

CITY OF ALBANY  
CITY COUNCIL WORK SESSION  
Municipal Court Room  
Monday, September 12, 2016  
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 Rich Kellum, Bill Coburn, Ray Kopczynski, Dick Olsen, and Bessie Johnson.

Councilors absent: Councilor Floyd Collins was excused.

**BUSINESS FROM THE PUBLIC**

There was none.

**QUEEN AVENUE CROSSING DISCUSSION – Ron Irish and Frannie Brindle (ODOT)**

Transportation Systems Analyst Ron Irish introduced Frannie Brindle, Areas 4 and 5 Manager, Oregon Department of Transportation (ODOT), and Richard Shankle, Crossing Safety Manager at ODOT Rail. Irish said that in May a group met at the Queen Avenue rail crossing to discuss safety issues. The meeting included representatives from the rail companies and the City of Albany. The result of the meeting is a package of improvements, shown on a sketch Irish passed out (see agenda file). He summarized the proposed changes, including eliminating one lane of traffic westbound on Queen Avenue. Staff is looking for direction from Council whether or not to move forward toward an intergovernmental agreement with ODOT Rail to make the improvements.

Councilor Ray Kopczynski asked if a traffic study has been done to show how eliminating the traffic lane will affect the traffic stackup when the crossing is blocked. Irish said 300 feet of one traffic lane instead of two equals about 12 cars. He added that currently, all vehicles in the right lane at the crossing are trapped when the crossing is blocked and can't escape by a left turn on Ferry or a U-turn. A single lane of traffic would solve that problem.

Konopa said it's always hard to turn west on Queen from Ferry because of traffic. If there's only one lane, won't it be even harder to make this movement? She asked if staff has done traffic counts there to calculate the effect. Irish said they haven't done a count. It would be hard to get an accurate idea of the potential change because a traffic count would vary depending on the time of day and how long the crossing was blocked.

Irish said the two most recent fatalities at the crossing happened while Pacific and Western (P & W) was switching in the yard; P & W uses the three easternmost tracks for switching. In the two incidents, the train had stopped and the crossing arms were down. A pedestrian and a bicyclist went around the crossing arms and each was hit by a train on the main line west of the switching lines. The proposed improvements would result in a better-defined pedestrian crossing. Union Pacific would also take advantage of the construction to replace the crossing surface with concrete panels, which would make the crossing smoother.

Councilor Bessie Johnson said the concrete median on the sketch narrows the roadway. She thinks that will cause more problems than it will cure. The safety problem is a problem of people who won't obey the law. We're talking about spending money on a project that she thinks will make the problem at the Ferry Street intersection worse. Irish said that when the crossing gates are down, no traffic can turn left from Ferry anyway. He said the median wouldn't have to be concrete. It could just be striping. The idea is to stop people drifting into the area that was the left lane.

Councilor Rich Kellum asked if there will be a fence next to the crossing arms to keep people from walking around them? Ron said he doesn't know. The primary pedestrian safety benefit in the plan is a level surface across the tracks, and a sign warning of trains on the main line.

Brindle said the project is a local agency project. If the Council approves it, ODOT would like the City to design it, but Albany isn't a "certified agency," so it can't spend federal dollars. Linn County and the City of Corvallis are certified agencies, so they could oversee the design. The plan would be to do an intergovernmental agreement among the certified agency, the City of Albany, and ODOT. The design for improvement in the right-of-way could be done in 2017, and construction would take place in 2019. Mark Foster, the local agency liaison, would work with the City and the certified agency to oversee the project, and with ODOT Rail to make sure the intent of the funding agreement was met.

Kopczynski asked if the project could go to the MPO for partial funding? Brindle said it would make sense for the MPO to get updates, but the intent is for the City to do the design in-house, without additional funding. The City can make sure the project goes to the top of the rail funding list by doing the design in-house.

Shankle said that, with pedestrian gates, there has to be some kind of channelization (such as fencing); otherwise the gates are ineffective. The discussions have included fencing on the west side of the main line. There also has to be a gate so someone caught between the tracks can escape. This crossing has been looked at several times in the last few years, but none of the previous plans have worked. He wants to make this one work. If we don't eliminate the traffic lane, we would have to get railroad right-of-way, which would cost another \$4 million for relocating track in the yard. He thinks this is a good project.

