them on to PP & L. Management Assistant/Public Information Officer Marilyn Smith said that the City also has a link to PP & L on the City's website so folks can report a light is out.

Kellum said that in the past there was an attempt by the federal government to slow down the use of white light because of the overall ambient light that entire cities put off. If the LED light is white, then it is more glaring in a residential area. Discussion followed.

Collins said that staff analyzed taking over PP & L in the past per the Council's request. Shepard said they spend \$465,000 on street lights annually; PP & L charges rent per light, per wattage and the fees pay for power and maintenance.

Coburn said that other cities have faced the same situation. It is a two-step process; they start by inventorying what they are being charged for. Shepard said the City had an intern do auditing and the number of poles that PP & L is charging for is close to the intern's final count. Coburn said the other, bigger challenge is figuring out what the value is for the infrastructure; some is older, some is newer. Corvallis is now metering new power poles that are being put in and they are struggling with how to set standards. It is a complex issue. Discussion followed about how charges are or should be calculated.

Kopczynski said that two weeks ago he almost rear-ended a car that stopped at a green light to give money to a panhandler, even though there was a sign right there prohibiting it.

Kopczynski commended City staff for the Open House event on December 2. Konopa said it was a wonderful event and she met some new folks to Albany who were complimentary of the City.

Konopa said the Oregon Passenger Rail Leadership Council is meeting on December 17. They are getting decisions narrowed down. The next step is the Environmental Impact Statement, which will take nearly three years to complete.

Hare said he attended the monthly comp-stat meeting at Albany Police Department (APD). Hare said Lattanzio initiated these meetings, where they take data that shows what is happening around Albany and use it as a basis of how to operate. They look at numbers and the nature of crime and deploy resources accordingly, to see if it decreases crime. Hare said he found it very interesting.

Shepard said the Planning Commission will be holding a work session to consider the recommendations that the Business Ready Task Force (BRTF) made for changes to the Albany Development Code. The meeting is January 13, 2014, at 5:15 p.m. After this subject goes through the Planning Commission, it will come to the City Council for final approval.

Konopa noted that the City Council had a joint meeting with the BRTF last spring; there have only been a few changes since then.

Shepard said there will also be a BRTF Open House prior to the public hearing.

Shepard said they will be considering water rates at the next Council meeting. He said he neglected to tell the Council about a fire service charge, which is a legacy fee that is a holdover from PP & L. It impacts about 61 customers. The

Albany City Council Regular Session  
December 4, 2013

resolution recommends that the fire service charge be dropped. The revenue impact is \$27,000; they are not charging all the customers.

Smith said the Monday, December 9, 2013, Work Session is canceled.

Shepard said that the Planning Commission meeting that was scheduled to take place yesterday, December 3, 2013, was canceled due to a lack of a quorum. It has been rescheduled for Jan 6, 2014.

NEXT MEETING DATE: Regular Session December 11, 2013

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:19 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC  
City Clerk

Stewart Taylor  
Finance Director



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Mario Lattanzio, Chief of Police

A handwritten signature in black ink, appearing to read 'M LATTANZIO' with a circled 'no' or similar mark at the end.

DATE: December 27, 2013, for January 8, 2014, Council Meeting

SUBJECT: Accept Walmart Grant

RELATES TO STRATEGIC PLAN THEME:

- An Effective Government
- A Safe City

Action Requested:

City Council authorization for the Albany Police Department to accept a \$2,500 grant from Walmart to be used for education materials for the Child Safety Program.

Discussion:

On November 27, 2013, the Albany Police Department received a \$2,500 grant from Walmart to provide educational materials for our Child Safety Program. We anticipate acquiring other donations from the community to enhance our programs.

Budget Impact:

A new line item for Community and Policing Grants has been established.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION IN SUPPORT OF ACCEPTING A WALMART GRANT FOR \$2,500 FOR MATERIALS FOR THE ALBANY POLICE CHILD SAFETY PROGRAM.

