



MINUTES

Wednesday, February 27, 2019
Regular Meeting
Council Chambers, City Hall
Approved: April 10, 2019

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE

Konopa led the pledge of allegiance.

ROLL CALL

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

Councilors absent: None

SCHEDULED BUSINESS

Albany Police Department (APD) Lifesaving Award.

Chief Mario Lattanzio introduced David Dykast, owner of Canyon Plastics at 3540 Circle Drive SE. Dykast installed high quality cameras around his neighborhood. Over the past few years his camera system has been instrumental in identifying numerous suspects and helping APD to make five arrests. Lattanzio presented Dykast with a Public Service Award.

Councilor Rich Kellum said Dykast is his neighbor. Kellum described how Dykast goes the extra mile for those in his neighborhood.

Lattanzio introduced Police Officer David Vaughn. Vaughn was able to prevent an intoxicated, suicidal person from jumping off the Ellsworth Bridge. Lattanzio recognized Vaughn's selfless and humane action in saving the life of the person. Lattanzio presented Vaughn with the Life Saving Award.

Lattanzio introduced Lt. Marv Hammersley, Officers Michael Wood, Breanna Hedrick, Timothy Sousa, Jennifer Williams, and Kenneth Fandrem. The officers responded to a suicidal subject attempting to jump from Pacific Boulevard and worked together to pull him back over the railing. Lattanzio presented Wood, Hedrick, Sousa, Williams, and Fandrem with the Life Saving Award.

Lattanzio introduced Sergeant Stephanie Giboney and Officers Steve Corder and Peter Teague. The group was able to retrieve and comfort a despondent male from the Lyons Street Bridge. Two citizens called in to comment about how well the officers handled the situation. Lattanzio presented Giboney, Corder, and Teague with the Lifesaving Award.

Konopa thanked the officers for their dedication.

RECESS

The regular session recessed for a break at 7:25 p.m.

RECONVENE

The regular session reconvened at 7:27 p.m.

Accepting Courtney Martin's resignation from the Traffic Safety Commission.

7:27 p.m.

MOTION: Councilor Bessie Johnson moved to accept the resignation. Councilor Alex Johnson seconded the motion and it passed 6-0.

Public Hearing

7:28 p.m.

VC-01-18, vacating a portion of the Walnut Street right-of-way located about 500 feet south of the intersection at Pacific Boulevard and Walnut Street.

There was a list of vacation review criteria on the dais (see agenda file).

Open: Konopa opened the public hearing at 7:29 p.m.

A sign-up sheet was available for the public (see agenda file).

Konopa said she drives by the area several times a day.

Planner III Melissa Anderson gave a PowerPoint presentation (see agenda file).

The portion of Walnut Street is about 175 feet long and the right-of-way (ROW) width is 60 feet wide. This has already had a public hearing before the planning commission. The planning Commission recommends adoption. The applicants wish to develop their property. Anderson showed where 27th Street has been vacated, so there is no more public purpose for the extension of Walnut Street. The staff report addresses the criteria and one condition of approval to retain a public easement over a corner for the water and stormwater lines.

Konopa asked if there will be enough ROW for a future traffic signal on 24th Avenue. Discussion followed.

Troy Plum, PO Box 374, Corvallis, TKP Engineering, represents the applicant. The parcel is undeveloped right now. The owners have been looking for ways to develop this and he is working on various development concepts. They plan to develop all 18 acres.

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

City Attorney Sean Kidd read the ordinance for the first time in title only: AN ORDINANCE VACATING A PORTION OF THE WALNUT STREET RIGHT-OF-WAY THAT IS LOCATED ABOUT 500 FEET SOUTH OF PACIFIC BOULEVARD/WALNUT STREET INTERSECTION, IN ALBANY, OREGON AND ADOPTING FINDINGS.

MOTION: Councilor Bill Coburn moved to have the city attorney read the ordinance for a second time in title only. B. Johnson seconded the motion and it passed 6-0.

Kidd read the ordinance for the second time in title only.

MOTION: Coburn moved to adopt the ordinance and A. Johnson seconded it. The motion passed 6-0 and was designated Ordinance No. 5925.

Konopa read the statements regarding the Land Use Board of Appeals (LUBA) appeal period.

Receiving the mayor's veto of Ordinance No. 5924.

Konopa moved the item, "Receiving the mayor's veto," to accommodate the audience.

