

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, April 22, 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 Bill Coburn, Bessie Johnson, Ray Kopczynski, Dick Olsen, and Floyd Collins

Councilors Absent: Councilor Rich Kellum (excused)

PROCLAMATIONS

Earth Day

Konopa read the proclamation as provided in the agenda packet.

Global Love Day

Konopa read the proclamation as provided in the agenda packet.

Mental Health Month

Konopa read the proclamation as provided on the dais (see agenda file).

SCHEDULED BUSINESS

Public Hearings

ST-09-03, Oak Street Improvements Local Improvement District (LID), determining the assessments against the properties specifically benefitted by street improvements and declaring an emergency.

Open: Konopa opened the public hearing at 7:20 p.m.

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

Konopa called for a staff report.

Assistant City Manager/Public Works and Community Development Director Mark Shepard referred to the written staff report. He said this is a public hearing for the Oak Street LID to complete an extension of Oak Street from Pacific Boulevard to Ninth Avenue and provide for the improvement of Oak Street between Ninth Avenue and Queen Avenue to full urban standards. On April 8, 2015, Council accepted the final Engineer's Report and Financial Investigation Report and scheduled this public hearing. Council is asked to consider public testimony and then take action on the ordinance determining assessments for the LID as provided in the agenda packet. The parties in the assessment district are Lowe's Inc., the City of Albany Parks & Recreation Department, and Ping's Garden Restaurant. A summary of all costs and funding sources, including additional City contributions, is included in the written staff report.

Councilor Ray Kopczynski said he likes that the amounts to be paid by Lowe's and the Parks Department will go back into settlement funds.

Councilor Bessie Johnson asked how the \$10,000 assessment for Ping's was determined. Shepard said Lowe's approached the owner of Ping's who agreed to that amount, which was then submitted to the City as a proposed assessment methodology.

There was no public testimony.

Close: Konopa closed the public hearing at 7:25 p.m.

City Attorney Jim Delapoer read the ordinance for the first time in title only: AN ORDINANCE TO DETERMINE THE ASSESSMENTS AGAINST THE PROPERTIES SPECIFICALLY BENEFITED BY STREET IMPROVEMENTS FOR ST-09-03, OAK STREET IMPROVEMENTS LOCAL IMPROVEMENT DISTRICT (LID); AND DECLARING AN EMERGENCY.

MOTION: Coburn moved to have the ordinance read a second time in title only. Johnson seconded the motion and it passed 5-0.

Delapoer read the ordinance for a second time in title only.

MOTION: Coburn moved to adopt the ordinance. Johnson seconded. The motion passed 5-0 and was designated Ordinance No. 5851.

2015-2016 Community Development Block Grant Annual Plan.

Open: Konopa opened the public hearing at 7:26 p.m. and called for a staff report.

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

Planner III Anne Catlin referred to the written staff report and Draft 2015-2016 Action Plan for the City of Albany Community Development Block Grant Programs (CDBG). She reviewed citizen participation throughout the year, which included several meetings in the Sunrise neighborhood area; Community Development Commission meetings which are open to the public; and collaboration with several agencies including Community Services Consortium, Linn Benton Housing Authority, and Linn Benton Community College. She said a 30-day comment period on the Action Plan will close on April 30 and staff has received no comments to date.

Catlin said the CDBG program goals are decent housing, a suitable living environment, and expanded economic opportunities; programs and actions have been developed around the three goals. She reviewed CDBG activities from the past two years, including the Housing Rehabilitation Loan program, funding to help Albany Helping Hands acquire and rehab two transitional units, acquisition assistance to Jackson Street Youth Shelter for a new Albany shelter, replacement of a 1200-foot section of Periwinkle Path, and preliminary work on a Sunrise Park project. Microenterprise Training and Advising has assisted 16 businesses and created eight jobs, Small Business Development and Advising has assisted 28 businesses, and Small Business Grants have been awarded to three businesses and created 2.5 jobs. Public services funds were used for an infant child abuse prevention program, a Youth Build job training program, the C.H.A.N.C.E. GED program, the Center Against Rape and Domestic Violence emergency shelter and case management, the Jackson Street Youth Shelter outreach and case management, and FISH shelter and services to homeless women with children.

