

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, February 23, 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, Dick Olsen

Councilors Absent: None

BUSINESS FROM THE PUBLIC

There was none.

MUNICIPAL JUDGE REPORT AND CONTRACT REVIEW

Municipal Judge Robert Scott presented the Albany Municipal Court Judge's Annual Report (see agenda file). He said the trend of increased citations, which he reported on last year, did continue. There was an increase of 1,688 cases in 2014, which is significant. It is his belief that the increased citations are due to increased Police presence and effectiveness, and that this increased presence and the increased citations have the end result of making the City's streets safer, which is everyone's ultimate goal.

Scott said Police videos have been very effective and have made his job much easier. He complimented the Albany Police Department (APD), the City Attorney's Office, and the core of defense lawyers who provide very good value for the City. For the last two years, he has had to report that expenditures had exceeded income. He is happy to report that Municipal Court is back in the black by about \$14,000, a significant increase over the \$91,000 deficit the year before.

City Manager Wes Hare added that there is a commonly held perception that cities issue tickets to generate revenue; however, when considering the costs of the Court system and police officers' time, traffic is a losing proposition. Cities do traffic enforcement for traffic safety, and he agrees there has been improvement in that area.

Scott said there is no backlog in the processing of cases. Much of that is the responsibility of Mary Stankey, the Supervising Court Clerk. He said Stankey is smart, has common sense, is always cheerful, and does a great job. She will be retiring next year and he requested that Councilors find time to come by Court and thank her for her 41 years of service. Scott said he intends to work for a few more years if the Council will have him; he loves the job and appreciates the opportunity.

Konopa thanked Scott for his service. She noted that the Municipal Judge's contract renewal will be on the February 25, 2015, Consent Calendar for adoption.

SECONDHAND DEALERS ORDINANCE AMENDMENTS

Lieutenant Travis Giboney said 18 businesses in town are registered as secondhand dealers and must comply with requirements in the Secondhand Dealers Ordinance. Under the Ordinance, dealers who purchase items on a regulated items list must get a special license, hold and report regulated items, and register with the LeadsOnline system which allows officers full access to information across agencies and jurisdictions.

Giboney said the APD received a complaint that Burcham's Metals was selling items on the regulated items list. He met with Jay Burcham, walked the property, and identified that there were items the APD is trying to watch for and recover when stolen. Burcham's has said that many of the ways they do business is not conducive to the Secondhand Dealers Ordinance; however, they have an eBay store which last week had 2,100 items for sale. If they are able to do that level of administration, he said, they should be able to report on the regulated items list. Giboney is concerned that excluding Burcham's from the requirements because they are a scrap metal dealer buying at cheaper prices could result in that business becoming a dumping ground for stolen property and in stolen property going back out into the community. He noted that Burcham's has a security system and cooperates in trying to reduce metal theft. While this is a good system, he said, it requires additional work for APD than does the LeadsOnline system.

Councilor Rich Kellum said he doesn't think that criminals would actively try to sell stolen items to a scrap metal business because they would receive so little money. He understands that Burcham's occasionally pays

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more for some purchases, recognizing that they can be fixed and resold, but based on how often this is happening, he doesn't think the ordinance should apply. Discussion followed regarding the wording of the proposed amendment to the ordinance. Giboney clarified that under the amendment, sales of regulated property would make the business a secondhand dealer subject to the provisions of the ordinance.

Jay Burcham, Burcham's Metals, said he was contacted by the APD last June about the Secondhand Dealers Ordinance due to his involvement in similar issues at the state level. At the APD's request, he reviewed the draft ordinance and gave feedback. At the time, he was told the ordinance would not apply to his business. Because of a complaint by a pawn shop owner, he is now being told that the ordinance does pertain to his business. He said his business is part of the community and he doesn't want to do anything that goes against the APD and what they are doing to fight crime in the community; however, the added requirements would be very involved for his business. He said a goal of the business is to give things a second life if possible; however, items on the regulated items list are not a large part of his business. LeadsOnline is a tool that the business would gladly use for anything that is suspicious or has been reported to them as stolen.

Angela Miller, Burcham's Metals, reviewed the daily reporting the business does as required by Oregon Revised Statute (ORS) 165. She said the business is willing to do whatever they can to improve communication and work with law enforcement to prevent and report in a convenient, efficient, and timely manner.

