

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, January 11, 2017  
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

Konopa led the pledge of allegiance to the flag.

OATH OF OFFICE FOR NEW COUNCIL MEMBERS

City Clerk Mary Dibble administered the oath of office to re-elected Councilors Rich Kellum (Ward III-B) and Bill Coburn (Ward II-B), and to newly-elected Ward IB Councilor Mike Sykes, and re-elected Mayor Sharon Konopa.

2017 MAYOR'S MESSAGE

Konopa gave the Mayor's address (see agenda file). She said Albany can set a national example of respect. We hold diverse opinions, but we work through our differences by focusing on bettering our community. Albany weathered the recession and now we are again experiencing strong population growth, which brings a number of issues. We don't know what decisions will be made at the state and national level, but the Council and Mayor will be looking out for Albany's interests. Our beautiful new public facility projects will serve the community for generations, and the Carousel will be a gem. She is proud of all who work for Albany. 2017 will be an exciting year.

ROLL CALL

Councilors present: Mayor Sharon Konopa and Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Ray Kopczynski, Dick Olsen, and Mike Sykes.

Councilors absent: None.

ELECTION OF COUNCIL PRESIDENT

Konopa described the duties of the Council President. The President presides over meetings in the Mayor's absence and represents the Council if necessary at events.

MOTION: Councilor Rich Kellum nominated Councilor Bill Coburn as Council President. Councilor Ray Kopczynski seconded the motion and it passed 6-0.

SCHEDULED BUSINESS

Communications

Accepting Scott Lawley's resignation from the Arts Commission.

MOTION: Councilor Bessie Johnson moved to accept Lawley's resignation and send a letter of thanks. Kellum seconded the motion, which passed 6-0.

Economic development request.

City Manager Wes Hare said that Ameri-Tool Industries, a long-time Albany business, moved here from Corvallis with help from the Albany-Millersburg Economic Development Corporation (AMEDC) 30 years ago. The owners are planning to sell the business to Todd Piller as outlined in the information in the Council packet. Piller plans to get International Organization for Standardization (ISO) ISO-certified, to allow the business to grow and expand. In order to do that he needs additional capital. Other communities are interested in the business. The City of Redmond has offered him a package of incentives to relocate. Hare believes Piller's request for \$50,000 to expand in Albany is reasonable, and Piller is willing to sign a guarantee to keep the company's jobs in Albany for ten years. Hare thinks it is in our best interest to keep family-wage manufacturing jobs here. The City gave money to a competitor of Ameri-Tool several years ago when we helped fund the Viper NW expansion. For Ameri-Tool, we would use money the Council set aside from the PepsiCo settlement for economic development.

Kopczynski said retaining a good business in the community is every bit as important as attracting a new business. Amortized over ten years, the cost is negligible.

Kellum asked what is the allure of Redmond. Will that change over time? Hare said Piller is familiar with Redmond and they are interested in having him relocate there. They have an impressive economic development agency that is actively recruiting businesses. It isn't uncommon for cities to recruit businesses from other cities around the state. Kellum is concerned that after ten years, Piller will take the business out of Albany.

Todd Piller, 30528 Berlin Road, Lebanon, said he has been in the plastics industry in Oregon for years. He knows many people in the Bend/Redmond area. When he first pursued buying his own business, he thought about doing a greenfield in Redmond. He was surprised how anxious they were to bring in a plastics business. Most Original Equipment Manufacturers (OEMs) in the area have to ship parts in over the pass from the Portland area. He said he has handshakes from four OEMs worth over two million dollars in business if he started up in Bend/Redmond. That equals Ameri-Tool's current sales.

Coburn said he agrees with Kopczynski that it's easier to keep the company in town than to go find a new one. He's curious about potential growth. He asked if Piller could estimate how many more jobs the ISO certification would mean. Piller said his plan is to increase from 25 to 75 employees in three years or less. Ameri-Tool is currently using only 30 percent of its capital capacity. He thinks it's very realistic to plan to add 50 jobs over three years. Their machining jobs average \$25 an hour.

Johnson asked Piller to confirm that he's only asking for \$50,000 of economic development funds to stay in Albany, and that there's room to expand on the current site. Piller said yes.

