

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, August 26, 2015
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

ROLL CALL

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

Councilors absent: None.

SCHEDULED BUSINESS

Communication

Accepting Mary Reed's resignation from the Bicycle & Pedestrian Advisory Commission.

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

Legislative Public Hearing

CP-01-15, Amending the Transportation System Plan (TSP) to remove portions of Timber Ridge Avenue and Somerset Streets from the TSP project list (projects L15 & L19), and install traffic signals at the Knox Butte/Clover Ridge Road intersection and the Knox Butte/Goldfish Farm Road intersection.

Open: Konopa called the public hearing to order at 7:17 p.m.

There was a signup sheet at the dais (see agenda file).

Staff Report

Planner II Melissa Anderson gave a PowerPoint presentation overview of the proposal (see agenda file).

Anderson described the decision-making process:

- Agency notice on June 10, 2015
- Department of Land and Conservation and Development (DLCD) notice on June 15, 2015
- Newspaper notice published on July 8, 2015
- Planning Commission made a recommendation to the City Council
- City Council makes the final decision

Transportation Systems Analyst Ron Irish said the proposal is made up of four separate projects and makes updates to the project funding list. The four projects are:

- Eliminates the portion of:
 - Timber Ridge Road north of Somerset Avenue; and
 - Somerset Avenue just east of Timber Ridge Road
- Adds new projects:
 - Traffic signal at the Clover Ridge Road and Knox Butte Road
 - Traffic signal at the Goldfish Farm Road and Knox Butte Road

Irish described the projects in more detail.

Project L-15 is the extension of Timber Ridge to Truax Creek. The project includes a new bridge over Truax Creek and an extension of Timber Ridge to reconnect to Clover Ridge Road. This proposal would eliminate that section of the road. Twenty years ago, Linn County and the City recognized that the Truax Creek Bridge was in poor condition. At that time, the plan was to build a new bridge aligned with Timber Ridge Road and limit the old bridge to bicycles and pedestrians. But because the economy slowed in 2008 and there are wetlands near the proposed road, the road system did not develop as expected. The bridge is deteriorating, and the County has put load restrictions on it.

The County needs to replace the bridge, in its current location, and they are reluctant to fund a second bridge aligning with Timber Ridge. In order to keep the Timber Ridge alignment, the City would need to entirely fund the bridge and the road connection outside the Urban Growth Boundary (UGB). The proposed road change would keep traffic on Clover Ridge that the TSP assumed would be diverted. That will add trips to the Clover Ridge/Knox Butte intersection, generating the need for a signal. The signal needs to be added to the TSP, the second project of the proposal.

Irish said the third project is to add a second signal at the Knox Butte/Goldfish Farm Road intersection. He said, we don't know now if we'll need it, but we might. Including it in the TSP makes it eligible for System Development Charges (SDC) funds if it becomes necessary to build it.

The fourth project is the planned extension of Somerset from its current dead end east to connect to Santa Maria. Irish said, the wetlands in the parcel are bigger than we knew when we adopted the TSP. Connecting Somerset to Santa Maria would require it to cross the largest point of the wetlands. This proposal eliminates the connection. Doing that would mean there is no collector street connection between the Somerset/Timber Ridge intersection and the Santa Maria neighborhood. The neighborhood connects to Knox Butte by Charlotte Street and Marilyn Street. Residents, including school children, have to use Knox Butte to connect with the City's road system. The proposed change would eliminate the collector street connection, but there is still the possibility of local connections. The City owns the parcel with the wetlands. Any sale to a developer could probably be conditioned on a road connection.