In response to an inquiry from Councilor Ray Kopczynski, Burcham reviewed his eBay sales operation. He said the items sold on eBay include few or no items on the regulated items list. He referred to Giboney's concern that Burcham's could become a dumping ground for stolen goods, noting he has not seen a tremendous increase in regulated items since the ordinance went into effect last summer. He reviewed the company's internal tracking and reporting procedures and said his business would voluntarily work with local law enforcement to do more, including signing up with LeadsOnline.

In response to inquiries, Miller further reviewed how the ordinance would impact Burcham's operations. She said they receive a large number of appliances for scrap and that tracking, reporting, and holding all of those large items would be very difficult.

Jerry Upshaw, Ace Buyers, said the LeadsOnline system has been productive, although there are glitches, and it has taken him about one hour a week to operate.

Kevin Hart, Cash House, said the hold requirement is difficult and he can see how it would be even more difficult for a scrap metal dealer. He wondered if Burcham's could be required to report on LeadsOnline but excluded from the hold period.

In response to a question from Konopa, Giboney said the 14-day hold is nice but there would be benefit to the reporting even if the hold was not required.

Councilor Bessie Johnson said a scrap metal business is a totally different type of business than a pawn shop which takes in a lot of regulated items and is in the business of reselling. She would like to find a way to revise the proposed amendment so they are excluded. She noted that Council can change the ordinance in the future if needed.

Councilor Dick Olsen said that Burcham's buys large amounts of material and it would be difficult for them to sift through, find serial numbers, and report on regulated items. He has found a variety of items at Burcham's and he would hate to see the community lose that resource due to added regulations.

Councilor Floyd Collins said he appreciates APD trying to anticipate concerns, but there is no evidence that Burcham's is breaking the intent of the ordinance. He said the amendment could be revised so that scrap metal dealers only have to report and hold items proposed for resale, or so that ORS 165 businesses are excluded from the ordinance.

Kopczynski said that Burcham's has already indicated they would voluntarily report with LeadsOnline; he would be fine with limiting the ordinance to exempt ORS 165 businesses. Collins noted that Council could revisit this if there are problems in the future.

Konopa said Council will be asked to take action on this item on the Wednesday, February 25, 2015, Council agenda.

LEBANON CANAL UPDATE

Hare said staff continues to be in discussions with City of Lebanon representatives regarding issues around the Santiam-Albany Canal. For the past several years, the City of Lebanon has been charged about \$77,000 per year for use of the canal based on an informal agreement between the former Public Works Directors of both cities; however, that agreement was never formally authorized by the Council. The historic agreement from 1986 states that Lebanon will pay one-third of the operation and maintenance costs of the canal and lays out certain steps and a dispute resolution process.

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Staff recommends that Council authorize the City of Albany to bill Lebanon \$77,000 for Fiscal Year (FY) 2014-15 for costs associated with operating the canal to the benefit of Lebanon. For FY 2015-16, staff recommends that a letter be sent to Lebanon in March laying out the anticipated operation and maintenance costs for the coming year and billing them for their one-third portion as stipulated in the 1986 agreement. If Lebanon disputes the bill, staff recommends the issue go to a committee made up of representatives from both cities as called for in the agreement.

In response to an inquiry from Konopa, Hare said Lebanon probably paid close to one-third of the costs in the early years when there was not as much maintenance to the canal. In the 1990s, there was a recognition that more needed to be done to maintain the canal and there has been tension between the two cities since that time about how much Lebanon should be paying. Hare said he has long felt there was a need to find some way to amiably resolve the dispute and this is an attempt to get to the dispute process provided by the 1986 agreement which is still in place

Collins said that, moving ahead, even if Lebanon is successful in getting its own water intake, he would want a document that defines how we deal with land use and other issues associated with the canal.

MOTION: Collins moved to authorize that staff bill Lebanon \$77,000 for the 2014-2015 fiscal year and, beyond this fiscal year, follow the processes in the 1986 IGA. Kopczynski seconded the motion and it passed 6-0.

COUNCILOR COMMENTS

None.

CITY MANAGER REPORT

None.

ADJOURNMENT

There being no other business, the meeting was adjourned at 6:05 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix
Administrative Assistant

Wes Hare
City Manager