Catlin reviewed activities in the FY 15-16 draft plan under each of the program goals (see agenda file): Decent Housing, Housing Rehab Loans (\$61,300) and Code Compliance (\$6,000); Suitable Living Environment, Public improvements in Sunrise Park area (\$125,000); Economic Opportunities, Microenterprise Development (\$20,000) and Small Business Grants (\$24,000); and Public Services (\$56,800), continue to work with agencies including Emergency Housing Assistance, FISH Guest House, Jackson Street Albany House, CASA of Linn County, and Family Tree Relief Nursery.

Catlin said staff will incorporate any comments received at this public hearing and throughout the comment period and bring the CDBG Annual Plan back to the City Council for adoption and recommendation to HUD on May 13, 2015.

Konopa called for public testimony.

Andrea Myhre, Grants Officer at Jackson Street Youth Shelter, expressed appreciation for the support received from the CDBG program, which has allowed them to expand their services to serve more youth in Albany and Linn County. She said they are very excited to be opening the new youth shelter. She said the Greater Albany Public School District reported in 2013 that they had about 322 homeless students, 89 of whom were unaccompanied by a parent or guardian, and Linn County Juvenile Department reported 270 runaway youth. She said the activities being done through the CDGB program are very important and having an impact on local youth.

Close: Konopa closed the public hearing at 7:38 p.m.

Legislative Public Hearing

Declaring a street name change for a public street renamed by Ordinance No. 5848, in Linn County, and declaring an emergency.

Open: Konopa opened the public hearing at 7:38 p.m. and called for a staff report.

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

Planning Manager Bob Richardson reviewed the written staff report. Staff recommends that the City Council approve an ordinance renaming Bartley Street SE to Bartley Place SE. This matter was before

the City Council on February 25, 2015, at which time Bartley Place SE was renamed Bartley Street SE. Following that decision, staff heard concerns from affected members of the public, which caused them to rethink the matter. As a result, there is now a request to change the name back to its original name of Bartley Place.

Kopczynski asked if the renaming would cause a problem in the future when additional development occurs. Shepard said the Fire Department has decided that they can live with the name with existing and potential development.

Councilor Bill Coburn recalled that there had been an issue with the numbering. Shepard said the Fire Department agreed with the residents to keep the original numbering even though that isn't standard.

There was no public testimony.

Close: Konopa closed the public hearing at 7:42 p.m.

There was a revised ordinance regarding the public street renaming on the dais (see agenda file).

Delapoer read the ordinance for the first time in title only: AN ORDINANCE DECLARING A STREET NAME CHANGE FOR A PUBLIC STREET RENAMED BY ORDINANCE NO. 5848, IN LINN COUNTY; AND DECLARING AN EMERGENCY.

MOTION: Coburn moved to have the ordinance read a second time in title only. Kopczynski seconded the motion and it passed 5-0.

Delapoer read the ordinance a second time in title only.

MOTION: Coburn moved to adopt the ordinance and Kopczynski seconded it. The motion passed 5-0 and was designated Ordinance No. 5852.

Konopa said a legislative decision of the City Council may be appealed to the Land Use Board of Appeals by filing a Notice of Intent to Appeal no later than 21 days after the decision becomes final.

Continued Public Hearing

ST-16-02, Crocker Lane LID, adopting the engineering and financial investigation reports, authorizing securing easements and obtaining bids for construction.

Assistant Public Works Director/City Engineer Jeff Blaine referred to the written staff report. He explained that, following the public hearing on March 11, 2015, the parties worked to develop a funding plan which drastically reduces and in some cases eliminates the proposed assessments. This is largely due to significant contributions from Benton County; Myles Breadner, developer for the MBBH property; and Hayden Homes.

Blaine said the written staff report includes several exhibits: the March 11, 2015, staff memo containing project background and reports (Exhibit 1); responses to questions raised at the public hearing (Exhibit 2); an updated resolution forming the LID and authorizing the project (Exhibit 3); written correspondence received since the March 11, 2015, public hearing (Exhibit 4); a table showing estimated assessments (Exhibit 5); the proposed LID boundary (Exhibit 6); and the updated Financial Investigation Report (Exhibit 7).