Councilor Dick Olsen asked how wet the wetlands are. Irish said they are wet in winter and fairly dry in summer. They are classified as jurisdictional wetlands, so any developer would need a wetlands permit from the DSL and the Corps of Engineers. Olsen said it seems wetlands are sometimes classified that way because of the kind of dirt that's there, not the amount of water. Irish said this wetland has that kind of dirt and is seasonally wet. In the rainy season there's standing water and occasionally moving water. Olsen asked Irish if he thinks the property will develop. Irish said the City has a pending land use application on the parcel immediately south of Truax Creek. At this point, a developer would be forced by the City's code to build the street connection. Irish said there is a high-pressure gas line along the west side of the Timber Ridge extension, and wetlands along the east side. It would be very difficult to pencil out a subdivision with no developable lots on either side of the road. It is also more expensive to mitigate wetlands now than it was a few years ago.

Olsen asked how people would get out of the development, with no road. Irish said there would be a connection paralleling Truax Creek. Olsen said it would be a shame to give up the arterial streets if we are going to develop everything inside the UGB. He is concerned about increased traffic on Santa Maria and Charlotte Street. Irish said most local trips would be to and from the west and would not affect Santa Maria and Charlotte Street.

Councilor Rich Kellum asked if there would be any "catastrophic" consequences in the next month if the proposal doesn't pass. Irish said delay would probably mean that the pending land application would not be acted on during the interval.

Councilor Floyd Collins asked if the roads to the east are City or county rights-of-way. Irish said they are City rights-of-way.

Anderson described Criteria #1:

- It is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council
- The TSP was adopted in 2010
- Update with adoption of South Albany Area Plan (SAAP) in 2012
- Proposed changes address new information and conditions

Anderson described Goal 1, Citizen Involvement:

- Agencies notified – invited to comment
- DLCD notified 35 days prior to hearing
- Notice published in newspaper more than one week prior to hearing
- Public hearings held before Planning Commission and City Council
- Citizen involvement was solicited and citizen input was encouraged prior to a final decision

Anderson described Goal 12, Transportation:

- New information is available regarding:
 - Bridge reconstruction of Clover Ridge Road across Truax Creek
 - Wetlands located north and east of Timber Ridge Road and Somerset Avenue
- Elimination of a portion of Somerset Avenue provides street connectivity while avoiding unnecessary impacts to wetlands
- Reconstructing the bridge in place:
 - Eliminates the need to extend Timber Ridge Road; and

- Will increase the trips and need for street light and Clover Ridge Road
- Increased development in the area increases need for a street light at Goldfish Farm Road
- Amendments ensure adequate transportation facilities will be provided to accommodate long-term growth

Anderson described Criteria #2:

- A legislative amendment is needed to meet changing conditions or new laws
 - New information is available regarding bridge reconstruction on Clover Ridge Road across from Truax Creek, and the extent of jurisdictional wetlands
 - TSP amendments are needed to respond to change and development to ensure adequate infrastructure and facilities are accommodated

In conclusion, Anderson said that the applicable criterion are met and staff recommends approval of the Comprehensive Plan Text Amendment to the Transportation System Plan.

Johnson asked, is Linn County redoing the bridge? Irish said they have not designed the bridge or bid the construction yet. They are awaiting the outcome of this decision. The bridge is right on the urban growth boundary.

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 if anyone wished to testify. No one did.

Close: Konopa closed the public hearing at 7:40 p.m.

MOTION: Kellum moved to amend the ordinance by removing the emergency clause. Kopczynski seconded the motion and it passed 5-1, with Councilor Bill Coburn voting no.

City Attorney Jim Delapoer read the ordinance for the first time in title only: AN ORDINANCE AMENDING ORDINANCE NO. 4447 WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN AND MAP, BY AMENDING THE ALBANY COMPREHENSIVE PLAN TEXT OF THE TRANSPORTATION SYSTEM PLAN, AND ADOPTING FINDINGS.

Kellum moved to read the amended ordinance a second time in title only and Kopczynski seconded it. The motion failed 5-1, with Olsen voting no. It takes a unanimous vote of the Council for a second reading in the same meeting. This item will come back to the September 9, 2015, Council meeting.

