

CITY OF ALBANY  
CITY COUNCIL WORK SESSION  
Municipal Court Room  
Monday, February 9, 2015  
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 Bill Coburn, Floyd Collins, Bessie Johnson, Rich Kellum, Ray Kopczynski, and Dick Olsen.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

None.

REQUEST FOR CITY TO PURCHASE PROPERTY

Robert Gilbert, 1802 48<sup>th</sup> Avenue SE, said he is seeking a solution for his property located on the edge of town. He said the property is being used like a park because he isn't allowed to build a fence or a house on it. He said he has found homeless camps, weapons, and drug paraphernalia.

Planning Manager Bob Richardson said Gilbert owns 4.5 acres of land along the Calapooia River. He said Gilbert has requested the City purchase the property because of its proximity to Hazelwood Park and because the 2010 Federal Emergency Management Agency (FEMA) flood insurance rate maps have constrained more of his land than the previous maps. Staff considered if there is a public need for the property and determined that no need exists. He said staff recommends that the City not purchase the property.

Councilor Floyd Collins noted that, according to the staff memo, the 2010 boundaries of the floodway on the property have not changed since the 1986 maps. Richardson said that is correct. Collins asked if the property is accessed by going under the trestle. Gilbert said that is correct.

Konopa asked if there is access to the northern area of the property. Gilbert said there is a gate but no real road.

Councilor Ray Kopczynski referred to the Attachment A map [see agenda packet] and asked if 15<sup>th</sup> Avenue is an access point for Gilbert's property. Gilbert said that road is not really there.

Councilor Dick Olsen said he looked at the property today and noticed a gate by the railroad. Gilbert said that gate was built by Bonneville Power Administration (BPA). Olsen asked if the gate helps keep people out. Gilbert said people just go around the gate because it doesn't go all the way to the river.

Kopczynski asked how the floodway boundary map has changed between 1986 and 2010. Gilbert said there is a new restriction because of a floodway channel. Richardson said staff looked into it and couldn't find any significant change, and the mapped floodway is essentially the same.

Councilor Rich Kellum said it is his understanding that a fence can't be put along the gate to extend it. Gilbert said that is correct. He said the first fence was washed out in 1996. Kellum asked staff why a gate can be there if a fence can't be built there. City Attorney Jim Delapoer said staff can't regulate the federal government and we are following the rules established by FEMA. Staff can ask FEMA to be consistent and take the gate down but he doesn't think that will help matters. Kellum asked what would happen if a fence is put up. Delapoer said if the City became aware of it, staff would have to take appropriate action. He said the reason fences aren't supposed to be in the floodway is because the flow of water could be impeded and has the potential to cause damage to other properties. City Manager Wes Hare said FEMA will periodically do inspections in communities to see if construction has occurred in floodways.

Olsen asked if there was ever a home located on the property. Gilbert said there was a house located on the property in the 1950s and has always been zoned residential. He said before his father purchased the property, it was used as a gravel quarry which caused the property to become wetlands. Olsen said the blackberries are taking over so that may keep people out.

Councilor Bill Coburn asked when the property was purchased. Gilbert said it was probably around 1993-1994.

Councilor Bessie Johnson said, we can't restrict the gate because it belongs to the federal government, so would the City get in trouble if damage occurs because of the gate? Delapoer said no because it is their fence.

He said Council doesn't want to willfully violate the law by turning a blind eye from someone who is building a fence. Johnson asked what the City could do with the property. Konopa said the BPA property is in between so it couldn't connect to Hazelwood Park. Delapoer said staff could ask FEMA about possible solutions to help the property owner. Johnson said that is a good idea, and she understands the property owner's plight. Delapoer said FEMA may be able to offer suggestions about how to make the property less accessible to trespassers. Olsen asked who put the gate in under the railroad. Gilbert said BPA put it in to protect the high voltage power lines. Delapoer said staff could ask FEMA if there could be an exception to the structure requirements that would allow fencing to continue past the existing BPA gate. Richardson said the fence may not be in the floodway and may be in the floodplain which affects where you can have structures. He said if FEMA says there are different types of fences that could be permitted, it doesn't change the local ordinance. He cautioned the Council that changes to the language could cause flood insurance rates to increase for other property owners.