WHEREAS, Walmart provides community grants through their Facility Giving Program; and

WHEREAS, the City of Albany Police Department applied for and has received a grant; and

WHEREAS, grant acceptance will improve community education and crime prevention by providing materials for child safety programs.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council does hereby state that improving community education and crime prevention by providing child safety programs is a priority; and

BE IT FURTHER RESOLVED that the Albany City Council authorizes the Albany Police Department to accept the Walmart grant; and

BE IT FURTHER RESOLVED that the following appropriations are made for Fiscal Year 2013-2014:

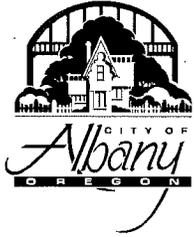
<u>General Fund</u>	<u>Line Item</u>	<u>DR</u>	<u>CR</u>
Grant – Community & Policing	203-30-5104-42840	\$ 2,500	
Grant – Materials & Supplies	203-30-5104-61024		\$ 2,500

DATED AND EFFECTIVE THIS 8TH DAY OF JANUARY, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



TO: Albany City Council  
FROM: Sharon Konopa, Mayor *Sharon (sk)*  
DATE: January 2, 2014, for January 8, 2014, City Council Meeting  
SUBJECT: Appointments to City Boards, Committees, and Commissions  
RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Council approval of the following appointments to City advisory groups:

***Airport Advisory Commission***

John Harshberger (Councilor Kellum's new appointment as a reappointment)  
Chuck Kratch (Councilor Collin's reappointment)  
Jay Sluiter (Councilor Coburn's reappointment)  
Richard Kay (*term expires 12-31-14*) (Councilor Olsen's new appointment)

***Albany Arts Commission***

Melissa Saylor Babcock (Mayor's reappointment)  
Chuck Leland (Mayor's reappointment)

***Albany Bicycle and Pedestrian Advisory Commission***

Mark Siddall (Mayor's new appointment)

***Albany Budget Committee***

Dick Conolly (Mayor Konopa's reappointment)  
Scott Pierson (Councilor Coburn's new appointment)  
Michael Thomson (Councilor Olsen's reappointment)

***Building Board of Appeals***

Bill Ryals (Mayor's reappointment)

***City Tree Commission***

Mark Azevedo (Mayor's reappointment)  
Kris Watts (Mayor's reappointment)

***Human Relations Commission***

Javier Cervantes (Councilor Collin's reappointment)  
Chris Equinoa (Mayor Konopa's new appointment)

***Landmarks Advisory Commission***

Larry Preston (Mayor's reappointment)  
Bill Ryals (Mayor's reappointment)  
David Abarr (Mayor's new appointment)

***Parks & Recreation Commission***

Sharon Edwards (Mayor's reappointment)  
Keith Underdahl (Mayor's reappointment)

***Planning Commission***

Sue Goodman, Ward I (Mayor Konopa's new appointment)  
Roger Phillips, Ward III (Councilor Kellum's reappointment)

***Public Safety Commission***

Jill Weissbeck	(Councilor Kopczynski's new appointment)
Terry Virnig	(Councilor Kellum's new appointment as a reappointment)

***Senior Center Endowment Committee***

Charlene Dunten	(Mayor's reappointment)
Corky Taylor	(Mayor's reappointment)

***Traffic Safety Commission***

Terry Crook	(Mayor's reappointment)
Anne Taleff	(Mayor's new appointment)

Discussion:

None.

Budget Impact:

None.

SK:ldh

*U:\Administrative Services\City Manager's Office\Boards-Commissions\2014 Recruitment\^2014 appointments-boards & commissions-msk.doc*



TO: Albany City Council  
FROM: Sharon Konopa, Mayor *Sharon (sk)*  
DATE: January 3, 2014, for January 8, 2014, City Council Meeting  
SUBJECT: Appointments to the Council Audit Committee

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Council's action to fill the two vacant positions for terms that expired December 31, 2013.

Discussion:

Mayor Konopa's and Budget Committee member Sue Folden's terms on the Audit Committee expired December 31, 2013.

Per Resolution No. 5350 (copy attached) creating the Audit Committee, the Committee shall consist of three serving City Councilors and/or Mayor and one serving member of the Budget Committee.

Attached are copies of the rosters ending December 31, 2013, for the Audit Committee and Budget Committee.

Budget Impact:

None.