Hare said the action requested is for the Council to authorize the City Manager to enter into a development agreement with Piller that would include payment of \$50,000.

MOTION: Kopczynski moved to authorize the City Manager to enter into a development agreement with Mr. Piller that would include payment of \$50,000. Kellum seconded the motion, which passed 6-0.

Konopa requested a tour of Ameri-Tool from Albany Millersburg Economic Development Corporation (AMEDC). AMEDC President John Pascone agreed. He said AMEDC was involved in bringing Ameri-Tool from Corvallis to Albany 30 yrs ago. He is excited about keeping them here.

#### Continued Quasi-Judicial Public Hearing

##### DC-02-16, RV Park Development Code Amendment.

Konopa opened the continued public hearing at 7:39 p.m.

Konopa asked if any Councilors wished to report conflicts of interest. None did.

Konopa asked if any Councilors wished to report *ex parte* contact. Kellum said he has had contact with a couple of people and had looked at the site. The content of the conversation was that two of his constituents didn't see eye to eye, and he made himself available to listen.

Coburn said he has spoken twice with Mike Newman, who was reiterating his concerns with the proposed changes. It was not new information. Coburn has known Newman for 25 years.

Konopa asked if any Councilors wished to report a site visit. Other than Kellum, no one did.

Konopa asked if any Councilors wished to abstain from the proceedings. No one did.

Konopa asked if anyone wished to challenge the participation of any Council member. No one did.

Konopa read the rules of testimony from the Mayor's guide (see agenda file). A signup sheet was available for the public (see agenda file).

##### Staff Report.

Planner III Melissa Anderson reminded the audience that this was a continuation of a public hearing and summarized the proposal under consideration and the process up to tonight's continued hearing. She presented a Power Point presentation (see agenda file).

There were four items on the dais: a map titled "Staff – Original Boundary" (see agenda file); a map titled "Planning Commission – Recommended Boundary" (see agenda file); a document titled "Conditional Use Review Criteria" (see agenda file); and Power Point slides (see agenda file).

Kopczynski asked if the visual Anderson was showing was the same as Option 5b on page 13 of the Council material. Anderson said yes.

Kellum asked if the strip of property between the edge of the property and Expo Parkway is big enough to put houses on. Anderson said yes. From a land-use perspective, it doesn't necessarily make sense. This map wasn't available previously, so she isn't sure the Planning Commission was aware of this strip. Public Works Engineering and Community Development Director Jeff Blaine asked, for the two northernmost parcels, where the Planning Commission boundary comes farther to the east, does that split single parcels by a development boundary? Anderson said yes. The Planning Commission made that modification, but staff recommends the original boundary.

Anderson said there are two questions. The first one is whether the area where RV parks can be developed with a Conditional Use approval should be expanded. Staff is neutral on this issue. The other question is, if the answer to the previous question is yes, should new standards be implemented to mitigate visual and noise impacts of RV parks on surrounding uses.

Anderson described the Conditional Use review process in contrast to Site Plan review.

Anderson described the existing requirements for light mitigation. She suggested ways to strengthen the mitigation requirements. She reminded the Council that any changes would apply to all new RV parks, or expansions.

Anderson described the requirements for sound mitigation. Conditional Use review can consider noise impacts. Staff is concerned about the potential of having higher noise standards for a RV parks than for multi-family developments. Currently, multi-family developments aren't required to have sound walls, and are only required to go through Site Plan review, not Conditional Use review. Meeting noise standards can be expensive. Anderson described applying noise standards to an application for a go-cart track. The applicant had to hire consultants to do a noise study and propose mitigation. The City then had to hire a consultant to evaluate the applicant's study and mitigation proposals. Measuring noise is technically difficult, especially if the noise level isn't constant. Staff recommends relying on the conditional use process and criteria.

Planning is requesting a tentative decision tonight so they can prepare findings in support of a final decision by the Council on February 8. She discussed the Council's approval options as outlined in the PowerPoint.