Parks & Recreation Director Ed Hodney said there is no legitimate reason for the City to purchase the property. He also talked to the Calapooia Watershed Council to see if they had interest in the property and they don't. There is a considerable distance between this property and Hazelwood Park. Collins asked about erecting a barrier on the west side of the Hazelwood Park. Hodney said it would cost approximately \$7,000 for a fence, but he thinks that if people want to get to the property, fences won't stop them.

Kellum asked what legally can be done with this property. Richardson said there are a number of uses that are permitted in the open space zone such as agriculture and greenhouses. He said the big challenge is that the majority of the property is in the floodway. He said the other constraint is that there is an easement from BPA over a portion of the property. He said there is a section of land that is unconstrained for opportunities to develop per the open space regulations. Kellum said this is a property owner who pays taxes on the property, but can't use it or protect it. He thinks there should be some way to help with the problem. Delapoer said if the property can't be used, the owners can appeal the tax assessment. Gilbert said he has gone through that process and changed the tax assessment to the assessed value instead of real market value. Konopa asked if Linn County changed the property to non-buildable. Gilbert said he will check. Gilbert said the taxes are approximately \$400 per year.

Delapoer asked Gilbert if fencing would solve the problem. Gilbert said he doesn't think it would help the issue.

Delapoer said if the property has no value, he would suggest the property owner see if there is a way to donate it and write it off on their taxes. He said the request before Council is to buy the property. He said the problem is that there are many properties burdened by regulations or circumstances of the environment. He said the City doesn't have the resources to address all of those problems.

Collins said the circumstances are unfortunate, but the City is simply implementing the federal rules. He said the City would support selling the property, but the City doesn't have an interest in the property.

MOTION: Collins made a motion to deny the request and Kopczynski seconded it. The motion passed 5-1 with Kellum voting no.

Hodney said there may be other agencies interested in the property, and he will visit with the Gilbert's to share further information. Hare said the Albany Police Department (APD) could also try to do more frequent patrols in that area.

#### CRIME STATISTICS AND ORDINANCE CHANGES

Police Chief Mario Lattanzio gave a PowerPoint presentation [included in agenda packet]. He clarified that the FBI numbers listed in the presentation are for 1998-2013 and City of Albany numbers are for 1998-2014. Overall, Albany has a very low crime rate. He noted that there was a small uptick in Part 1 violent crimes mainly due to crimes committed last May. He said Part 1 property crimes have gone down significantly. He said employees have worked diligently over the last year to reduce crimes and he is proud of their work. Even though calls for service are up, the number of crimes is down. He said a focus is placed on daily missions, talking about crimes, thinking outside the box, and doing crime prevention work. The goal for this year is to reduce Part 1 crimes by 5%. He said APD is short by approximately eight officers. There are currently nine officers assigned to each squad and he thinks there should be ten. There are no officers working traffic, and he would like to add two officers back into the traffic unit. He said he recently formed a four-person street crimes unit to concentrate on areas of the City that are being impacted by crimes. This unit also works on drug crimes.

Lattanzio spoke about injury and fatal vehicle collisions. Fatal collisions are down, but injury collisions are up – 114 in 2013 and 126 in 2014. He said the goal is to reduce that number by 5%, but officers haven't had the opportunity to work a lot of traffic enforcement due to the increased number of calls for service.

Kellum noted that alcohol-related collisions are specified in the graph and asked if drug-related collisions are specified somewhere. Lattanzio said no. He said the reason alcohol-related collisions are listed is because it was an ICMA standard that had previously been included.