Blaine referred to concerns previously expressed regarding development impacts on the intersection of Gibson Hill Road and Crocker Lane. He said Transportation Analyst Ron Irish said there is no safety problem at the intersection and the proposed development will not trigger the need for a signal; however, it will not take much development beyond that before improvements might be needed. With that information, Council has directed staff to consider that intersection in capital project planning and a study is proposed in the FY 15/16 budget.

Blaine said staff took from discussion at the March 11, 2015, meeting the message that residents and Council wanted to evaluate options for a reduced scope of work and to identify options for significantly reducing assessments within the LID boundary for those properties that don't currently have proposed development activities. He reviewed the identified scope reductions as detailed in the written staff report. He summarized that the proposal is to eliminate Valley View Drive from the LID, reduce the structural section on Crocker Lane, and remove storm water quality facilities if necessary and if allowed.

Blaine said consideration of alternate funding sources required the City, Benton County, and the developer to continue their partnership approach to moving the LID forward with the common goals of fully improving Crocker Lane, securing the forested area of the parcel as a Benton County park, and

minimizing the assessment for properties not currently involved in development activities. The proposed funding plan accomplishes those goals.

Blaine reviewed Exhibit 5, which lays out the full assessment and proposed assessments based on City/County/Developer participation. The proposal assumed that the assessment for lots not involved in development activities should not exceed \$1,000 per lot. The parties agreed to propose a \$400,000 fixed assessment for MBBH. Benton County agreed to contribute \$200,000 to the project; however, due to budget cycles, the City would need to cover that amount in the interim with Benton County to reimburse in the 2017-2019 biennium. There are adequate funds in the reserve line in the Transportation SDC fund to cover that cost in short term. It is proposed that the City contribute \$75,000 from the Water Capital Fund for street improvements and \$19,300 from TSDC reserves as needed. Breadner has offered to partner with Hayden Homes to cover the \$1,000 per lot for the 58 lots in the North Creek Subdivision that they bought, built, and sold. There is no obligation on them to do this but they thought it was the right thing to do for their customers, and Blaine recognized their generosity. He said that that leaves 10 parcels with a \$1,000 assessment and that there are adequate reserves available if Council chooses to participate in funding those assessments. To provide certainty, it is proposed that any cost overruns be covered by the City. Any project savings would be distributed proportionately with the exception of MBBH's participation which is fixed at \$400,000.

Blaine said staff recommends that Council approve the resolution to form the LID following the public hearing.

In response to inquiries from Coburn, Blaine further reviewed the proposed changes, the 10 properties that still have a \$1,000 assessment, and the ability of the Council to allocate additional City funds for those properties if they felt that was equitable.

In response to an inquiry from Konopa, Shepard said the four lots in the North Creek subdivisions that are not being covered by the developer were developed and sold prior to MBBH taking over the property.

Open: Konopa opened the public hearing.

There were two signup sheets on the dais (see agenda file).

Myles Breadner, 123 NW Seventh Street, Corvallis, representing MBBH Development, said he is in favor of the proposed LID. He said this is truly the way development should work, where everybody gives something and everything is fair. He is happy that the land intended to go to Benton County for a park will do so with this proposal. He expressed appreciation to Hayden Homes for their participation and he thanked City of Albany staff and Benton County staff for their work on this issue.

Konopa thanked Breadner for stepping up and helping with this resolution. She said this is the first LID process she has been involved in where the developer and builder came forward to serve their customers and be a good partner to the City. She appreciates what they did and she thinks it is a win-win for all involved.

Jeff Powers, 1340 NW Warden Circle, Corvallis, representing Benton County Natural Areas & Parks Department, recognized the gift from Breadner and expressed appreciation for the opportunity to partner with the City through this process. He said the intention is to manage the acreage as open space consistent with what has been discussed. He said the property is donated but the Benton County Commissioners have agreed to help out with a contribution from the General Fund relative to the LID.

Konopa expressed appreciation for the County's participation, noting it is another win-win situation.

Collins asked when the trail would be developed. Powers said his department would likely try to leverage the collaborative situation to get grant funding to help with the trail within a three-year timeframe.

Harry Snoek, 2654 NW Kingston Way, Albany, thanked City staff for the energy put into assisting those who bought in North Creek without knowing about the assessment.