Kellum said it is his understanding that for 750 feet from the freeway or the Expo, the City is not allowed to demand that a percentage of spaces in an RV park be reserved for overnight visitors. Anderson said that's correct. State law does not let us limit the length of stay. Kellum said he has heard that most RV parks in Albany have mostly long-term residents. Making an exception for a park near the Expo would be irrelevant since spaces simply wouldn't be available. Linn County is discussing putting in more temporary RV spaces at the Expo Center, because that is the only way they can make spaces available for guests. If Linn County is concerned that there are not enough available spaces, and we don't have a way to create open spaces, then using a distance of 750 feet from the Expo may not be effective. Anderson said he made a good point, and reminded the Council that this proposal was initiated by the Community Development Department in response to a property owner, and it was not initiated by the Planning Commission or the Council.

Hare said the property is currently zoned to allow apartments to be built. He asked if we have any idea of the relative impact of an apartment building versus an RV park? Anderson said we haven't studied that. Discussion followed.

Councilor Mike Sykes asked if we could get information from other RV parks on how many spaces are occupied all the time and how many are empty overnight. Anderson said yes, we could do a survey. Kopczyński suggested that the information would be moot if we can't limit length of stay anyway. Anderson said RV park management can make their own policies but the state will not allow the City of Albany to limit stay length.

#### Public Testimony

Konopa read directions for public testimony from the Mayor's Guide.

James Brooks, 3749 Dunlap Avenue NE, Albany, said the proposal of a 100% opaque fence is what he's been pursuing for over a decade. That is satisfactory and is not an unacceptable standard. His observation is that most if not all manufactured home parks in Albany have a solid block fence around them. There does appear to be a different standard. The population in an RV park is incredibly dense. He thinks an RV park is probably more densely populated than apartments. He previously submitted pictures that demonstrate that a chain link fence with slats is not adequate. Given the economy and the affordability of RV parks, he thinks there will be future requests for additional RF parks in Albany.

City Attorney Sean Kidd said he would discourage putting "100% opaque" in the code, but rather use the word "solid." Discussion followed.

Wayne Scheler, 154 Bel Air Court NE, Albany, said he is representing Knox Butte RV Park. He has been doing business here for more than 20 years. His only recommendation is that he be allowed to apply for the Conditional Use permit to expand. He is not here to argue about requirements set by the Council and staff; he just wants the opportunity to apply.

Scheler said regarding density, if an apartment building were built in the area to the north, there would be two to three times more people than with 30 RV spaces. As to daily and weekly visitors at the Expo Center, he is running a business, which takes money. If they left all their spaces open in the winter, they would have a hard time staying in business. Their policy is to leave 25% of their spaces available for daily and weekly visitors in winter and 35% in summer. This year they will establish a winter rate and a summer rate, which they hope will open up some more daily and weekly spaces. They are trying to fill the need, but have to do it responsibly because they are a family business.

Konopa closed the public hearing at 8:17 p.m.

MOTION: Kopczynski moved to tentatively approve the proposed development code text amendments as presented in Attachments A and B, with a modification to strike “100%” from Attachment B as discussed, and to direct staff to prepare formal findings in support of this decision for adoption by Council at the February 8, 2017, Council meeting. Sykes seconded the motion and it passed 5-1, with Coburn voting no.

#### Business from the Public

There was none.

#### Adoption of Resolutions

- 1) Setting derelict structure fees as authorized under Albany Municipal Code Chapter 7.83.080.

Code Compliance Officer Kris Schendel said that this resolution would set fees.

MOTION: Kopczynski moved to adopt the resolution and Coburn seconded it. The motion passed 6-0 and was designated Resolution No. 6563.

Hare said this resolution gives us a better remedy for abandoned foreclosures. It's a good tool. Schendel said they've used it already at a house, and the owner has been much more responsive now that we have this code, whereas before she was not willing to talk to Code Compliance.

- 2) Approving exemption from the competitive bidding requirements through a contract with National Joint Power Alliance and Spacesaver Specialists, Inc.; issuing a notice to award a contract to Spacesaver Specialists, Inc.; and authorizing the Police Chief to enter into a contract with Spacesaver Specialists, Inc., not to exceed \$82,710 for a property storage system and evidence lockers for Police Station project MS-16-03.