Olsen asked about the number listed for 2014 alcohol-related collisions and if that amounted to one injury or one fatality. Lattanzio said it was an injury. Olsen said that is encouraging. Lattanzio said the accomplishments for APD include an 8.9% reduction in Part 1 crimes for 2013, a 17.4% reduction in Part 1 crimes for 2014, and a 26.3% reduction in Part 1 crimes since 2012. He said the problem he sees now is being able to maintain that positive trend.

Lattanzio gave an update on the open container and human waste ordinances. He said both ordinances have been used a lot and have been great tools to help officers deal with issues. The improper use of transit shelters ordinance has been utilized by officers to give verbal warnings to individuals. He said one citation was given under this ordinance because the individual had been warned on a previous occasion.

Lattanzio said 18 businesses have been registered under the secondhand dealer and transient merchants ordinance. He said Lieutenant Travis Giboney and Sergeant Dan Jones have done an excellent job getting business owners signed up and making sure they understand and are in compliance with the ordinance. Staff is recommending two changes to the ordinance. The first change is to exclude scrap metal recycling businesses which return regulated property to base components. However, if an item is purchased as scrap metal and the business tries to resell the item, they would need to comply with the ordinance. The second change is to add ammunition to regulated property (which is a clarification to sporting equipment).

Coburn said it sounds like Burcham's would have to comply with the ordinance. Lattanzio said only if the regulated property is not taken down to the base component. Kellum said Burcham's would get stuck in this ordinance because of the items they sell.

Giboney said Burcham's was taking in regulated property and reselling it. He said staff made several visits to the business to show the owner the regulated items he was selling. The owner is no longer selling regulated property. Olsen said it is a shame to throw away items that could be reused by someone else. Giboney said items such as tools, generators, and air compressors are considered regulated property. Olsen asked if all of those items have to be broken up and can't be resold. Jim Delapoer said the business owner can sell the items as long as he complies with the ordinance.

Giboney spoke about adding ammunition to regulated property. He said this would only apply to five of the 18 businesses. He said certain types of ammunition are easily accessible in stores and there was a crime spree where an individual was stealing ammunition and selling it to pawn shops. This clarifies that ammunition is included in sporting goods as part of the ordinance. Coburn asked how stolen ammunition would be tracked. Giboney said staff uses LeadsOnline.com to see where stolen property may have been sold to a pawn shop. Coburn asked if the business has to hold the ammunition for a period of time. Giboney said they have to hold it for 14 days, which is the same time period as other regulated property.

Lattanzio highlighted what the community resource unit has been doing the past year. He said he started a Community Policing Advisory Board which is made up of community members who represent larger groups of people throughout the City. The Board meets once a month to discuss crime trends, localized issues, and education. The goal is to expand crime prevention and educate the community.

Community Education Specialist Sandy Roberts discussed some of the APD programs including a volunteer program, Albany Police and Kids Together (APAK), and Bringing Up Learning and Behavior (BULB).

Johnson asked what volunteers do at APD. Roberts said three work specifically with the Safe and Secure Senior Independent (SASSI) Program, and two are in-house workers who help with doing proactive tasks such as looking for junk and trash in neighborhoods and sending compliance letters.

Roberts said Crime Prevention Through Environmental Design (CPTED) has been a success. She described the various projects that have been completed as part of CPTED. She said staff worked with businesses on Airport Road to tackle the transient and trash problems on Knox Butte Road. Kellum asked about the problem of individuals begging on the corner near La Quinta Inn and McDonald's. Roberts said reflective bollards were installed to make it more difficult to sit there, but it is legal for people to panhandle. Konopa said Oregon Department of Transportation (ODOT) is still working on something for this area. Kopczynski asked about the status of installing lighting on the Dave Clark Path. Roberts said there are plans to add lighting, and she will be presenting this to the Central Albany Revitalization Area (CARA) Advisory Board in the near future.

