

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
333 Broadalbin Street SW  
Monday, December 7, 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: Councilors Dick Olsen, Floyd Collins, Bessie Johnson, Rich Kellum, Ray Kopczynski and Bill Coburn

Councilors Absent: None

PROCLAMATION

Homeless Persons' Memorial Day

Konopa read the proclamation as outlined in the staff memo.

She said a homeless persons' memorial event will be held December 21, 2015, at 5:30 p.m., outside on the plaza. This is a very nice event to honor the many homeless persons in our community who were lost this year. Everyone is welcome to attend.

SCHEDULED BUSINESS

Business from the Public

Bill Root, 2634 NW Valley View Drive, said the Albany Toy Run was held Sunday, December 6, 2015. They had more than 200 volunteers and well over 500 toys were distributed. Each child received at least two toys, a stuffed animal and a bag of candy. Kids were able to sit on Santa's lap and there were a lot of smiles from the kids as well as the adults. He expressed appreciation to the City for its continued support and to the Mayor for her participation. Konopa said this is a great event that the organizers have really fine tuned and it flowed very well. She thanked Root for his work. Councilor Bessie Johnson commended Root and his group for doing this work which is so needed and appreciated. Brief discussion followed.

Tom Cordier, 2240 NW Park Terrace, said he views the Homeless Persons' Memorial Day event as a feel-good event. One of the homeless people who died this summer was a young man he worked with for over a year. The young man had been in jail and in court a number of times, had a mental health counselor, a mental health doctor, and a probation officer. A mental health professional at the jail classified him ten times as a paranoid schizophrenic. He didn't die because of the hot weather. An article in the paper said someone on City staff said most of the deaths this summer were a result of hot weather, which he thinks is nonsense. He said, we have a large mentally ill population in our homeless population that the system does not know how to deal with effectively. He gave examples of how the system was ineffective in helping the young man he knew. He thinks the memorial event is a misuse of time and energy. He said the mentally ill part of the homeless situation is not being addressed adequately and there is a lot more that can be done.

Bob Mitchell Daniels, no address given, said the City should give people somewhere to go before pushing them out of campsites along the river. Konopa said the City doesn't encourage tent camping because that is not a solution to a person's homelessness. She gave information about the homeless shelter and she offered to meet with Daniels at City Hall to discuss the matter further.

Second Reading of Ordinance

Declaring a ban on recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and/or recreational marijuana retailers

City Attorney Jim Delapoer read the ordinance a second time in title only: AN ORDINANCE OF THE CITY OF ALBANY DECLARING A BAN ON RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND/OR RECREATIONAL MARIJUANA RETAILERS; REFERRING ORDINANCE; AND DECLARING AN EMERGENCY.

MOTION: Councilor Rich Kellum moved to adopt the ordinance and Johnson seconded it. The motion passed 4-1 with Councilor Dick Olsen voting no and Councilor Ray Kopczynski abstaining, and was designated Ordinance No. 5862.

First Reading of Ordinances

Amending Albany Municipal Code 2.04.060, Voting

Delapoer read the ordinance a first time in title only: AN ORDINANCE AMENDING AMC 2.04.060 CONCERNING VOTING ABSTENTIONS AT CITY COUNCIL MEETINGS, AND DECLARING AN EMERGENCY.

Kellum said this is an important item and he would like to give it additional consideration before taking action. Johnson agreed; she would like for Council to think about it and not make this change on a whim.

The ordinance will be brought back for a second reading at the January 13, 2016, meeting.

Repealing Chapter 10.16 of the Albany Municipal Code, In-Lieu-Of Assessments for the North Albany Sanitary Sewer Basin

Delapoer read the ordinance a first time in title only: AN ORDINANCE REPEALING CHAPTER 10.16 OF THE ALBANY MUNICIPAL CODE IN ITS ENTIRETY.

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

Delapoer read the ordinance a second time in title only.