Police Chief Mario Lattanzio said the bid exemption is for evidence lockers and high density storage. There is more than one manufacturer of these items. Spacesaver is the one we want. They have one representative in Oregon, in Tualatin. Lattanzio has seen these at the International Association of Chiefs of Police (IACP) conference. Spacesaver has a superior quality product; their locking mechanisms are patent pending, so no one else can use them. The high density storage allows for some expansion, so the Police can buy five moving shelves now, and more later if the department grows.

Johnson asked if this purchase is outside the contract for the building, and if the Council will have to approve every purchase along the way? Lattanzio said this is budgeted in the contract, but because we're using a purchasing network, it has to be approved separately. Purchasing Coordinator Diane Murzynski said National Joint Power Alliance (NJPA) allows us to “piggyback” on a contract that was previously competitively bid. But the Council has to approve exempting a purchase from bidding.

Coburn asked where the furniture comes from. Lattanzio said he is not sure where it's made. Spacesaver is used in a lot of facilities. They're a premier manufacturer of this equipment for police facilities. Coburn said he would prefer to buy in Albany, then in Oregon, and if we can't buy in Oregon, then in the U.S. We're spending taxpayer money. The builders said they would use as many local contractors as possible, and he hopes the same principle would apply here. He has no problem with the process but it would be nice to know if it was at least made in America. He asked Lattanzio to check and let him know.

Lattanzio discussed why this product is superior to others he has seen.

Kopczynski asked if the Council could have a contract for a specific amount, rather than a not-to-exceed contract. Murzynski said she used the not-to-exceed language so she could lock in the prevailing wage rates available at the time the contract is advertised.

MOTION: Johnson moved to adopt the resolution and Coburn seconded it. The motion passed 6-0 and was designated Resolution No. 6564.

- 3) Waiving competitive bidding requirements for the Fire and Police Facilities Construction Project, MS-16-02/MS-16-03, and awarding a special procurement for the purchase of furniture with related accessories and services.

Lattanzio thanked Murzynski and Senior Administrative Supervisors Diana Eilers and Lorri Headrick for their work over the last year and a half to put this together. He said after the bonds passed, Mackenzie recommended three furniture vendors in Oregon and Washington. After tours and presentations, they were impressed with SmithCFI, who makes Steelcase. Mackenzie asked Workplace Resource and SmithCFI to estimate cost for a list of components. SmithCFI came in 18% less than Workplace Resource. SmithCFI has invested 238 hours in the Police and Fire project so far, at about \$70 hour. They met with Albany Police and Fire employees and walked through the facilities to decide what can be saved and used at the new buildings. Steelcase is in Grand Rapids, MI.

Fire Chief John Bradner said he was able to Google Steelcase while he was waiting to speak, and their products are manufactured in Grand Rapids, Michigan. He said he is impressed with the quality of the product. In addition, it fit into the design of building, and the company is stable, so we will be able to match these products if we need to reconfigure and buy more later. Using one main vendor also reduces staff time spent on this part of the project.

Bradner read a statement from Mackenzie's interior designer (see agenda file).

Murzynski described the special procurement method that allows the City to group related contracts to avoid going back repeatedly to Council for approval. The ORS requires that awarding these contracts together, doesn't create favoritism or diminish competition, and results in cost savings that serve the public. She described several similar piggyback contracts, all of which advertise in Oregon through the Daily Journal of Commerce. All were competitively bid, allowing us to negotiate some of the additional services Lattanzio described. Using these procurements allows us to take advantage of discounts of 50-75%, and the prices are held until March 1.

Kopczynski said that on pages 25-28, it seems a majority of those items, like mattresses and shelving, could be supplied by any of three or four local retailers. It would be nice if we could get those locally. Murzynski said we could get bids from locals for some of the products that say "no contract" next to them, especially on page 28 of the agenda packet. Lattanzio said we would still have to get three bids, but we could do that. Discussion followed.

Johnson commended staff for putting all of this together. This is two large buildings. Konopa agreed.