Lattanzio said there are seven APD positions that are currently frozen. He said Administrative Services Supervisor Rose Daily will be retiring at the end of June, and he needs to replace that current position with a full-time position. He would like to fill the traffic unit with two officers and there is a need for another communications specialist. Johnson asked if the frozen positions are funded. Lattanzio said they are not. Kopczynski asked if these positions will be in the upcoming budget proposal. Lattanzio said he is working on it and plans to include at least the Administrative Services Supervisor position in the budget proposal. He said it takes approximately one year to hire and train a new police officer. Coburn asked if the Administrative Services Supervisor position would be promoted from within or if it would be advertised outside the organization. Lattanzio said he would likely do both. Olsen asked Hare how these positions can be funded. Hare said there are multiple options that can be considered such as cutting somewhere else within the organization or looking at additional revenue sources. He said the Fire Department has an equally compelling story in terms of needs and there are 42 fewer positions citywide than what we had in 2008.

Hare said we've been really lucky to have people like Daily who continue to work with the City after retirement.

Konopa said the secondhand dealers and transient merchants ordinance will be considered by Council at the February 11, 2015, meeting.

#### 401 MAIN STREET REQUEST FOR PROPOSAL

Assistant Public Works Director/Operations Manager Chris Bailey said two proposals were received for 401 Main Street. She said each was comparable from a land use perspective in the type of use that was proposed. She said staff relied on the criteria to evaluate the proposals in terms of long-term value to the community. Based on the content of the proposals, staff selected Good Samaritan Ministries of Albany (GSM) because they have a greater probability of long-term success. They provided a greater level of detail, references, and consideration of the known obstacles than the Durig proposal did. Although the actual monetary contribution would be less than that of the Durig proposal, staff felt the greater chance of success is with GSM.

Kopczynski noted that parking will be an issue no matter who gets it and asked how this will be handled. Bailey said that will have to be reviewed through the land-use process. Kopczynski asked why property tax revenue would be better through the Durig proposal. Bailey said because GSM is exempt from taxes because of its nonprofit status.

Kellum asked who would be helped by each organization. Bailey said the Durig proposal included leasing the space to a congregation and also use it for events including weddings, receptions, birthday parties, etc. The GSM proposal is also to use it for religious purposes. She said they are primarily helping the community in terms of pastoral counseling and those types of events. Kellum asked if this is for people in general or a target audience. GSM volunteer Linda Dodson said they see this part of Albany as an area that needs a lot of love. She said counseling, tutoring, and other services will be provided to the area at no cost. Kellum said his concern is that it be used for the people who live in that area because millions of dollars are being spent to invigorate the area. He said he is in favor of the Good Samaritan Ministries proposal. Konopa said if it was for a homeless shelter, they would be required to go through a land-use process.

Collins noted that the selling price of the property is \$111 and a projection of \$157,000 going into restoring the property. He asked what happens in two years when GSM no longer needs it. He has concerns with this and would like to secure some type of performance. Economic Development and Urban Renewal Director Kate Porsche said she hasn't talked to the proposers about this, but she thinks this could be structured similarly to a forgivable loan. There could be a promissory note and deed on the property and in exchange for GSM operating as a church, 20% would be forgiven each year. She said if something goes wrong, then the property will be returned to the City. Konopa likes this idea because it gives the City a guarantee that the building will be restored. Porsche said this offers two outcomes: 1. Ensuring that the proposers are fixing up the building by a certain timeline. 2. Incenting the proposers to stay and operate at that location.

Kopczynski asked, based on the funding strategy to get the building restored, how long would it take to raise \$157,000. Dodson said two gifts were given upfront and GSM hasn't even started fundraising. She is confident that they will be able to raise the necessary funds. She has had two previous successful restorations and is confident in doing this one.

Collins said he is in favor of the long-term objective, but is concerned with the gap. He thinks if staff can put together something that gives the City a level of protection for a five-year period, he wouldn't have a problem moving forward with the recommendation of staff. He wants to see GSM succeed, but he also wants to protect the City's assets.

Kopczynski said he is not in favor of the GSM proposal because the City would receive more money from the Durig proposal including property tax revenue.

