



MINUTES

Wednesday, March 13, 2019
Regular Meeting
Council Chambers, City Hall
Approved: May 8, 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, Alex Johnson, Dick Olsen, and Mike Sykes

Councilors absent: Councilors Bessie Johnson and Bill Coburn were excused.

SCHEDULED BUSINESS

Special Presentation – Albany Police Department employees of the year

Police Chief Mario Lattanzio presented the Employee of the Year award for sworn officers to Police Officer Blake Miller. He said Miller takes pride in serving the community and is a leader in the department. Lattanzio presented a plaque and certificate.

Lattanzio presented the Employee of the Year award for civilian personnel to Code Compliance Officer Kris Schendel. Lattanzio said Schendel is tenacious and passionate and has made a positive difference in Albany’s quality of life. He presented Schendel with a plaque and certificate.

Code Enforcement Team semi-annual report

7:19 p.m.

This item was moved up the agenda.

Schendel and Management Assistant/Communications Officer Marilyn Smith presented the semi-annual report.

Councilor Dick Olsen asked about the property at 732 Fourth Avenue SW. The property has recently been sold to Federal National Mortgage Association (Fannie Mae). Olsen is concerned that the City will now have to deal with a bank that won’t do anything to clean up the property. Schendel said City Attorney Sean Kidd has contacted Fannie Mae about the City liens on the property but hasn’t heard back from them. Smith said they’ve been asking finance employees about negotiating down the fines and liens. They’re working with Coldwell Banker Realty and intend to fix up and sell the property. The City can put pressure on Fannie Mae if they let it fall back into derelict status.

Konopa said she has received complaints about the “yard art” at 1244 Ferry Street SE. Schendel said the owner has been cited for the front yard. He can’t find any jurisdiction with a code for yard art. Smith said in 15 years of cases she’s seen, judges have always ruled that such displays are yard art, not junk.

Enhanced Law Enforcement Area (ELEA) report

7:27 p.m.

This item was added to the agenda.

Kidd reported that the ELEA is acting as a deterrent. Only one person in the last year has gone before Judge Scott under the ELEA ordinance. The City is sensitive to community concern about the enhanced enforcement area. Konopa said she concludes that the ordinance has proved a valuable tool to bring some offenders into compliance.

Public Hearings:

7:29 p.m.

1. Establishing wastewater system development charges and repealing Resolution No. 6699.

2. Establishing water system development charges and repealing Resolution No. 6701.

OPEN: Konopa opened a joint public hearing on the two resolutions at 7:29 p.m.

Assistant City Engineer Rob Emmons showed PowerPoint slides (see agenda file). He summarized the noticing of the public hearing and said the City hasn't received any written communication about the proposed fees.

Emmons said the maximum allowable fee for wastewater is \$7,180 per Equivalent Dwelling Unit. This is a big increase over the existing fee of \$3,330. Because of the increase, public works staff created a list of funded and unfunded projects and recommended a fee of \$4,481 based on only the funded projects. The council said at a recent work session that they are comfortable with phasing in the fee increase over five years. This is what staff recommends as well. Tonight's resolution adopts only the first-year increase. Subsequent increases will be presented to the council for approval yearly.

Emmons said the resolution would raise current fees to \$3,560, which is 79% of the recommended \$4,481. He showed a slide illustrating how Albany's SDCs compare with those of other Oregon cities.

Emmons said the water process is simpler. No projects have been added to the plan, but costs of existing projects were updated. The maximum allowable fee is \$3,523. Staff recommends phasing this increase in over five years, like the wastewater increase. This resolution is for the first-year increase, from \$2,690 to \$2,857. He showed a slide illustrating how Albany's rates compare with other Oregon communities.

At the public hearing on SDC methodology, public comments were received about financing and deferral of fees. Emmons said the City offers financing at 6.55% interest, higher than in the private market. The council can adjust the interest rate if they wish. SDC fees are payable on issue of a building permit. The council can also change this, but staff feels that discussion is premature. The state is considering legislation that may affect when SDCs are due. It would be better to talk about it in Albany after the legislative session is over.

Councilor Alex Johnson asked if projects submitted before July 1 but not completely finished by then will have to pay the new rates. Public Works Engineering and Community Development Director Jeff Blaine said applicants pay SDCs when they apply for a building permit. Projects that are in the land-use process now are not grandfathered, but if they apply to build before July 1, they will pay the current fees.

No one else wished to comment.

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

MOTION: Councilor Rich Kellum moved to adopt the resolution adopting wastewater SDC charges. A. Johnson seconded the motion, and it passed 4-0. The resolution was designated Resolution No. 6784.