SK:ldh

Attachments 3

*U:\Administrative Services\City Manager's Office\Boards-Commissions\2014 Recruitment\^2014 Audit Committee Appointments-msk.doc*

A RESOLUTION CREATING THE ALBANY AUDIT COMMITTEE

WHEREAS, upon the recommendation of the City Manager, the Albany City Council finds it desirable to create an Audit Committee; and

WHEREAS, the purpose of the Audit Committee will be to aid City staff in the selection of highly qualified City auditors and to assure clear and complete transmittal of audit results to the City Council and the community.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council as follows:

Section 1: Establishment of City Audit Committee. The Albany Audit Committee is hereby established. The committee shall consist of four voting members, three of whom shall, at the time of their appointment, be serving City Councilors and/or the Mayor, and the fourth shall, at the time of appointment, be a currently serving member of the Albany Budget Committee. The Finance Director of the City of Albany shall serve as a nonvoting, ex officio member of the Committee.

Section 2: Term – Vacancies. The voting members of the Committee shall be appointed for a two- (2) year term. Terms of appointment shall be staggered so that two (2) positions will become vacant each year. The initial appointees to the Audit Committee are Councilor Jeff Christman, whose term shall expire December 31, 2008, Councilor Sharon Konopa, whose term shall expire December 31, 2007, Councilor Ralph Reid, whose term shall expire December 31, 2008, and (Budget Committee member), whose initial term shall expire December 31, 2007. Appointees serve at the pleasure of the Council and may be replaced with or without cause. Vacancies during any term shall be filled by vote of the Council.

Section 3: Quorum and Rules. Three (3) voting members of the Committee shall constitute a quorum. The vote of three (3) members of the Committee shall be required to take any action. Notwithstanding the foregoing, the Chair of the Audit Committee, or in the Chair's absence the Vice Chair, may establish the date and time of the next Committee meeting.

Section 4: Responsibilities. The responsibilities of the Audit Committee shall be as follows:

1. Review with the Finance Department and/or staff those firms or individuals proposed for appointment as City auditors in succeeding years.
2. Recommend to the City Council of the appointment of those certified public accountants whom the Committee deems best suited to perform the annual City audit.
3. Discuss, as necessary, with the City auditors, any additional or particular areas of inquiry or audit focus which they deem desirable or appropriate.
4. Receive, consider, and transmit to the Albany City Council the results of the annual City audit.

Section 5: Reports. The Audit Committee shall periodically submit copies of the minutes of its meetings to the City Council. Reports or recommendations of the Committee shall be considered advisory in nature and shall not be binding on the Mayor or City Council.

DATED AND EFFECTIVE THIS 15TH DAY OF NOVEMBER 2006.

  
Mayer

ATTEST:

  
City Clerk

# Audit Committee

Term of Office: 2 years

Name	Business Information	Home Information	Position Information
<b>Sue Folden*</b> Chair Ward I Position: Budget Committee Member	Phone Cell Fax E-mail	Phone Cell Fax E-mail suefolden@comcast.net	Original Appointment Date: 11/14/07 Full Consecutive Term: Fourth <b>Current Position Term</b> Begins: 01/25/12 Expires: 12/31/13
<b>Sharon Konopa</b> Position: Mayor	Phone Cell Fax E-mail	632 35th Avenue SE Albany OR 97322 Phone 541-926-6812 Cell 541-990-4098 Fax E-mail sharon.konopa@cityofalbany.net	Original Appointment Date: 10/25/06 Full Consecutive Term: Fourth <b>Current Position Term</b> Begins: 01/25/12 Expires: 12/31/13
<b>Bessie Johnson</b> Position: Councilor (Ward III-a)	Phone Cell Fax E-mail	2911 Geary Street SE Albany OR 97322 Phone 541-791-2494 Cell 541-619-0652 Fax E-mail bessie.johnson@cityofalbany.net	Original Appointment Date: 01/09/13 Full Consecutive Term: First <b>Current Position Term</b> Begins: 01/09/13 Expires: 12/31/14
<b>Ray Kopczynski</b> Vice Chair Position: Councilor (Ward II-a)	Worksource Oregon - Community Services Consortium Oregon Employment Dept. 139 Fourth Avenue SE Albany OR 97321 Phone 541-812-8646 Cell Fax 541-967-2137 E-mail rkopczynski@communityservices.us	1303 Tamarack Court SW Albany OR 97321 Phone 541-917-0490 Cell Fax E-mail ray.kopczynski@cityofalbany.net	Original Appointment Date: 08/24/11 Full Consecutive Term: First <b>Current Position Term</b> Begins: 01/23/13 Expires: 12/31/14

\*By Council action on November 14, 2007, Sue's past participation in past meetings was ratified.