MOTION: Collins moved to adopt the ordinance and Kopczynski seconded it. The motion passed 6-0 and was designated Ordinance No. 5863.

Adoption of Resolutions

Forgoing a water rate increase for calendar year 2016 and reaffirming rates in Resolution No. 6411

Public Works Engineering and Community Development Director Jeff Blaine reviewed the written staff report. For each of the last four years, staff has provided details about the water utility and the City has implemented a series of rate increases building toward an annual capital investment of about \$1.5 million, hoping to achieve that target by 2017. The first obligation is to pay off debts, the second is to fund ongoing operating and maintenance activities, and whatever funds are left are allocated towards capital projects. Last year, a 2 percent rate increase was implemented and staff anticipated that a rate increase of 4 percent could be required to meet the 2017 target. Fortunately, revenues were high enough and operations staff have done a great job of controlling costs; therefore, staff now recommends that Council forego a water rate increase for this calendar year.

Motion: Johnson moved to adopt the resolution and Kellum seconded it. The motion passed 6-0 and was designated Resolution No. 6469.

Modifying Council Policy that established a Capital Recovery Policy for public water and sewer lines that are constructed by private property owners or developers

Blaine reviewed the written staff report. He said Capital Recovery Agreements are the primary tool used to facilitate one developer reimbursing another for past investments that are benefitting their property, and connection fees are used to complete that reimbursement. Using a whiteboard, he showed an example of a development scenario where Property A, as part of a subdivision land use approval, covers the cost of extending utilities to and through their property. That developer can enter into a Capital Recovery Agreement with the City so that when a property on the other side of the street wants to develop, they pay a connection fee calculated by the length of frontage along the utility, which is then reimbursed to Developer A.

Blaine reviewed proposed changes to the Capital Reimbursement Policy for Water, Sewer, Streets, and Storm Drain Facilities, as detailed in meeting packets. The recommendation amends the current Council policy to recognize that in-lieu-of assessments have been replaced by connection fees, that street and stormwater drainage costs can be included in Capital Recovery Agreements, and that the terms of the agreements should be extended from 10 to 20 years.

Kellum asked why there would be a time limit for the developer to be reimbursed. Blaine said that the length of term is a Council policy. The Planning Commission recommended extending the term of the agreement from 10 years to 20 years, and that is staff's recommendation. Having an end date is important so that there is not a situation where revenues just sit there and can never be used for something else, but the timeframe is a Council decision.

Kellum wondered why the connection fee from the future development couldn't just go to the first developer, regardless of how long it has been. City Manager Wes Hare said that longer timeframes could make it more difficult to track down who the fees should go to. Delapoer said that, over time, tracking systems will not be perfect. After 20 years, you will likely have new property owners, new staff people, and the utility will have used up a significant portion of its useful life.

In response to a question from Olsen, Blaine said the connection fee fund currently has about \$60,000 to \$100,000. Olsen wondered why all developments couldn't pay for their half of street improvements with the other side to pay their share when they develop, using funds in the connection fee account to cover those costs in the interim. It was explained that this approach would require that the City guarantee funds were available for developers to use, which the City can't do.

Collins said it's difficult to have a system that is both simple and equitable; he feels the recommended approach is reasonable.

Skylar McCollum, 2175 Pine Meadow Drive, asked if there is a limit to the number of properties that will pay these connections fees. Blaine explained that the fee is for the cost of improvements that front the parcel and are based on the length of the frontage. Parcels not fronting the improvement do not pay these connection fees. In response to McCollum's further inquiries, Delapoer explained that if property owners wanted to petition to have a larger, more comprehensive improvement put in and pay their portion of costs, the City would allow that. The City has not found that developers who plan to develop at some undetermined future time are interested in paying an assessment in advance, so this fee was established. Collins added that if the developer is required to put in an 8-inch line and the City anticipates a lot of growth, they would potentially participate in paying for a larger line to accommodate that future capacity.