Kidd said that the mayor's veto was received at the February 25, 2019, work session, and was read into the record at that time. Tonight's action is to put that veto to a vote.

B. Johnson said the newspaper reported that she disagreed with the veto based on the lack of a date stamp on the document. She wants to make it clear that it was date stamped, but it was not initialed, and the ordinance number was not on the veto; for those reasons, she does not think it is valid. Kidd said if it was challenged, the way the Charter is written, neither of those actions is required.

MOTION: B. Johnson moved to overturn the mayor's veto and to adopt Ord. No. 5924 and Kellum seconded it. The motion failed 4-2 with Councilor Dick Olsen and Coburn voting no. The veto stands for lack of five votes in the affirmative, so Ord. No. 5924 is invalid.

B. Johnson said that since City staff and the planning commission support this issue, and the council voted on it three times, she doesn't understand why one person can overrule what the majority wants.

She said, Albany has to be progressive. There was a lot of testimony on the subject. She said it feels like a dictatorship and she is really disappointed in the process. This is not the democratic way.

Konopa said she respects B. Johnson's opinion, but she feels there is a lack of respect for all those home owners who have invested in their single-family neighborhoods. She pointed out that there are also two councilors in disagreement. She hasn't heard one substantial reason to reduce the requirements. ADUs can still be built, but she doesn't think we should open the floodgates. Discussion followed.

Olsen discussed using the veto charter provision when he was mayor. He is thankful the mayor has the right to veto.

A. Johnson said he has been researching both sides of the issue. He still has some questions. He wants to make the right decision for Albany.

Business from the Public

7:52 p.m.

Courtney Minyard, 316 Water Avenue NE, said she is representing neighbors who are concerned about the planned pumphouse building on the Dave Clark path. It will be in the line of sight for homes and for up and coming development on the river. It will be an eyesore and will provide access to the hillside which will cause erosion, and encourage tagging and homelessness. She spoke about the City's outreach so far and believes it has not been sufficient. She thinks the building can be moved off the path and said the maps provided by staff are not accurate. She watched 60 people using the path just today. She wants the council to ask staff questions about this project and to relocate the pump house.

Konopa said this issue was brought up at the February 25 work session also. The city manager will check into it.

Public Works Engineering and Community Development Director Jeff Blaine described the timing of the project and said that they have had many public meetings and have made some revisions based on neighborhood concerns. Discussion followed.

Johnny Scot Van Ras, 2823 45th Court SE, has lived in Albany for 30 years. He received a ticket for speeding in the Waverly School zone. He said he went to court and was found not guilty. This was also discussed at the February 25 work session. He wants clarification about what staff intends to do next. City Manager Peter Troedsson said that Transportation Systems Analyst Ron Irish took direction from the council to shorten the school zone, and he will bring back a report. There is ambiguity in the traffic manual about the signs; he suggested Van Ras listen to the work session audio on the website. Van Ras read portions of a letter he received from Municipal Judge Robert T. Scott, dated January 30, 2019 (see agenda file). He is concerned for justice and wants to know how many cases that come before the judge have no merit.

Albany Downtown Association (ADA) Executive Director Lise Grato invited the councilors to Coffee With A Cop, scheduled for February 28, at Margin Coffee.

Grato thanked AFD for their quick response to the fire at Novak's. Their actions saved the building and adjoining businesses. She shared information about a relief fund for Novak's employees.

Tom Cordier, Albany, shared two observations. The first related to the process for discussion before the motion is voted upon versus after it is voted on. He said the opportunity for councilors to speak is before the motion is voted on. His second observation is that if there are problems that need to be solved, the councilors should tell the city manager to solve them. He thanked the councilors who upheld the ADU restrictions.

Adoption of Consent Calendar

8:14 p.m.