Kellum said if there weren't trains being switched in this yard, it wouldn't be a problem. Shankle agreed. ODOT Rail has an accident prediction model that shows that every year this crossing is near the top of the list. Eliminating switching there would make it safer but not completely solve the problem. Kellum said that at one point we thought switching was going to be done in the yard

north of town. Shankle said the Millersburg yard was expanded using ConnectOregon funds. The expansion was supposed to remove most of the Queen Avenue switching operations to Millersburg, but that hasn't happened. No baseline study was done before the ConnectOregon project, so we can't determine whether there's been a reduction in use of the south Albany yard. ODOT Rail has no authority to require switching to move north without the baseline.

Kellum asked if P & W understands that reducing switching at Queen Avenue was the reason for the ConnectOregon project. Shankle said yes. Their application stated that they would reduce the Queen Avenue operations by 50 percent. But without the baseline study, we don't know what that figure is, and we can't enforce it. Kellum said if the railroad is knowingly disregarding us, they should understand from people in authority that they may be able to get away with it, but we will remember it. People are being harmed today who might not have been harmed if there was less traffic on that crossing.

Councilor Bill Coburn said he doesn't like closing a traffic lane. He asked if it would be possible to do just the pedestrian improvements. Shankle said not without getting right-of-way from the railroad. The switch is right at edge of the asphalt path, and can't be moved without moving all the switches along that piece of track. The sidewalk stops at the switch, and pedestrians have to walk around it.

Kellum asked if we could close the north side pedestrian access. He asked how much pedestrian traffic there is? Shankle said ODOT Rail did a video log, and there is a lot of pedestrian traffic. Kellum how much of an inconvenience it would be to eliminate pedestrian access on the north side? Kopczynski said he's been stopped by trains there, and it's just an inconvenience. He shuts down the engine and waits a few minutes. He suggested comparing that inconvenience to a young pedestrian getting killed.

Irish said he doesn't think we can design successfully to force pedestrians to the south side of the street.

City Manager Wes Hare said this is similar to the 1st Avenue trestle. There are multiple warnings, but trucks keep hitting it. If we can make a bad situation better, that's worth an investment.

Brindle added that ODOT can look at creating an interaction between the crossing signals and the traffic light at Highway 99.

Council directed staff to refine the proposed design and do preliminary engineering, and bring it back to Council.

#### ALBANY HELPING HANDS PROPERTY REQUEST – John Donovan

John Donovan said he's been on the board of Albany Helping Hands for a long time. Helping Hands currently has 26 well-behaved working people who are having a very hard time renting apartments in the private market because they are ex-felons. He said Helping Hands owns two houses behind the shelter, where staff members live and pay rent. The City owns four empty lots in that block. Helping Hands would like to acquire those lots and do a housing project to move people out of the shelter and into a rent-paying situation. He is asking the Council to consider if there is a way Helping Hands could acquire the properties.

Konopa said this conversation has been continuing for a few years with the goal of expanding space in the shelter to serve more people. It's a good location. The City has never had real plans for those lots beyond the possibility of ODOT needing right-of-way to expand the overpass. If there are possible plans for the properties, the City should talk to ODOT about how much right-of-way they'd need. She thinks it's worth working with Helping Hands to develop a vision for the area. Johnson thinks it's a good idea. She asked how many apartments they are interested in developing. Donovan said the ultimate goal would be to have an apartment complex. They have good support from key people in the community who would help. He previously was able to solve a housing problem for CARDV with help from local developers and Oregon contractors, and might be able to do something similar again.

Johnson said the City is hanging onto the lots and not doing anything with them. Let's allow them to do some good.

Kellum asked if Helping Hands has a business plan. Donovan said they're in the process of developing one. Kellum asked if the staff who are paying rent are paying market rate or close to it? Donovan said they are not quite paying market rate because they need to be close and their service is so valuable. Kellum said people with a marketable skill and a job should pay market rate, even if they are felons. Donovan agreed. Kellum said he would be willing to be one of a couple of Councilors to look at the business side of the proposal.

Kopczynski asked if the people renting now would be on Section 8. Donovan said he doesn't know if they'd qualify. Kopczynski asked if the property would come back on the tax rolls. Konopa said not if they are a non-profit. Kopczynski asked if that could eventually happen. Kellum said it would take a different kind of business to put them back on the tax rolls, but there are ways to do it.

Coburn suggested that there might be a negative reaction from the neighborhood to an apartment building to house ex-felons. Would the City be liable to litigation as the owner of properties whose development lowered property values? City Attorney Jim Delapoe said there is nothing illegal in the City constructing a use that affects property values. If the neighbors say they don't want it because of their perception that it would affect property values, it's a political issue. No one has ever been able to submit hard data on either side of such an argument. Legally, the City wouldn't incur liability by putting in a public change that incidentally affects property values.