Dan Watson, 710 East Thornton Lake Drive NW, said he has talked with staff over the years about this subject and he thinks the 20-year timeframe makes sense. He suggested that Council consider making the agreement renewable so that someone who wanted a longer agreement could request an extension.

Blaine said, as Delapoer mentioned, the life of the utility is another consideration. If the agreement goes too far out, the City could end up paying to replace the water line while handing over connection fees to the original developer.

Motion: Kellum moved to adopt the resolution. Collins seconded the motion.

Johnson asked if Council was interested in allowing an extension. Collins suggested that Council proceed with the policy as proposed and, if someone comes back after 20 years, an extension could be considered at that time. Johnson felt that was reasonable.

VOTE: A vote was taken on the motion and it passed 6-0 and was designated Resolution No. 6470.

SS-16-03, Maple Street Lift Station: Awarding a special procurement contract for two Flygt pumps and related equipment to Xylem

City Engineer Staci Belcastro reviewed the written staff report. Staff recommends that the City Council, acting as the Local Contract Review Board, adopt a resolution establishing a special procurement for the purchase of two Flygt pumps for the Maple Street Sewer Lift Station. The station currently has four pumps installed. This project would replace the two smaller pumps to match the capacity of the larger pumps. This upsizing would increase reliability at the station, help to reduce sewer overflows, and meet long-term capacity requirements. Staff is requesting this special procurement because it is not practical or cost effective to install pumps from different manufacturers. A pump from another manufacturer could be modified but that would involve making changes to the existing rail system which would result in increased costs. The resolution authorizes staff to negotiate a contract with Xylem, the sole source supplier for these pumps in this region, which has indicated a price of approximately \$50,000 for the two pumps.

Kopczynski asked, what is the source of the revenue? Belcastro said it would be Capital funds. Kopczynski asked if either of the pumps is now failing. Belcastro said no, the project will help reduce overflows and is

needed for reliability of the station. Kopczynski asked what would be done with the existing pumps. Belcastro said they could possibly be used somewhere else or sold.

MOTION: Kopczynski moved to adopt the resolution and Collins seconded it. The motion passed 6-0 and was designated Resolution No. 6471.

#### Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) October 12, 2015, Work Session minutes

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

#### Appointments

##### Community Development Commission

MOTION: Kopczynski moved to approve the appointments of Dick Olsen, Dan Sullivan, and Joann Zimmer to the Community Development Commission. Councilor Bill Coburn seconded the motion and it passed 6-0.

#### Reports

##### Dual Left-Turn Lanes at Springhill and Highway 20

Transportation Systems Analyst Ron Irish said there have been questions as to why the dual left-turn lanes at Springhill Drive and Highway 20 were removed. He said this is an intersection of a Benton County road and a state highway, and the City has jurisdiction over the signal. During the North Albany Road project, the City, Benton County, and the Oregon Department of Transportation (ODOT) agreed to allow dual southbound left turns from Springhill onto the Highway during the construction period. ODOT was reluctant due to concerns about safety, in that there is about a 10 percent slope with the north side of the highway about 8 feet higher than the south side, and the intersection has history of trucks flipping over and rolling into the park. An alternate truck route was posted during the detour to address those concerns. The alternate truck route worked very well and compliance was good during the project, due in part to an increased police presence and enforcement.

Irish said that, as the construction project was being completed, there was interest from the City Council and the Benton County Board of Commissioners to see about maintaining the dual left-turn lanes. City and County staff met with ODOT which, in order to consider the request, wanted a proposal very quickly which included weighing the capacity benefits of the dual left with safety concerns of the super elevation. They wanted to see data that involved performance analysis of the two conditions, turn movement analysis, and a plan from the City and the County related to how the detour would be posted and enforced. Staff estimated the analysis would cost about \$20,000 to prepare, money the County indicated it did not have for the project. ODOT staff also pointed out that the conversion to a dual-head signal pole would have an additional cost, estimated by staff to be about \$75,000. Based on the cost and the unlikely success, as well as the very short time allowed for an application to be submitted, staff did not pursue the item.