Coburn said he feels like the Council is at the mercy of the staff report because they are privy to some of the information the Council doesn't have. He doesn't have a reason to vote against the proposal.

Olsen said it is good that Dodson has had two previous successful restorations. He is concerned with parking because of the limited space at that location; however, he thinks a neighborhood church would be good for this area of town.

Delapoer said what he understands from Council is that before completing the transaction, staff would have to get land-use approval on the parking and collateralize or secure the promise in some reasonable fashion. He said it would be helpful to know that there are four votes from the City Council to move forward with this proposal.

Olsen and Johnson said they support the proposal. Kellum said he supports the proposal as long as they are using the same figures that the City purchased the property for. Delapoer said that it will be for \$157,000 which is the assessed value. Collins said it looks like there are enough in agreement to proceed to have the item brought back to Council.

Richardson clarified that in addition to a parking agreement being approved, a conditional-use permit will also need to be approved.

Konopa said staff will come back with the details at a future meeting.

#### FIRE STATION 11 PROGRAMMING UPDATE

Fire Chief John Bradner said there are two items he would like to discuss with the Council.

##### **1. Inclusion of fire administration in the design plans for Fire Station 11.**

Bradner gave a brief background of the process. In 2011, a facilities assessment and preliminary design was completed for the potential replacement of Fire Station 11. This report called for a 29,387 square foot building. In 2014, the Public

Safety Facilities Review Committee (PSFRC) asked staff to look closely at the report to identify possible reductions in square footage. In April 2014, the PSFRC recommended a 25,500 Fire Station to the City Council and requested that any updates to the fire station programming be brought to City Council for review. He said Mackenzie provided a formal evaluation of the Fire Department's programming needs and questioned why Fire Administration wasn't included in the design. He said the current design we are at is 24,838 square feet, which is below the PSFRC's recommendation. Fire Administration used to be located in Fire Station 11 until the early 1990s. It was moved out of Fire Station 11 because of lack of space. He said the original programming included having two clerical positions at Fire Station 11, but it wouldn't be effective to move only some of Fire Administration. Fire Station 11 has the most public contacts out of all of the stations. Bradner directed Council to the end of the memo (in agenda packet) to review a list of possible areas where space can be reduced to accommodate Fire Administration in Station 11.

## **2. Absence of the training tower.**

Bradner said current plans have a designated location for a potential training tower. He said staff doesn't believe there is enough money to build a training tower and he doesn't think it is the best location for a training tower. The training tower serves two purposes; it is used to train firefighters, and it gets the City credit for our Insurance Services Office (ISO) rating. He said not having the tower will cause the City to lose points in our ISO rating. He said he has contacted ISO to get more details.

Kellum asked if the training tower is part of the current building. Bradner said it is. Kellum asked about leaving the training tower in its current location. Bradner said staff looked at doing that, but the cost is significant. Hare said, if we can find economies and bring the project in enough under budget, there may be enough remaining dollars to construct a training tower at Fire Station 12.

Coburn asked if the Fire Administration space in City Hall could be used for Information Technology (IT). Hare said that is a possibility, but the training room may be difficult to include in that space.

Olsen said he is concerned with reducing the number and size of the apparatus bays. He doesn't want the Fire Station to be under built. Bradner said staff went with 5.5 bays instead of 6. The bays would be 12 feet wide and 14 feet high which would accommodate all of the equipment.

Collins said he reviewed the recommendation of the PSFRC and confirmed that program changes are supposed to come to Council for consideration. He said the 764 square foot net differential to put Fire Administration back at Fire Station 11 equates to a 4.5 year payback. He said he's never seen a central command station that didn't have the administration associated with it. He said having administration onsite improves communication and efficiency.

Coburn said he agrees with Olsen's comments and that he doesn't want to under build. Johnson agrees with Coburn and Olsen's comments. Bradner said equipment is currently stored in the bays. He said the new design will have these items being stored in a separate room which frees up workspace and protects those items. Konopa asked how wide fire trucks are. Bradner said they are approximately 8 feet wide. The bay doors are 12 feet wide and the bay itself is 14 feet wide. Assistant Fire Chief Shane Wooton said it has been at least 12 years since there has been a backing accident, so staff has done a great job at backing in. He said most bays at the new station will allow fire trucks to be driven through.