Business from the Public

Linda Herd, 723 Ferry Street SW, Chair of the Albany Arts Commission and Vice President of the Artists Co-op in Albany Gallery Calapooia read a document (see agenda file) about the 1% for Art program. The Arts Commission has identified Albany locations suitable for public art. She referred to a city map with these locations marked, which is available at the Parks and Recreation counter.

Josh Hall, 1110 S. Sixth Street in Lebanon, spoke on behalf of locked-out steelworkers at ATI Oremet, asking for the support of the City Council. Union members have been active in the community. They donate thousands of dollars every year to organizations like United Way, Meals on Wheels, FISH, and Helping Hands. They are volunteer firefighters, coaches, and EMS workers. They would appreciate whatever support the Council can give.

Konopa expressed the Council's sympathy for the steelworkers.

Johnson said she remembers when Wah Chang workers were locked out some years ago. They were out for 9 months, and it took a lot of money out of the City, besides being hard on the workers. She has signed the petition and supports the workers. Businesses need to support their workers.

Olsen asked for a show of hands of steelworkers in the audience. He said the Fire Department makes special preparation to respond to Oremet because of some of the dangerous processes. He feels better knowing that the steelworkers know what they are doing in the plant better than the non-union workers.

Konopa has been a neighbor to Oremet for 38 years. She remembers various explosions and leaks, and they are very scary as a neighbor. The safety of our community depends on skilled workers running the plant. She said if the City Council wants to pass a resolution or send a letter it will come up at the end of the agenda under Business from the Council.

Gary Stecky, 3874 Glendale Avenue SE, said the City Council donated money to Linn Benton Community College (LBCC) on behalf of ATI to train machinists, but ATI has broken that agreement by locking out the steelworkers. He thinks the City Council should pass a Resolution and send a letter asking why they are

locking them out. Konopa explained that the recent LBCC bond measure did not include money for the technology necessary to train metals workers. The metals industry has historically done in-house training, but the City gave LBCC \$2.9 million for the technology, to support training for family-wage jobs. She feels ATI owes it to the City to stay open and provide those family-wage jobs.

Viginia Cusick, 1610 23rd Court SE, spoke about dog mess in her yard. She has extreme medical problems. She got a dog owner to come to court today, but the case was dismissed. She has a degenerative bone disease and will be injured if she falls. She proposes that the fine be raised significantly, and that dog owners be required to have medical insurance. Property owners should not have to pay if their tenant is hurt. If she falls again the dog owners should have to pay her medical expenses. Konopa asked about the dogs in the neighborhood. Cusick described the situation. She said the owners don't care, and she has been physically threatened for speaking up. She also said that the duplexes' garages have walls to eight feet which are open above. There is no firewall and people can get into the garage and steal items. She described her dilapidated home. She submitted a picture of a hole in her living room floor (see agenda file). Konopa said Code Enforcement would get in touch with Cusick.

Adoption of Resolution

Supporting the designation of Albany, Oregon, as a Flag City U.S.A.

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

Johnson said she wants to be sure the City is not responsible for the flag program as it could cost money down the road. Collins said that is correct.

VOTE: A vote was taken on the motion to adopt the resolution and it passed 6-0 and was designated Resolution No. 6450.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) July 8, 2015, Regular Session minutes.
 - b) July 20, 2015, Work Session minutes.
 - c) July 22, 2015, Regular Session minutes.
- 2) Approving the full on-premises sales, change ownership liquor license application for Brick & Mortar Café, LLC, d/b/a Brick & Mortar Café, located at 222 First Avenue W.
- 3) Approving the full on-premises sales, change location liquor license application for Novak's Hungarian Restaurant, Inc., d/b/a Novak's Hungarian Restaurant, located at 208 Second Avenue SW.
- 4) Approving the full on-premises sales, new outlet liquor license application for Holly M. Evans-White and Greg A. Burt, d/b/a Cellar Cat, 211 First Avenue W, Suite 102.

Konopa noted that items 3) and 4) had been held up at the Oregon Liquor Control Commission (OLCC). Both businesses called her and asked that their licenses be approved tonight, so they can open for business. The motion should include the staff reports on the dais.