- 1) Approval of Minutes
 - a) January 28, 2019, City Council Work Session.
- 2) Adoption of Resolutions
 - a) Accepting and appropriating funds from an Oregon Department of Transportation Safe Routes to School Grant in the amount of \$100,000. RES. NO. 6775
 - b) Adopting the 2019 Title VI program for public transit programs. RES. NO. 6776

- c) Revising the local limits for wastewater discharge and repealing Resolution No. 3624.
RES. NO. 6777
 - d) Accepting and appropriating funds from the Fiscal Year 2018-2019 Oregon Impact Distracted Driving Enforcement Grant up to \$3,000.
RES. NO. 6778
 - e) Accepting and appropriating funds from the Fiscal Years 2017-2018 and 2018-2019 Oregon Department of Transportation Speed Enforcement Grant.
RES. NO. 6779
RES. NO. 6780
 - f) Accepting and appropriating funds from the Fiscal Year 2018-2019 State Hazardous Materials Emergency Preparedness Grant on Behalf of the Mid-Valley Local Emergency Planning Committee for a hazardous materials response exercise and responder training.
RES. NO. 6781
 - g) Authorizing the Albany Fire Department to apply for the Fiscal Year 2019-2020 State Hazardous Materials Emergency Preparedness Grant on behalf of the Mid-Valley Local Emergency Planning Committee for a tabletop exercise and hazardous materials training.
RES. NO. 6782
 - h) Authorizing the Albany Fire Department to apply for the State Preparedness and Incident Response Equipment Grant.
RES. NO. 6783
- 3) Declaring one Fire Department vehicle as surplus property and authorizing staff to dispose of the asset in accordance with Albany Municipal Code 266.080.

Olsen asked for items 2)d) and 2)e) to be removed for discussion.

Kellum asked for item 3) to be removed for discussion.

MOTION: Coburn moved to adopt the Consent Calendar with items 2)d), 2)e), and 3) removed for discussion. B. Johnson seconded the motion and it passed 6-0.

Regarding item 2)d), Olsen asked what is involved in distracted driving. Lattanzio explained it is a grant that APD gets every year and it increases traffic safety. Konopa, A. Johnson, and Kellum shared personal experiences with distracted drivers; they are in support of this grant.

Regarding item 2)e), Olsen asked if the funds would be used to set speed traps. Lattanzio described speeding and accidents in major corridors and that the funds would be used for enforcement. Discussion followed.

Regarding item 3), Kellum asked for more details about the apparatus. Staff described the yellow water tender.

MOTION: Kellum moved to adopt items 2)d), 2)e), and 3). A. Johnson seconded the motion and it passed 5-1, with Olsen voting no.

BUSINESS FROM THE COUNCIL

8:20 p.m.

The Council discussed the recent fire at Novak's Restaurant. The fire department is still investigating the fire.

Olsen wants city engineers to be prepared to talk about the pump house. Discussion followed. Blaine said it is a design in process, and there is no final answer yet. Blaine disagrees with the characterizations Minyard made about the public outreach so far. He said staff has heard the neighbors' concerns and responded, such that the pump house is now planned for a different location. City Engineer Staci Belcastro has been providing regular updates to neighbors. Plans are at 90% now, but they are not complete. Discussion followed about what additional information the council wants.

Kellum spoke about Waverly Drive and safety issues.

As to ADUs, Kellum said there are legal issues and enforcement issues in trying to make them owner occupied. He thinks there needs to be negotiation on both sides, and he doesn't feel the other side has negotiated. He would like to hear a proposal from the other side. Konopa said that she has moved significantly from her first position already. Discussion followed.

A. Johnson spoke about the dog show at the Expo Center. He thanked Albany Visitors Association Executive Director Rebecca Bond and the Linn County Kennel Club for the fantastic tour.

A. Johnson invited the councilors to the 13th annual African American History event at Linn Benton Community College on April 9. He described the event and said everyone is welcome.

A. Johnson said he is learning about feral cat programs and is working with City staff. Discussion followed.

Sykes thanked APD for doing what they do with limited funds. They are appreciated.

Konopa spoke about street conditions. Since the gas tax failed, we need to look at other possible resources, such as a street utility. Blaine spoke about the pavement maintenance public outreach plan which is being implemented now. Staff has presented at the Albany Rotary Club and Kiwanis; has information on the website and in City Bridges; and video work for the website is underway. Staff plans to come to the council around June to re-start the funding discussion.

Coburn said he will not support a transportation fee until he sees the restoration of the maintenance funds that we used to have allocated to that program.

NEXT MEETING DATES

- Monday, March 11, 2019; 4:00 p.m. work session
- Wednesday, March 13, 2019; 7:15 p.m. meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Reviewed by,

Mary Dibble
City Clerk

Peter Troedsson
City Manager

Note: Staff handouts referred to in the minutes as (see agenda file) are available on the website in the "Staff Handouts" column.