Murzynski said we could continue with a special procurement and taking the non-contract furnishings off. Kidd said we can do that, but he asked if pulling items off the contract would change the discounts. Murzynski said the non-contract items were quoted directly by the manufacturers. There is a slight discount. Kidd asked, would you be able to get another RFP done in time to get the furnishings in time? Murzynski said we would have to award a bid by the end of February. It would be very difficult to meet the deadline. She explained why.

Kopczynski said he doesn't understand why we can't just go get mattresses. Murzynski wondered if we could request locals to do best-and-final quotes. Coburn said he doesn't think it can be limited to locals. He said we shouldn't start picking apart the package. SmithCFI has held the price for us for a year as a package deal. If we start taking items out, we might end up paying the same money for less stuff. Johnson said now that it's all put together is not the time to be making changes, especially since they have held the prices for a year.

MOTION: Johnson moved to adopt the resolution and Coburn seconded it.

Coburn said he thinks Kopczynski is on the right track, but if you save \$1,000 on \$20,000, with the delay and costs in staff time, how much have you really saved? Hare said he thinks it is entirely appropriate to be conscientious of working with local businesses, and in most cases we do, using credit cards. A lot of the office furniture we buy comes from local businesses. Discussion followed.

Kellum said he will vote for the pending motion, but he is unhappy about the way "government" (not the people present) buys things when you can't give preference to the people who pay your salary (the citizens). The City should be buying local whenever possible.

VOTE: A vote was taken on the motion and it passed 6-0 and was designated Resolution No. 6565.

4) Adopting the City of Albany Flood Warning and Response Plan.

Melissa Anderson said this is intended as an internal document. Albany participates in the Community Rating System, which recognizes various activities with a rating that allows us to get discounts on flood insurance. Adopting this Plan will earn additional points towards our rating. She will probably bring back an updated version in a year or so.

MOTION: Kopczynski moved to adopt the Plan and Kellum seconded it. The motion passed 6-0 and was designated Resolution No. 6566.

Adoption of Consent Calendar

Approval of Minutes

- a) October 12, 2016, Regular Session minutes.
- b) October 24, 2016, Work Session minutes.
- c) November 7, 2016, Work Session minutes.

MOTION: Kellum moved to adopt the Consent Calendar as presented. Kopczynski seconded the motion, which passed 6-0.

Award of Bid

- 1) WL-17-02, Industrial Way Water Line.

Blaine said Public Works recommends award of this bid to DNI Excavating, in the amount of \$295,908. There were 13 bids; all came in under the engineer's estimate. If all of the construction contingency is needed, we will need to use reserves to cover about \$10,000, but we have adequate funds to do so. This is a location where we've had two catastrophic failures over the years. Public Works is anxious to get the line replaced.

MOTION: Kopczynski moved to award the contract. Sykes seconded the motion, which passed 6-0.

Appointments

- 1) City Boards, Commissions, and Committees.

Action Requested:

Council approval of the following appointments to City advisory groups:

***Airport Advisory Commission***

John Pascone	(Mayor's reappointment)
Richard Kay	(Councilor Olsen's reappointment)
Heath Kasper	(Councilor Kopczynski's reappointment)
John Harshberger, Sr.	(Councilor Johnson's reappointment)

***Albany Arts Commission***

Melissa Saylor Babcock	(Mayor's reappointment)
Julie Jackson	(Mayor's reappointment)

***Albany Bicycle and Pedestrian Advisory Commission***

Ann Ketter [application attached]	(Mayor's new appointment)
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***Albany Budget Committee***

Michael Thomson	(Mayor's new appointment as a reappointment)
Terry Virnig [application attached]	(Councilor Olsen's new appointment)
Scott Pierson	(Councilor Coburn's reappointment)

***Building Board of Appeals***

Bill Ryals	(Mayor's reappointment)
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***City Tree Commission***

Jim Smith	(Mayor's reappointment)
Kris Watts	(Mayor's reappointment)

***Community Development Commission***

Iris Carrasco, at-large representative	(Mayor's reappointment)
Tara Dixon, at-large representative	(Mayor's reappointment)
Chris Equinoa, Human Relations Commission representative	(Mayor's reappointment)

***Human Relations Commission***

Chris Equinoa	(Mayor's reappointment)
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***Landmarks Advisory Commission***

David Abarr	(Mayor's reappointment)
Larry Preston	(Mayor's reappointment)
Bill Ryals	(Mayor's reappointment)

***Parks & Recreation Commission***

Sharon Edwards	(Mayor's reappointment)
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Cecilia Mihaylo (Mayor's reappointment)

MOTION: Kopczynski moved to approve the appointments. Councilor Dick Olsen seconded the motion, which passed 6-0.