Irish noted that ODOT is just beginning a safety project for Highway 20 from Corvallis to the Springhill Drive intersection which will include some of the analysis they were requesting with the dual left-turn application. If the super elevation is found to be the problem that ODOT envisions, then it won't be possible to get dual left-turn lanes until that is fixed. There is a long-term project in Transportation System Plan for that section of Highway 20 that would add right-turn lanes on the north side of the road from base of the bridge to North Albany Road and which is envisioned to fix the super elevation at the intersection.

In response to questions from Collins, Irish said ODOT's analysis of Highway 20 is just beginning and he doesn't know the timeframe. The initial focus will be on areas where they have had crashes, such as Granger Road and Independence Highway, but also looking at the curves on Hwy 20 and at the North Albany Road and Springhill Drive intersections.

Coburn said he has previously voiced frustration on this issue. The dual left-turn lanes worked during the construction period and he thinks that has value. It's hard to understand ODOT's thinking that this is not safe but that they will allow it on a temporary basis; he doesn't think that makes sense. He asked if it would be possible to stripe the right lane wider and have trucks allowed only in that lane. Irish said ODOT wanted the study to show two trucks, side by side, a situation one would see very rarely, if ever. Brief discussion followed.

##### Quiet Zones for At-Grade Rail Crossings

Irish reviewed the written staff report. Councilors previously received an email from a citizen requesting that consideration be given to developing plans for implementing “quiet zones” for at-grade rail crossings within the City. Federal law requires that when a train approaches an at-grade crossing, they have to hit the horn, and often the engineer will hit the horn multiple times. In a quiet zone, there are changes made to the at-grade crossing to make it safer and the obligation for the train company to hit the horn goes away. A new quiet zone must be at least one-half mile in length and requires physical improvements at each crossing, which are negotiated between the Federal Railroad Administration (FRA), ODOT Rail, the affected railroad company(s), and the road authority. The City has 29 at-grade crossings and ODOT Rail has given an informal estimate of roughly \$500,000 per crossing. The cost of implementing quiet zone improvements at all 29 at-grade crossings would be about \$14.5 million. Even this would not eliminate all train horn noise in town. There are some rail corridors in town, such as Water Avenue between Main Street and Geary Street, where installation of quiet zone improvements is technically infeasible.

Irish said cities have implemented quiet zones in Oregon and throughout the country. Often, if a community is willing to close one crossing, they can obtain federal money to improve an adjoining crossing and fund quiet zone improvements. There are not a lot of crossings to trade away in Albany, so that raises the issue of how this would be funded. If Council is interested in pursuing quiet zones, staff could do an analysis for further consideration.

Kellum said the railroad was here first and everyone moved in next to it. He said creating quiet zones isn't going to save any money and, since we don't have several million dollars to pay for it, he thinks the whole point is moot.

Collins said this comes back to the priority for our capital investments. He doesn't want to lose track of the fact that this was raised and that there may be future opportunities. He suggested that it be added as an unfunded project in the Capital Improvement Program (CIP).

There was consensus to add quiet zones for at-grade crossings to the unfunded section of the CIP.

#### Bicycle and Pedestrian Advisory Commission Recommendation

Irish reviewed the written staff report. The Bicycle and Pedestrian Advisory Commission recommends that Council submit a request to ODOT for approval of sharrow installation on Lyon Street and Ellsworth Streets. A sharrow is a pavement marking often used on arterial and collector streets when striped bike lanes are not an option. The primary function is to remind drivers to expect cyclists and to provide cyclists with information on where to ride. Sharrow installation does not require the removal of on-street parking. The Transportation System Program (TSP) includes two projects for installation of sharrows on Lyon and Ellsworth Streets. ODOT has indicated they would consider a request to allow sharrow installation on the two roads. If the request is approved, ODOT would likely require the City to install and maintain the sharrow striping through an Intergovernmental Agreement (IGA). The cost for the project would be about \$6,000 and could be funded with TSDC funds. Staff requested Council direction.