MOTION: Kellum moved to approve the Consent Calendar as presented, and the two staff memos on the dais from Police Chief Lattanzio regarding liquor license approvals for Novak's Hungarian Restaurant and Cellar Cat. Kopczynski seconded the motion and it passed 6-0.

Award of Bid

WL-15-01, Davidson Street Water Line.

Engineering Manager Staci Belcastro said that Public Works recommends the Council award the contract for the Davidson Street water line to Tornado Soft. The City received five bids for the project, which involves replacing a section of water line with large-diameter waterline as recommended in the Water Facility Plan.

Coburn asked if any prequalification was required of the contractors. Belcastro said no. Coburn asked if the contractor is required to be a licensed plumber. Belcastro said no, because the work is not being done on private property.

Coburn asked if the City is concerned that the low bidder can perform the work. He has never heard that Tornado Soft has done this work, and it is the same contractor who is asking for more money for the Vine Street canal repairs. Coburn is concerned that the City has no choice because Tornado Soft is the low bidder. Belcastro said the City would require compliance with the contract and specifications the same as on any other contract. There is a performance and payment bond.

MOTION: Collins moved to award the contract in the amount of \$469,699 to the low bidder, Tornado Soft Excavation, LLC of Independence, Oregon. Kopczynski seconded the motion and it passed 6-0.

Approval of Contract Amendment/Increase

Engineering services contract amendment for Murray Smith & Associates, Inc. for W-12-02, Albany-Millersburg Water Treatment Plant sand removal project.

Belcastro said Public Works recommends approving a contract amendment of \$219,592 for Murray Smith & Associates. The contract is for design and construction of a second sand removal system at the Albany-Millersburg Water Treatment Plant. Currently there is one sand classifier at the plant. This second system will expand plant capacity and allow operations to continue if the other classifier is out of service. Sand removal is critical, particularly in the winter months. Murray Smith & Associates completed a predesign effort, including review, evaluation, and a construction cost estimate. Public Works awarded the predesign contract administratively because it was under \$150,000.

Collins asked who designed the first classifier. Belcastro said it was CH2M-Hill. Collins asked if they reviewed the performance of the existing classifier. Belcastro said yes, the existing one works. The issue is lack of redundancy. Also, a second classifier would increase capacity. Collins asked what the construction cost estimate was. Belcastro said it was around \$425,000. A new building will have to be built to house the second sand classifier.

Coburn asked if the Siemens filters work. Assistant Public Works Director/Operations Manager Chris Bailey said yes, the membranes work, but if the classifier doesn't catch all the sand it damages the filters. It is not related to the filters other than the effect of the sand on the filters. Coburn asked if it was an error to design the system without redundancy. Bailey said the pilot tests didn't show the volume of sand from the intake. This has been an issue all along, regardless of water levels. City Manager Wes Hare said it was an issue when the City first became aware of problems with the filters, but the system has worked well for 10 years. This is akin to routine maintenance and generally, we get good performance from the plant.

Discussion followed about repositioning the intake structure to reduce the sand intake. The structure is sunk into the river bed. There's no structure to be adjusted.

Collins said he thinks that \$219,000 is a large design fee for a \$400,000 construction. Belcastro said she agrees. She has spoken to Murray Smith & Associates about that. The design fee is high because a new building is needed, which will require a land use application and other engineering and geotechnical work. Collins asked if Murray Smith had worked for the City before, and if the City was happy with their work. Belcastro said yes.

MOTION: Collins moved to approve the contract amendment to Murray Smith & Associates Inc., for W-12-02, Albany-Millersburg Water Treatment Plant Sand Removal. Coburn seconded the motion and it passed 6-0.

Report

Discussion of changes to Albany Municipal Code (AMC) Chapter 2.96, One Percent for Art.

Konopa said the One Percent for Art ordinance has been in place since 1998 to get more art into community. Art is subjective, and there has been some discussion about what to use at the new police and fire stations.

