

CITY OF ALBANY  
CITY COUNCIL WORK SESSION  
Municipal Court Room  
Monday, May 12, 2014  
4:00 p.m.

**MINUTES**

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:00 p.m.

ROLL CALL

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

Councilors absent: None.

BUSINESS FROM THE PUBLIC

Bill Root, 2634 Valley View Dr. NW, said it would be a shame to cut the forested area on the property now owned by Miles Breadner. He likes Transportation Systems Analyst Ron Irish's idea of a meandering walk along the property. He is in favor of the proposal to transfer the property to Benton County to be preserved as open space.

Leigha Thomas, Director of Sales and Marketing of Comfort Suites and Holiday Inn Express, spoke for the Albany Group Travel Alliance. She gave a handout to the Council (see agenda file). Albany hoteliers are concerned because they are having trouble filling beds. The rate has been declining for over a year, and they will have to raise room rates to compensate. Most of the losses are due to Expo Center business, which has been declining. The hoteliers also believe they are not receiving enough business from the Albany Visitors Association (AVA).

Dave Pappas, General Manager of Phoenix Inn Hotel, added that the AVA is receiving "a lot" of funds, but money to the AVA does not result in room nights. Most visitors to Albany actually come for an event at the Expo Center, and the rest of the attractions that the AVA promotes are secondary to that. The hoteliers need a better partnership with AVA and the Expo Center.

Konopa said this is the first she's heard of this issue. She will contact Thomas and set up a conference to bring together all parties for discussion.

Councilor Dick Olsen asked if Pappas was aware that Linn County can levy 1% tax for the Expo Center. Pappas said yes, but the hoteliers would rather revisit the amount going to the AVA.

Kevin Hart, owner of the Cash House, 1250 Ferry St. SW, said that the wording of the secondhand dealers' ordinance is close to acceptable now. He thanked the Albany Police Department (APD) for working with the dealers to get things straightened out.

Konopa said she will ask for comments on this issue after the agenda item.

CROCKER LANE

Transportation Systems Analyst Ron Irish summarized the background of this issue, which will come before the Council's Regular Session on May 28. The southwest corner of Valley View and Crocker was partitioned in 1995 and petitions and waivers provided for street improvements. A three-phase subdivision was platted on the property in 2007. The first phase was constructed. The other two phases expired and went into foreclosure. The street improvements were never built. The site was recently acquired by Miles Breadner, a developer, who is negotiating with Benton County for the purchase of the forested area at the north end of the site. Both parties need to know the cost of future road improvement for the site's frontage.

Irish asked for direction from Council concerning whether the ultimate plan for Valley View Drive should be an urban or a rural street improvement. At the May 28 meeting, staff will be seeking direction on two questions: Should staff begin working on an Engineer's Report for formation of a Local Improvement District (LID)? And if so, should the Report also include Bloom Lane, which also needs to have improvements built under a petition and waiver that expires in 2015?

The Council discussed the proposed property transfer to Benton County. Jeff Powers, Benton County Natural Areas and Parks Director, was in attendance. He confirmed that Breadner is proposing to donate the forested area to the County, and that the County would preserve it as open space, with a link to the existing North Albany County Park. The County needs to know what their part of frontage development costs would be in order to take the proposal to the County Commissioners.

Irish said that the total cost of all improvements will be affected by whether the improvements along Valley View Drive are made to rural or to urban standards. The Council discussed these options.

Councilor Ray Kopczynski asked if Bloom Lane would be extended across the new open space. Irish said no.

Councilor Bessie Johnson asked if the property owners would prefer improvements to rural, rather than urban, standards. Irish said the City has not yet had that discussion with residents along the street. He believes owners will prefer rural improvements, which also cost less than urban improvements.

Olsen asked if the cost of the Engineer's Report would double if it examined both the rural and urban options. Public Works Director Mark Shepard said the cost would increase, but not double. Johnson asked if the City would have to end up taking property to make the improvements. Irish said probably not.

Council indicated a preference for the ultimate street improvement on Valley View Drive to reflect a rural street design, and directed Engineering staff to bring a Resolution to begin work on an Engineer's Report to the May 28, 2014, Council meeting.

#### ORDINANCE REGULATING SECONDHAND AND PAWN SHOPS

Police Sergeant Steve Dorn gave a presentation on the proposed Ordinance. He said the purpose of the new Ordinance is to ensure that all businesses that buy used property will be held to the same standards. Property crime in Albany is 41% higher than in surrounding communities, and the Ordinance will help bring it down by enabling better tracking of stolen property. The proposed LeadsOnline reporting system makes reporting and searching much easier than with paper processing. The software is free to reporting businesses. The City would pay \$3,700 per year to use the service. The cost is built into Albany's budget for Fiscal Year 2014-2015.

Kopczynski expressed concern that smaller businesses might find it difficult to use the online system with older non-updated computers. Police Chief Mario Lattanzio said, if businesses can't provide electronic data, the burden would fall on the police to convert businesses' paper reporting to electronic.

Councilor Rich Kellum asked if the proposed 14-day holding period could be taken out of the Ordinance if dealers provided buyers' identity to police when they sold regulated property. Dorn said that if the property was stolen, the buyer would then become another victim of the same crime. Konopa said it would be much harder to track property that has been resold.

Theodore Dodenhoff, owner of Cascade Coins & Jewelry, 1151 Santiam Hwy SE, spoke anecdotally.