Hare said since he invited Donovan to come before the Council, he's learned that there is a complication with the parcels. The properties' zoning permits homeless shelters as a conditional use, but it doesn't permit permanent housing. That doesn't mean this can't be done, but it complicates the process and probably makes it take longer. He wants everyone to know that at the front end of the discussion. If the City has to do a Comprehensive Plan change and zone change, any opposition to the project will lengthen the process considerably.

Councilor Dick Olsen said he is sympathetic to the problem and the proposal, but he would like to hear more about ODOT's plans for the overpass and look at the neighborhood before making a decision.

Donovan said it was encouraging that when Helping Hands had to get a conditional use permit to move to their current location, not one person spoke against it at the hearing. Since then, they've acquired two nearby houses and haven't had complaints from

neighbors. The neighbors are all renters, and Helping Hands has had a good relationship with them for several years. They haven't talked to the owners of the houses.

Kellum said the area is rundown and could be turned into something different. He wants to have the renters and property owners in the conversation before giving a go-ahead. Konopa said the Council is acquainted with the home owners and she thinks they'll be easy to work with.

The Council agreed to go ahead with discussions and explore options.

#### CONNECTION TO CITY SEWER, 2650 NW SKYLINE TERRACE – Staci Belcastro

City Engineer Staci Belcastro referred to the memo in the agenda packet, which outlines several sewer extension alternatives. She introduced Levi McDonald, the owner of the property in question, who approached staff about options for sewer to his property. The property has not been occupied since 2011. The septic system has failed. The DEQ prohibits repair or replacement of a septic system if sewer is available within 300 feet of the property. The first three alternatives in the memo are specific to McDonald's property. The fourth alternative includes the potential for three other properties whose owners have expressed interest in connecting to the sewer.

Public Works Engineering and Community Development Director Jeff Blaine said one of the memo options proposes using sewer connection fee reserves to connect the properties to the sewer. This is exactly the intent of those moneys.

Kellum asked McDonald if he knew the septic system had failed when he bought the house. McDonald said yes. Kellum: at that point did you ask the City about options? McDonald said he didn't know that, because of the proximity of the City sewer, he'd be forced to connect. Kellum asked if 2657 Skyline Terrace is connected to the sewer. Belcastro said no. A number of nearby homes are on septic. A recent project extended sewer to within reach of the McDonald property.

Kellum asked if the existing sewer was put in by the City or by people who wanted to connect. Blaine said it was put in through private development.

Kopczynski asked if making this connection would improve opportunities for other properties on the map. Who would be benefitted besides these four properties? Belcastro said a number of the nearby properties are on septic. If their septic failed, they would be required to connect. Kopczynski said the reserve fund was designed to help with this type of infill. He prefers Alternative 4.

Coburn said he doesn't have a preference. He's sure the property owners would like the City to pay for everything. He asked if there are previous cases to draw from to encourage participation by the property owners. Blaine said when they connect, property owners have to pay connection fees. The fees won't cover the construction cost. A Local Improvement District (LID) is the way to get owner contribution. If it's okay to use the connection fee reserve, just ask staff to do that. The City will build the project, and the property owners will pay their connection fees when they connect. Coburn asked McDonald if his house was habitable. McDonald said it's functional, to an extent, but it's failing and not to code.

Belcastro said construction wouldn't happen until next spring or summer.

McDonald said he had talked to Civil Engineer III Gordon Steffensmeier about the possibility of a temporary sewer tap until the project was complete. Steffensmeier said yes, but a proposal has not been submitted. Belcastro and Blaine said that alternative taps would need to be submitted for review by the City and also be approved by Benton County. Kellum asked if a temporary use would involve just pumping the tank periodically. Steffensmeier said yes. Blaine said using the system in a nonfunctioning state makes issues for neighbors. Kellum said if you build a hundred houses on bare land, you put in the sewer system, and the people who buy houses there pay for it. This is putting in the system and letting the owners pay a piece of it, not what it actually cost. Everyone ought to pay if they're getting the benefit. McDonald said he is willing to pay his fair share.

Konopa said this area was apparently excluded from the 1991 annexation infrastructure. Blaine said it's only recently that the sewer came this far up the hill. Discussion followed about the map and the cost per property.

Johnson said she would like to see what the Council can do to help the neighbors out without costing them an arm and a leg. Konopa said if we pay the \$269,000 to connect to the four properties, it would cost us a net amount of \$200,000, with what we would receive in connection fees. We have \$700,000 in the reserve fund. This project would reduce that to \$500,000. How much more need is there? Once we start contributing owner portions we're going to get more requests to do the same thing. Then how much farther will the \$500,000 go?