Ron Williamson, 519 Edwards Road, Monmouth, Oregon, said he represents the Williamson Family Trust, which owns property on Crocker Lane. He came to argue against the LID primarily because of the impact it would have on existing property owners, but his concerns have been addressed. He is pleased with the proposal and hopes it goes forward.

Todd Jones, 2653 NW Kingston Way, Albany, thanked City and County staff, MBBH, and Hayden Homes for their collaboration. He said the park will be a benefit to the community and the City. He encouraged the Council to find a way to remediate the cost for the 10 lots which are still proposed to have a \$1,000 assessment.

Sean Martin, 1960 Crocker Lane NW, thanked the developer and staff for working to reduce the assessment. His property is not in LID, but he has been following this issue as a member of the community. He said it would have been helpful if the rest of the community affected by the Crocker Lane improvement had been notified. He asked when the section of Crocker Lane to the south would be improved. Shepard said development of that section would likely be driven by development proposals, or the City Council could decide that improvements are needed, but that section is not in the City's 5-year Capital Improvement Plan.

Howard Philipson, 2412 NW White Oak Avenue, said he hopes the Council approves the funding option and he asked when that decision will occur. Konopa said Council will likely make a decision after the public hearing is closed. Philipson thanked the Mayor, Council, and developers for listening and doing the right thing. He hopes the City can also find a way to help the properties that still have a \$1,000 assessment.

Brian Moran, 2422 NW White Oak Avenue, thanked the Council, staff, and MBBH for doing the hard work. He asked if there is any guarantee that the lots with the \$1,000 assessment won't end up having to pay more. Konopa said the proposal includes a provision that the City will cover any cost overruns. Moran said he would appreciate if the Council can find support for those who still have the assessment.

Bill Root, 2634 NW Valley View, expressed appreciation to Breadner, staff, and the Council. He said everyone did a great job and this is a win-win for everybody.

Close: Konopa closed the public hearing at 8:24 p.m.

Collins asked what source of funding would be used if the Council considers funding \$10,000 for the 10 lots not already covered. Shepard said there are multiple options which staff could bring back, if the Council decides to move forward.

Johnson thanked staff, Breadner, Hayden Homes and Benton County. She said it is nice to hear that things are being done because it's the right thing to do.

Kopczynski echoed Johnson's comments and thanked everyone involved for making it happen.

MOTION: Collins moved to adopt the resolution, implement assessments shown in Exhibit 5 Column D, and include an additional \$10,000 for the ten lots not already covered, and Johnson seconded it. The motion passed 5-0 and was designated Resolution No. 6407.

Business from the Public

Dirk Olsen, 1037 North Albany Road, said the North Albany Road project was discussed at a recent meeting of the Friends of Thornton Lake. He asked if it was true that the storm water system from that project will drain directly into Thornton Lake. Blaine explained that there will be storm water quality facilities in the form of planters and the project will treat water coming off the road being built; however, there is not enough area to treat all the water that is currently coming off the hill. Olsen said he is concerned the water won't be treated adequately before going into the lake. He said this is different from a past development application for Thornton Lake Estates, which mandated an elaborate bioswale. He asked why a bioswale couldn't be done at the church. Shepard explained that the property purchased from the church is being used for the road improvements. Blaine said the road construction permits for stormwater treatment requirements are being met. He offered to meet with Olsen to discuss his concerns.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) February 23, 2015, City Council Work Session
 - b) February 25, 2015, City Council Regular Session
 - c) March 11, 2015, City Council Regular Session
- 2) Approving a liquor license for Miller DM, Inc., d/b/a First Burger, 210 First Street West
- 3) Accepting Oregon Heritage All Star grant funds from the Oregon State Historic Preservation Office

RES. NO. 6408

MOTION: Kopczynski moved to adopt the Consent Calendar. Johnson seconded the motion and it passed 5-0.

Appointment

Appointing Jean Gritter to the Library Board

MOTION: Kopczynski moved to approve the appointment. Johnson seconded the motion and it passed 5-0.

Reports

Strategic Plan

There was a revised Page 5 of the Strategic Plan on the dais (see agenda file).

MOTION: Kopczynski moved to adopt the Strategic Plan. Collins seconded the motion and it passed 5-0.