MOTION: Collins made a motion to acknowledge and accept the Fire Station 11 program update; Olsen seconded the motion. The motion passed 6-0.

## **RECORDS INFORMATION MANAGEMENT (RIM) POLICIES ANNUAL REVIEW**

City Clerk Mary Dibble said there are four RIM policies she brings to City Council to review on an annual basis. These policies include Public Records Requests, ID Theft Protection, Records Management, and Digital Image as Original (see agenda packet). Dibble said records retention, IT, and social media policies are overlapping more and more. She said IT Director Salinas and Management Assistant/Public Information Officer Marilyn Smith have been great to work with on these policies and she appreciates that.

Kopczynski asked if item three in the Records Management Policy is in regards to hardware. Dibble said that is correct. Kopczynski asked how documents following under item 5b in the Digital Image as Originals Policy can be maintained for 100 years. He said paper tends to deteriorate. Dibble said for now, staff is using archival paper. She said in the future, the state law may change to not requiring us to keep the paper document for these types of records.

Coburn asked why the words "the" and "of" are being added to item 9.8 in the Digital Images as Originals Policy. Dibble said it is just to make the policy easier to read.

Konopa said this item will be considered by the Council at the February 11, 2015, meeting.

Dibble asked if Council would like to continue receiving annual updates on these policies. Council said they do. Hare said staff tries to provide individuals with the records they want, but earlier this year there were situations where staff would get daily requests for information. He said an important reason to have the policies in place is to prevent staff from being held captive. Anyone can request a record and costs mount up when staff time is spent researching, retrieving, and copying records.

#### COUNCILOR COMMENTS

Kellum said Comcast sent him a letter and he is going to get a phone call to address his needs. He said when he was speaking to the representative; he mentioned that there is no Comcast drop box in Albany. The representative said Comcast is looking for a place to install a drop box in Albany.

Kopczynski said a week ago, Verizon announced they are selling their stake in cell towers. This means the cell tower near 53<sup>rd</sup> Avenue may be owned by an organization other than Verizon. Konopa asked how this would solve the lack of service for that area with Verizon. Hare said Verizon will still use the tower.

Olsen thanked Lattanzio and his staff for not using light green and pink in the report in the agenda packet.

Collins received a call about garbage and debris in the K-Mart parking lot. Smith said she will have staff look into it.

Konopa distributed a letter from Selmet. Council will need to approve it in order to formally submit the letter

MOTION: Kellum made a motion to approve the letter and Kopczynski seconded it. The motion passed 6-0.

Konopa said she received a letter from the Federal Emergency Management Agency (FEMA) congratulating the City on complying with working with FEMA on the mapping project. The letter thanked staff for their cooperation on the process. She said it was nice to get a letter from them.

Konopa said she received a call from a resident regarding 732 Fourth Avenue SE and said the neighbors are pleased with the work the City did to get the property cleaned up. It was nice to get kudos from a resident.

#### CITY MANAGER REPORT

Hare said staff met with Lebanon staff last Friday to discuss the canal. He said both cities are still considering a jointly funded impact study to determine what sort of impacts Lebanon has on the canal. He said Lebanon staff will come back to the City with a scope of the work to be done. He said conversations are congenial. Lebanon staff wants to build their own intake for water, but it still remains to be seen if they will be able to get permits. He said preliminary estimates for an intake are around \$8-12 million.

Kopczynski asked if plans have come in for Lowes. Assistant City Manager/Public Works and Community Development Mark Shepard said not yet.

#### ADJOURNMENT

There being no other business, the meeting was adjourned at 6:15 p.m.

Respectfully submitted,

Reviewed by,

Diana Eilers  
Administrative Assistant I

Stewart Taylor  
Finance Director