Blaine understands the concern about spending reserves when in other situations the developer pays the whole amount. But we've spent money on Valley View and Crocker, the American Legion and Sno-Temp, the same as we would here. We don't collect the cost of improvements through connection fees. Ideally, we would build this project on the front end and then get reimbursed by each connecting property owner. Our connection fees are artificially low; we decided about 2001 to not be fully reimbursed by the connection fees.

Hare said the state legislature recently passed legislation related to a case in The Dalles that took away the City's right to collect total installation costs. He thinks Blaine is right to collect what we can in user fees, and go ahead and do the project.

Olsen asked how much the connection fee is, and how much we would have to raise it to come out even. Belcastro said currently the connection fee is \$57 per foot. Blaine said the fee would have to be double the water connection fee to break even, or \$65 per foot. Coburn said that might have to be part of a discussion down the road.

#### ACTION

Konopa asked for a motion. Kopczynski moved to direct staff to pursue Alternative 4. Johnson seconded the motion, which passed 6-0.

UNIVERSITY OF OREGON SUSTAINABLE CITY YEAR UPDATE – Bob Richardson and UO staff

Planning Manager Bob Richardson introduced Marc Schlossberg, Sustainable City Year Program (SCYP) Director, and Megan Banks, Program Manager. Schlossberg said the purpose of the partnership is to help Albany move its interests forward in any way they can. Overall, the process is going really well, far ahead of any partnership they've had with any city in the past. He said a lot of that is due to Richardson.

Banks passed out a list of tentative projects they have matched with students so far (see agenda file). She said it's amazing how successfully the partnership is going. Faculty members have actually requested to work on Albany projects. She thanked the Council and the City. They are looking forward to continuing the relationship, with lots of projects to work on.

Schlossberg mentioned the official launch on September 29 at U of O. He handed out a flier (see agenda file). Konopa will be attending. Schlossberg thanked Hare for his support. These projects only work when the City Manager's Office works to make them happen.

Kopczynski asked if there will be a presentation or report to the Council at the end of fall term. Schlossberg said at the end of every term, each class will do a final presentation here and at the University. Many classes do a site visit to the community in Weeks 1-3 of the term. It means a lot to the students to hear from staff, councilors, and professionals about their work. At the end of the project, classwork is compiled into a professional report that the City will receive, and there will be a celebration at the end of the year.

Banks said staff and the Council bring different perspectives that are equally important to the students. She encouraged the Council to participate.

Olsen asked what kind of projects the program has done in other cities. Banks mentioned landscape architecture, planning, law, geography, starting a nonprofit, and several more. Many cities are interested in the same kinds of things. She handed out a list of projects they did last year in Redmond (see agenda file).

COUNCILOR COMMENTS

Kopczynski said at the last Council meeting they helped Bo-Mack's BBQ get a delivery parking space. He remembers the Council said they'd help Novak's with a similar issue, but the solution apparently wasn't what they were hoping for. He talked to Novak's owner, who is upset. They want a 10-minute space for buses to offload. Peggy Burris, Albany Downtown Association, said she called the Novak sisters, but they haven't gotten back to her yet, so she doesn't know just what they want. Kopczynski said his conversation indicated that they wanted a place to offload and pick up customers from buses. That shouldn't take any longer than picking up takeout.

Irish said that depends on the kind of bus. If it's a van that fits in a standard parking space, it would work fine. If they want a City bus-sized vehicle, a loading zone takes half the block and uses a lot of customer parking. Kopczynski said he wouldn't have a problem with a larger bus double-parking for a few minutes. Burris said she would be happy to place cones for them if they wanted to do that. She wants to make it easy for Novak's customers. Coburn suggested asking the Novaks to come and talk to the Council. We're getting a lot of information second-hand. Konopa's recollection is that they wanted a 10-min loading zone. We need to hear from them directly. Burris said she will connect with them.

Konopa said she heard that this is Delapoer's last work session before he retires. She said that's sad to think about. Delapoer said it's been a lot of fun. Wednesday night will be his last Council meeting. Konopa thanked him and said the Council will miss him.

CITY MANAGER REPORT

Hare said he received an invitation to meet with a woman from Business Oregon who is working to establish international ties. He will be meeting next week with her and someone else who is trying to establish some connections with China.

ADJOURNMENT

There being no other business, the meeting was adjourned at 5:48 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse  
Accounting Specialist

Wes Hare  
City Manager