Collins said the City is in the process of talking to ODOT about Lyon Street and Ellsworth Streets, related to the Central Albany Revitalization Agency (CARA) downtown improvements. He suggested the sharrow request be rolled into that discussion and, if approved, become a function of that improvement. Irish said that is a good suggestion as the City will likely have an IGA for some of those CARA-funded improvements.

Coburn said ODOT is involved in bicycle safety and he asked if there was any interest on their part to put in these sharrows. Irish said staff would likely start by asking if ODOT was willing to stripe them. There may be an opportunity for ODOT to share in funding the installation but the City is likely to be responsible for maintaining them.

Collins noted that he spoke with the new district manager at ODOT, and he stressed his concern as to why Albany comes up short on maintenance money for the state highway running through downtown while Corvallis, Lebanon, and Sweet Home have all had substantial improvements. He thinks this discussion should be incorporated into the overall discussion about Ellsworth and Lyon Streets.

There was general agreement that the recommendation regarding sharrow installation be included in discussions with ODOT related to Ellsworth and Lyon Streets.

#### Brandis Property Wetlands Delineation

Hare said Council previously directed staff to market the Brandis property near Timber Ridge School for future development to recover the City's cost for Local Improvement District (LID) improvements on that property. One of the barriers to selling the property has been the absence of wetland delineation work. After the staff report was prepared, an offer was received on a piece of the property.

Economic Development and Urban Renewal Director Kate Porsche described the cost to delineate the wetlands on the four tracts which is a total of \$21,675. She said the appraiser has said he is unable to calculate a price until the amount of buildable lands is known.

Collins said he thinks it's prudent to have the information available for a potential sale and it could add to the value of the property. He said the price of the delineation could be rolled into the price of the property when it is sold to recover that investment.

Konopa said there is a lot of potential for this area and she thinks it would be good for Council to consider an overall vision plan for what they would like to see there. Hare said, based on previous discussion by Council, staff has been in discussions with potential purchasers and a proposal is expected to come forward shortly for one tract which would be developed with multifamily housing.

Kopczynski asked if the offer is contingent upon the City doing the wetland delineation. Porsche said no, but other potential purchasers have raised the issue. Delapoer added that a developer would be unable to get through the approval process without the delineation and that an appraisal would help the City understand whether the offers being received are good offers.

Konopa said the question to Council is whether they would like to proceed with appropriating funds for the wetland delineation, but she would also like Council to think about whether they would like to come up with a vision plan for the area. Collins said it's difficult to come up with a vision until it's known what we have to work with. He thinks Council can have that discussion later.

MOTION: Collins moved to direct staff to proceed with getting the four tracts delineated using economic development funds with that money to come back into the Economic Development fund upon sale of the property. Kopczynski seconded the motion and it passed 6-0.

#### Transient Lodging Tax Policy

Porsche said this item came before Council at the November 9, 2015, Work Session. Because it did not receive four votes to go in a specific direction, it was held over to this meeting. Council is asked to review and provide feedback as to which body should be tasked with review and revisions of the Transient Lodging Tax (TLT) Policy. Staff recommends that City Council directly review the policy. At the last meeting, there was a hesitancy to do the same old thing. While it is up to Council what information staff brings and how it is organized, staff envisions a robust and rigorous dialog regarding this policy which could include bringing in experts or a facilitator for that process.

Kellum suggested that an outside group be appointed to review the policy. He suggested the group be made up of people with marketing skills who do not pay or receive the TLT. He named several potential members and suggested that one person could be appointed by each Councilor and the Mayor. He proposed to make a motion to that effect.