Third Avenue bridge rehabilitation funding

Shepard referred to the staff memorandum. He said Council previously authorized staff to notify ODOT that the City intended to accept funding for the Third Avenue Bridge; however, after looking more closely at the issue, staff recommends the funding opportunity be declined. He explained that the scour identified by ODOT inspections does not appear to have increased over the last several years, that ODOT's scour risk analysis is done under an assumption that the Calapooia River is carrying a 500-year storm event with no backwater from the Willamette which staff does not believe is likely, and that it is not clear that the structure identified as being at risk from scour provides direct structural support to the bridge. ODOT will continue to inspect the bridge. If the scour speeds up or becomes an issue, the bridge will be highly ranked and likely eligible for a future funding cycle. Accepting the funds would require a City match of \$300,000 which would require pushing back several street reconstruction projects. Staff recommends that the Council move to deny the funds and allow ODOT to use those funds elsewhere.

Johnson asked if declining the funds would affect future funding. Shepard explained the ODOT bridge scoring system and said decisions are supposed to be done independently of what has happened before.

In response to a question from Olsen, Shepard said there may be situations where the Calapooia River will rise higher than the Willamette and have higher velocities; however, in our watershed, the Calapooia and Willamette Rivers generally rise and fall at the same level.

MOTION: Collins moved to turn down the funding opportunity presented by ODOT. Kopczynski seconded the motion and it passed 5-0.

BUSINESS FROM THE COUNCIL

Olsen said the Council has been generous with the City's Transportation SDC funds in recent actions. He questioned if it will be possible to be that generous to everyone who doesn't want to pay for improvements. Hare said SDCs are designed to cover costs created by growth and they are one component of the monies used to improve streets, one other component being gas tax money. Konopa asked that the list of existing waivers and remonstrance be updated and provided to Council.

Konopa advised that Senate Bill 629, the Oregon Right to Rest Act, is not moving forward. House Bill 3420, the Housing First Program, did pass committee and is going to Ways and Means. Hare said he received a call from a lobbyist for the City of Eugene; they support the bill and were unhappy Albany was not consulted before being included as one of the pilot areas. They have asked for a meeting with the City Manager and Mayor to go over the bill.

Blaine said Shepard's management team felt it was important to publicly recognize him tonight at what is to be his last Albany City council meeting. He said Shepard has served the community for over 22 years and Albany is losing a true leader. He will miss working with Shepard and he wishes him the best.

Chris Bailey said Shepard is a true leader who is willing to take the blame and hand out the praise, and he will be missed. As a gift from his staff, Shepard was presented with a framed photo of the Albany Clock Tower.

Hare said Shepard will continue to do great work for the area as the Corvallis City Manager, and he looks forward to collaborating with him in the future. He also knows that we have good staff ready to step up.

Shepard said it has been a pleasure to work with the Council, Hare, Delapoer, Public Works staff, and Community Development staff. He said the City has a fantastic staff and the Public Works and Community Development departments are in great hands. He will miss Albany but he is excited about the opportunity.

Konopa said it has been great to work with Shepard; he brought a lot of knowledge and has been a great benefit to the organization. She said Council will miss him and wishes him well. There was a round of applause in Shepard's honor.

Hare reviewed his memo regarding titled "Limitations on Operation of Medical Marijuana Facilities" (see agenda file). He said Council would have to change Ordinance 5833 to allow Rhea Graham to relocate her facility, Canna Kitchen, as she proposed. Olsen said Council has heard testimony about the medical benefits of marijuana and he thinks the ordinance is unfair. Konopa said the restrictions are intended to keep marijuana facilities 300-

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feet from neighborhoods, the same restrictions used for the adult entertainment ordinance which has been in effect for 15 years. She noted that Ordinance No. 5833 exempts Industrial zoned areas, which was added to please Canna Kitchen's current location; she would prefer to remove that exemption. Discussion followed regarding the history of discussions around this issue, state regulations on medical marijuana facilities, and potential state and local regulations on recreational marijuana facilities. Delapoer clarified that a local ordinance can be amended with four votes of Council.

NEXT MEETING DATE: Work Session: May 11, 2015, and Regular Session: May 13, 2015

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix
Administrative Assistant

Stewart Taylor
Finance Director