John Bates, owner of Again & Again Thrift Store, 2845 Pacific Blvd. SW, said he has a secondhand store, not a pawn shop. He buys from estate sales. He needs to process thousands of items quickly so he can sell them. He may buy non-regulated items from estate sales, but they become regulated items when he sells them. The proposed Ordinance will cost him time and money. He will have to hire new employees.

Jerry Upshaw, owner of Ace Buyers, 2840 Santiam Highway SE, said he uses LeadsOnline. He thinks it's a good system. As a pawn shop, he has to do lots of record-keeping and reporting. He has a good relationship with law enforcement. He understands the need for the Ordinance and for the 14-day wait, and has no problem with the reporting requirements.

Steve Wolf, owner of Mid-Valley Gems & Jewelry, 1434 Pacific Blvd SE, said he has over 33 years in business in Albany. He asked if the APD would have the staff to handle the increased reporting requirements. Dorn said that electronic reporting is much easier and more efficient than paper reporting. Wolf said he objects to including coins as regulated items. Most coins are not identifiable. If he had to hold them for 14 days, he wouldn't be able to buy them. A lot of jewelry is also unidentifiable. If they are included as regulated, it will "kill" his business.

Sharon Anderson, owner of Albany Antique Mall, 145 2nd Ave. S, said she might need to hire an employee if they have to report everything. The mall rents to other dealers, who might have to close down due to the costs of reporting, which would hurt her business. She asked whether buying at auction is the same as buying at an estate sale. Dorn doesn't think so, because an auction is an organized event, rather than a one-on-one kind of sale. Anderson said she doesn't think the Ordinance can be effectively enforced.

Konopa suggested that an informal meeting be scheduled for everyone to express their concerns and get them addressed. She said, if we want a good Ordinance, everyone needs to buy in. She asked the business owners present to leave their names and addresses so she can contact them. The meeting will also be posted on the City's web site.

Olsen referenced page 12 of the agenda packet, section 7.90.155 (1) of the Ordinance. He is concerned that the language of the section allows the Police Chief to unilaterally change the Ordinance. Deputy City Attorney Sean Kidd said that the intent of the language is to allow the chief to make administrative changes to APD's process in enforcing the Ordinance. Councilor Floyd Collins suggested that the section end with the words, "subject to approval by the Council." Kidd said he will take another look at the wording.

Councilor Bill Coburn said there are too many items on the agenda. He thinks another entire work session could be spent on this issue.

## ORDINANCE REGULATING BEHAVIOR AT TRANSIT FACILITIES

Police Lieutenant Casey Dorland thanked the Council for its past support of police efforts to deal with livability issues in Albany. The goal of the proposed Ordinance is to give public transit stops back to public transit users. He asked if Council members had questions.

Kopczynski asked how the police would measure how much time someone has spent in a transit shelter. Dorland said the police are not required to take enforcement action immediately, and they do not want to select any class or group for enforcement. Enforcement will require discretion on the part of police officers. There is also a built-in appeals process.

Collins asked if someone waiting for a late train at the train station would fall under the ordinance. Dorland said enforcement will be partly complaint-driven, and is specific to bench areas at transit shelters. Collins said he thinks the second “whereas” in the ordinance needs some work. City Attorney Jim Delapoer said the recital is not part of the Ordinance; it’s simply an explanatory item. If the City writes an exemption into the Ordinance, it allows everyone challenged under the ordinance to claim the exemption as an excuse. The City shouldn’t have to rely on interpretation to make an Ordinance work. An Ordinance needs some flexibility, and it needs objective standards.

The Council discussed whether the proposed Ordinance attempts to “govern conduct.” Dorland and Lattanzio said the goal of the Ordinance is safety for transit users. This tool is used all over the United States, and Albany doesn’t have any other tools for this purpose.

## SEWER RATES DISCUSSION

Kopczynski mentioned that he would need to leave very shortly. He also believes that the Council should not have such long agendas for work sessions.

Shepard referred the Council to the report included in their agenda packet. He said the question is whether the Council would like staff to bring back a report using a 6% rate increase or an 8% increase. A 6% increase is the minimum needed to meet the Council’s target goals established in 2012. Staff recommends an 8% increase (last year’s projection) to help meet anticipated unfunded needs.

Kopczynski said the net difference between the two rates is about \$1 per month per customer. He has no problem with using the projected 8% increase.

Coburn said people he talks to are frustrated over rising rates, but when he explains what’s behind the rates, they understand. With the state of the economy, he’d like favors a 6% increase, but with the small difference between the two, he wouldn’t object to 8%.

The Council directed staff to bring the 8% increase for approval at the June 11, 2014, Regular Session.

Johnson asked when the last sewer rate increase took place. Shepard said it was last July.

## COUNCILOR COMMENTS

City Manager Wes Hare addressed the issue of long agendas. When he first arrived at the City, the Council scheduled work sessions weekly instead of every other week. It is the Council’s choice whether they would like to do this again, to reduce the amount of material on each agenda.

Shepard informed the Council that Public Works has found contaminated soil at the Main Street Rehabilitation site. They don’t know the source of the contamination or the cost of cleanup yet. He gave the Council a map with the site marked (see agenda file).

## CITY MANAGER REPORT

There was no report.

## ADJOURNMENT

There being no other business, the meeting was adjourned at 6:19 p.m.

Respectfully submitted,

Allison Liesse  
Accounting Specialist

Reviewed by,

Wes Hare  
City Manager