Johnson said it's important to showcase City buildings. The Council has not received a report on what art has been placed. The Council should have the final say.

Parks & Recreation Director Ed Hodney said art work is placed very seldom and is placed at long intervals, which is why Johnson doesn't recall there being a report from staff. After City Hall was built, proposed art work has been brought to the Council by recommendation of the Arts Commission. Hodney said art was purchased for the new Swanson pool house, the Train Station (clock tower), and the new Library. The ordinance says the Arts Commission has entire responsibility, although the Commission has brought its recommendations to the Council for approval.

Collins said he has no problem with some requirements for art, (and some exclusions), but he's concerned with how the one percent is calculated. Hodney said the ordinance exempts from the project cost the parking lot and all fees associated with the project. It also limits total project cost to greater than \$500,000. The new stations are the largest public project since he started with the City, except the Library. Collins said the 1% is \$200,000 for both stations together. He has no problem with the art percentage being calculated based on space that is open and accessible to the public. But the stations have space that's not open to the public. He would like to add as exclusions spaces where there is no public access, so that the basis for the calculation would be the proportional value of floor area that is open to the public.

Hodney said the Council can change the ordinance as they want to. He said the Arts Commission has a vision for expanding the presence of art in the community, and suggested that the Council hear their ideas about how the One Percent for Art ordinance might affect their vision. Konopa said she thinks the Council should hear the Arts Commission's suggestions before changing the ordinance or deciding on art for the new stations.

Kellum said he feels there is some direction being expressed in the discussion of limiting the art assessment to public areas. The Council also has an obligation to the public to see that the stations aren't built as expensive, fancy places. The cost of art can vary greatly. He thinks the Arts Commission should be given an amount based on public space and asked what can be done with that.

Konopa asked the Council if they would like the Arts Commission to bring them ideas, costs, and possible locations for art in the new stations. The Council concurred.

Olsen said the current police station has only a small space open to the public. He thinks basing art funding on that would be very limiting.

Hodney said Public Works needs solid direction by the end of September if a consultant will be doing any design around the art installation. Collins said there are two issues. The first is how to do the calculation, and the second is whether something that is going to be in the public space anyway can be counted as art. Something that counts as both functional and artistic is a double win.

Kopczynski said the Council is asking the Arts Commission for two different things. The most immediate is the need for art for the police and fire stations. The second is ideas for the long-term, city-wide. Hodney said he will talk to the Arts Commission. He thinks they can address both issues. He said the ordinance is specific about application of the one percent. Discussion followed about at what point the ordinance should be changed. Delapoer said there is some discretion in the ordinance regarding who does the design. If the Council wants to change the ordinance, they should tell staff what they want it to do. Staff can bring an amended ordinance back to the next Council meeting.

Johnson said the ordinance allows money from one project to be used at another City building. She would like all funding for art at the stations to stay at the stations. She also would like to limit the art funds to public space.

City staff and the Art Commission will report back to the Council with ideas for art at the new public safety facilities.

BUSINESS FROM THE COUNCIL

Johnson passed out a flier titled "In An Emergency" (see agenda file). There was a meeting last week with the Willamette Criminal Justice Council and school districts. She learned at this meeting that the school shootings a few years ago are being taken seriously. The flier is going out to school districts and police agencies so that they can be prepared with a plan. She appreciates the effort. Konopa said the Willamette Criminal Justice Council brought all players to the table last year and found they were not consistent in their plans for a first response to a mass school shooting. The flier is the result of this year's meeting to determine the best response.

Olsen mentioned the three military men who stopped a terrorist on a French train, saving lives. He would like to have them be part of Albany's Veterans Day parade. One of the men is from Roseburg. Konopa said she will notify the parade coordinator.

Olsen said he enjoyed the Northwest Art and Air Festival, and thanked Hodney and Parks & Recreation staff.