= Not Public Information

- a) meets as necessary
- b) Resolution No. 5350, dated November 15, 2006, established this committee; committee to be comprised of three serving City Councilors and/or the Mayor and one serving Budget Committee Member
- c) appointed by the City Council
- d) staff liaison: N/A
- e) City's Finance Director serves as a nonvoting, ex officio member

# Albany Budget Committee (lay members)

ALBANY BUDGET COMMITTEE = Lay members plus City Council members

Term of Office: 3 years

Name	Business Information	Home Information	Position Information
<b>Dick Conolly</b>  Ward I Appointed By: Mayor	Phone Cell Fax E-mail	1221 Washington Street SW Albany OR 97321	Phone 541-791-7173 Cell 541-981-9903 Fax E-mail rconolly@aol.com  Original Appointment Date: 01/12/11 Full Consecutive Term: First Current Position Term Begins: 01/12/11 Expires: 12/31/13
<b>Neil Michael</b>  Ward II Appointed By: Ward II-b	National Frozen Foods 745 30th Avenue SW Albany, OR 97321 Phone 541-926-0588 Cell 541-740-7114 Fax 541-928-1825 E-mail nmichael@nffc.com	6380 Chapman Court SW Albany OR 97321	Phone 541-926-7447 Cell 541-740-7114 Fax E-mail neil3154@msn.com  Original Appointment Date: 03/14/2012 Full Consecutive Term: ---- Current Position Term Begins: 03/14/2012 Expires: 12/31/13
<b>Michael Thomson</b>  Ward I Appointed By: Ward I-a	Phone Cell Fax E-mail	1291 Elm Street SW Albany OR 97321	Phone Cell 541-971-0456 Fax E-mail goeeyduck94@yahoo.com  Original Appointment Date: 01/12/11 Full Consecutive Term: First Current Position Term Begins: 01/12/11 Expires: 12/31/13
<b>Sue Folden</b> Chair  Ward I Appointed By: Ward I-b	Phone Cell Fax E-mail	Albany OR 97321	Phone Cell Fax E-mail suefolden@comcast.net  Original Appointment Date: 01/08/03 Full Consecutive Term: Third Current Position Term Begins: 01/11/12 Expires: 12/31/14
<b>Will Summers</b>  Ward I Appointed By: Ward II-a	Phone 541-967-2177 Cell Fax E-mail	Albany OR 97321	Phone 541-967-4292 Cell Fax E-mail  Original Appointment Date: 01/11/12 Full Consecutive Term: First Current Position Term Begins: 01/11/12 Expires: 12/31/14
<b>Jeff Christman</b> Vice Chair  Ward III Appointed By: Ward III-b	Phone Cell Fax E-mail	Albany OR 97322	Phone 541-928-0528 Cell 541-990-7447 Fax E-mail jblc75@msn.com  Original Appointment Date: 01/09/13 Full Consecutive Term: First Current Position Term Begins: 01/09/13 Expires: 12/31/15
<b>Colleen Keller</b> Secretary  Ward III Appointed By: Ward III-a	Phone Cell Fax E-mail	3201 18th Avenue SE Albany OR 97322	Phone 541-926-4856 Cell Fax E-mail sueccd@aol.com  Original Appointment Date: 01/10/07 Full Consecutive Term: Third Current Position Term Begins: 01/09/13 Expires: 12/31/15

= Not public information

a) meets when necessary

b) ORS 294.336 provides for the Budget Committee

c) Resolution No. 3539 provides for appointment procedures. [Must be residents of the city of Albany; Councilors' appointments not required to be from their respective wards.]

d) City liaison: City Manager Wes Hare, 541-917-7505; or Finance Director Stewart Taylor, 541-917-7521

e) serves as the ARA Budget Committee per Resolution No. 2002-3