Hare recalled that the motion regarding TLT that was made at the November 9, 2015, meeting failed to get four votes. If there are not four votes in affirmative or negative, the question will be considered again at a future meeting. Delapoer advised that Council should first vote on this pending motion.

PENDING MOTION: The motion was to have the City Council, as the body that directs the TLT funding, review the policy.

Kopczynski said the Council is the final arbiter of how the money will be utilized across all the agencies that participate. He has no problem with having another group look at the topic with fresh eyes as long as all of the agencies are represented.

Collins said there is a need to go back and find the original requirement on this item, then to look at what is being funded and what we are trying to do with that money. Marketing is one component. He thinks Kellum's idea is valid and would add credibility to the process.

Coburn said Council used to review the TLT applications prior to forming a committee to do that. He supports having a group of people with the necessary expertise review how all the TLT revenues are being spent.

Konopa said the City Council knows the programs and the needs. She thinks it would be hard to get an outside group that knows the big picture like Council does, and she thinks that having Council be the reviewing body would expedite the process. Kellum disagreed; he said there is not the expertise on Council to do this review, and he thinks a committee could get the work completed just as timely.

Coburn suggested that Council could be the reviewing body for one year only to provide time for the committee work. Kellum said that was discussed last year but nothing was done since.

Collins said credibility is more important than pushing the timeframe. He would support getting a committee appointed and have it begin its work. Additional discussion followed.

VOTE ON PENDING MOTION: A vote was taken on the motion to have City Council, as the body that directs the TLT funding, review the policy and it failed 2 - 4, with Collins, Johnson, Kellum, and Kopczynski voting no.

MOTION: Kellum moved to appoint an outside body made up of individuals who do not receive or collect TLT funds, with one member to be appointed by each Councilor and the Mayor. Collins seconded the motion.

Konopa clarified that this would be an ad hoc recommendation committee.

Kopczynski said one of the key successes to the Public Safety Committee was that two people with impeccable reputations went out and got the people who would be involved in that planning. He suggested a similar process for this committee.

Coburn asked Kellum if it's reasonable that a committee could provide input in the next few months in preparation for the budget process. Kellum said not in total; however, they may be able to give some information and budget decisions will have to be made based on whatever information is available at that time.

Konopa said it is imperative that the group have input and experience related to tourism and the overall goal of "heads to beds". Council knows the budget, programs, gaps, and needs, and what is needed for our community and for tourism. The TLT program has gone from \$600,000 to almost \$1 million, and all the players are working hard to bring up tourism dollars. She is worried that someone may want to divert off one of the programs and, if Council doesn't agree, then we haven't accomplished a lot. Kellum reiterated that he doesn't think there is the marketing expertise on Council to do this review. Discussion followed.

Olsen said the City Manager has given budget messages each year that indicate things are getting tighter and tighter due to rising employee costs and limited revenues. He thinks it's the wrong time to impinge on our budgets.

VOTE: A vote was taken on the motion to appoint an outside body made up of individuals who do not receive or collect TLT funds, with one member to be appointed by each Councilor and the Mayor. The motion passed 4-2 with Olsen and Coburn voting no.

Konopa suggested that Council review the scope of the committee at a future work session.

#### BUSINESS FROM THE COUNCIL

Kopczynski congratulated Council on the process used to get to a vote on the ordinance related to marijuana. He has received an incredible number of emails applauding what he was trying to do. He thinks the process worked just fine. He ended up on the losing end but it wasn't for lack of trying.

Collins suggested that Council direct staff to bring back information on time, place, and manner restrictions for marijuana facilities after the first of the year.

Konopa said the downtown parade last night was great. It was the best turnout she has seen, despite the rain. She expressed appreciation to Peggy Burris for her work in getting the event coordinated.

#### NEXT MEETING DATE

Work Session: January 11, 2016; and Regular Session: January 13, 2016

#### ADJOURNMENT

There being no other business, the meeting was adjourned at 9:41 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix  
Administrative Assistant

Wes Hare  
City Manager