Olsen said he would like to pass a resolution to encourage ATI to end the lockout and negotiate with the union. He thinks the safety of the community is affected. The City gave money through LBCC to train skilled workers. The City is doing its part to support the industrial community, and the Council should do a resolution.

MOTION: Olsen moved to have a resolution come back to the Council to encourage ATI to get back to negotiations with the union. Johnson seconded the motion.

Konopa said the next meeting is September 9, 2015. Delapoer advised that the Council could do a motion in support of a particular action, instead of a resolution.

Collins said the Council agreed during the Wah Chang labor dispute a few years ago that the Council isn't an arbiter, but can encourage both parties to come to agreement. He doesn't know the particulars of the dispute and hasn't heard from both sides. He is comfortable saying that the performance of the company and employees are important to us as demonstrated by our commitment to continue to supply qualified workers through our donation to LBCC. The Council wants them to get back to negotiations and resolve the issues with a reasonable agreement that benefits everyone.

Kellum said he is unwilling to support something that takes one side or another.

Mike Hyer, 2327 Beaumont Lane NW, said Oremet is one of three ATI companies in Albany. The others are Pacific Cast, which is non-union, and Wah Chang, which is union. Wah Chang was locked out in 2001. He thinks that ATI will do the same to the workers at Pacific Cast and again at Wah Chang when their contracts come up for negotiation. These good-paying jobs will have cuts in medical and other benefits. This impacts more than just the workers, it is about the community. He understands that the Council feels they can't take sides because ATI contributes to the

community. He and his co-workers also contribute to the community. He asked the Council to think carefully and take the issue to heart.

AMENDMENT 1: Collins amended the motion to have resolution addressed to both the steel workers and ATI to encourage them to work to find a reasonable resolution for all parties. Kellum seconded the motion.

Discussion followed about the timing of the action in terms of using a motion, a resolution, or a letter on behalf of the Council.

AMENDMENT 1 REVISED: Collins further amended his motion to amend the main motion; to deliver the same message in the form of a letter from the Mayor on behalf of the City Council, containing the language in the City Attorney's suggested motion. The amendment was agreeable to the seconder.

WITHDRAW MOTION: Olsen withdrew the main motion and it was agreeable to the seconder.

WITHDRAW AMENDMENT: Collins withdrew the amended motion and it was agreeable to the seconder.

MOTION: Collins moved to instruct the Mayor on behalf of the City Council to send a letter to both ATI and the Steelworkers acknowledging the contribution that both parties make to the community, and encourage them to work collectively to find a resolution to the labor dispute that is beneficial to both parties and the community in a timely manner. Kellum seconded the motion and it passed 6-0.

Kellum said he had lunch at Novak's. They are getting ready to open.

Collins said North Albany Road is open. He acknowledged the good work of Acting Public Works Engineering Director Jeff Blaine, Engineering Technician IV Lindsey Austin, Civil Engineer III Chris Cerklewski, and Belcastro. All of the contractors he's talked to say that staff is competent and easy to work with.

Resolution supporting a \$25 million bond measure to replace the Benton County Jail.

Konopa said this item came from a meeting with the Benton County Commission.

MOTION: Kopczynski moved to approve the resolution supporting a \$25 million bond measure to replace the Benton County Jail and Johnson seconded it. The motion passed 6-0 and was designated Resolution No. 6451.

Hare passed along an invitation from the Human Relations Commission to attend the 2015 Festival Latino at Monteith Riverpark, September 20, 2015.

Hare also said the City has been approached by a movie company which needs office space for some filming. They would cover all their costs and sign an agreement to be responsible for any problems. They would film on a weekend. Hare agreed that they could use his office, as long as they paid for a security person from Valley Merchant Police. The company is Wicked Pixie productions from Salem.

NEXT MEETING DATES: Work Session: September 21, 2015; Regular Session: September 9, 2015; and Special Session: August 31, 2015, at 4:00 p.m. in the Council Chambers.

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:06 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
City Clerk

Wes Hare
City Manager