Council Audit Committee.

MOTION: Coburn moved to reappoint Bessie Johnson and Ray Kopczynski. Johnson seconded the motion, which passed 6-0.

Hare said the Audit Committee is something he recommended when he first came to the City. It's an opportunity for the auditor to speak directly to the Council about the City's finances. It's an important best practice. He strongly encourages the Council to maintain this in the future. Kopczynski said he appreciates it because it gives the Council a heads-up about new policies and policy amendments.

Konopa said the auditors also audit the hotel Transient Lodging Tax receipts and this is also discussed by this committee.

2) City Council representatives.

There was a revised sheet of City Council Representatives on the dais (see agenda file). Konopa said Rich Kellum has been removed from and Mike Sykes added to the AMEDC board. Also missing are a few committees that have terms that expire in the middle of the year. They will come to Council later in the year.

MOTION: Kopczynski moved to approve. Olsen seconded the motion, which passed 6-0.

Report

1) Code Enforcement Team semiannual report for Fiscal Year 2016-2017

Schendel said there have been many changes. The team is trying to be more aggressive to solve problems quicker. They are doing more follow-up.

Schendel gave a few updates:

- 2119 Crocker Lane: It was not sold at auction, because the crier didn't show up. It will be sold in April. The team will be doing some work there tomorrow to solve some of the issues.
- Green Acres: The court date for this property was extended to February 14.
- 1615 Hill: The court date is January 23. The owner has missed several court dates.

Kopczynski asked about the cleanup at 2119 Crocker Lane. Schendel said their court date is August 23. The house is still untouched. Kopczynski asked if the situation at 140 Green Acres could be construed as hoarding. He asked, do we have county mental health resources to help them? Schendel said they are working to get help with this type of case. Kopczynski read from the report on 2838 Arlington Drive that the owner wants to be onsite whenever anyone is working there. He asked if that is a requirement. Schendel said no. He gave an update.

Konopa suggested that Schendel contact Albany Partnership for Housing to talk to Oregon Housing about hoarding issues. Schendel said he attended a conference on hoarding where he learned about the hoarding mindset.

Kopczynski asked if 704 4th Avenue is up to code yet. Schendel said he would have to talk to other staff about it. Kopczynski asked if the landscaper costs for 3418 Adah can be liened. Kidd said yes.

Kidd said in answer to Coburn's question about Hill Street, we can ask the judge to put a hold on a person, but it's up to the judge. Schendel said in his experience, it's rare for the judge to do that.

**BUSINESS FROM THE COUNCIL**

Johnson said Oregon is listed in Sunset Magazine as one of the best places to move to.

Olsen shared anecdotes about an ambulance visiting his neighborhood, and asked about a power outage.

Kopczynski welcomed Mike Sykes to the Council.

Konopa said after all the snow, Hill Street potholes are worse from Queen to 34th. They will take a lot of patching. Blaine said the crew is busy doing all they can to fix it. The Hill Street design is moving up on the Capital Improvement Program (CIP) project list.

Hare said he will be making his annual visit to Astoria this week to help with their goal-setting.

Albany City Council Regular Session  
January 11, 2017

Blaine commended Schedel, who is modest about his work, and has done an excellent job so far. He has accomplished in 6 months what Blaine thought would take 18 months. Blaine appreciates having him leading the effort. The funding mechanism was set up for five years and Blaine hopes that it can be funded long term.

NEXT MEETING DATE: Work Session: Monday, January 23, 2017; and Regular Session: Wednesday, January 25, 2017

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC  
City Clerk

Wes Hare  
City Manager