MOTION: Councilor Mike Sykes moved to adopt the resolution adopting water SDC charges. Kellum seconded the motion, and it passed 4-0. The resolution was designated Resolution No. 6785.

Business from the public

7:43 p.m.

Daniel Dietz, 2818 NW Orchard Heights Avenue, Albany, spoke about the porta-potty at First Christian Church. He said it gives people dignity and helps to keep the church property clean. He admires Konopa's compassion and her work on homeless issues, but he doesn't think anyone will refuse to get a job because they have the porta-potty available. The issue is larger than that. We need to put energy into the problem of who in Albany lacks a place to go to the bathroom. He would like the council to appoint a panel to work on the problem.

Kellum said that at the church entrance on Ferry Street there's a hallway and a couple of bathrooms. He asked if it would be possible to put an outside door into one of the bathrooms, and a locking

internal door. People could come inside to use the bathroom, but not have access to the rest of the church, and sewage would flow directly into the sewer system.

A. Johnson said he's a softball umpire, and he sees a lot of potties, and this is one of the cleanest and best lit he's ever seen.

Rebecca Bond, executive director of the Albany Visitors Association, handed out reports (see agenda file).

Sharon Gisler, 738 10th Avenue SW, said she hopes Kidd's talk tonight about the ELEA wasn't the whole report, because it wasn't on the agenda, and many people are interested. She asked if it would be an agenda item or formal report sometime. Kidd said he doesn't think the City planned a formal report. The council had asked for an update on the ELEA after a year. He said we can put it on an agenda and have Judge Robert Scott and representatives of the police department here. We just aren't using the ELEA right now, because we haven't had the issues that prompted it.

City Manager Peter Troedsson said staff initially planned to report to the council after six months, but no one had been cited by then. Even now, only one person has been cited under the ordinance, so there isn't much to report. Gisler said she thinks it would be wise to put it on an agenda and say it again.

Riverfront interceptor lift station structure.

7:55 p.m.

At Olsen's request, this item was moved up the agenda.

City Engineer Staci Belcastro briefly explained the need for the lift station. The riverfront interceptor can be overwhelmed during storms, letting untreated sewage to flow into the Willamette River. Overflows can be permit violations liable to fines by the Department of Environmental Quality (DEQ). Public Works has made several efforts to resolve the problem and avoid a costly project. Those projects were all needed for many reasons, but don't handle enough flow to avoid overflows into the river.

Public Works has discussed the problem with the council in many public meetings. The lift station has been discussed since March 2015, when the riverfront interceptor was identified as a high priority and very expensive project. In August of 2015, staff talked to the council about the current project, which is expected to save the City about \$5 million. At that time, staff looked at other potential sites. Belcastro explained the siting requirements.

The project and its siting were discussed in public meetings and public hearings throughout 2016 and 2017. In February of 2018, the council authorized Public Works to accept a loan from the DEQ to complete the project. At that point, there was discussion of the location of the proposed building and whether or not to fence it. Both the Democrat-Herald and blogger Hasso Hering wrote stories on the project after that meeting. In April, Belcastro met with residents of the Ironworks townhouses and gave them copies of project documents to address their concerns. In July 2018, the council awarded a design contract based in part on feedback received from Ironworks residents.

When Civil Engineer III Chris Cerklewski took over management of the project, he sent more than 200 letters to nearby property owners providing contact information. Belcastro emailed Ironworks residents to make sure they'd received Cerklewski's mailing. In December, staff met with Ironworks residents to discuss plans and architect's renderings. Residents asked staff to consider moving the electrical building. Staff relocated the building to the west and gave residents a site map and 90% drawings. They received no feedback on the aesthetics of the building.

Belcastro read and responded to several questions submitted to Olsen by Courtney and Jay Minyard (see agenda file). She emphasized that the building can be at most 150 feet away from the pumps in order to function. She discussed scale and proportion in drawings. She showed a site layout that was part of an information packet submitted by Blaine (see agenda packet). The council discussed the site layout and structures.

Kellum said he doesn't think there are other options for the lift station, due to the depth of excavation and the distance to the riverbank and existing mains.

A. Johnson asked, what is the impact if we don't build the lift station now? Belcastro said we will continue to have sanitary sewer overflows into the river. There have been two since December. Staff has negotiated with the DEQ to avoid fines for some of the overflows based on having this project progressing.

Courtney Minyard, 316 Water Avenue NE, thanked the council for listening. She asked questions to clarify whether or not fines are actually being assessed. She said she is concerned about safety, with the building right next to the Dave Clark multi-use path. She feels the building is a barrier to easy use of the path.

Tessa Green, 340 Water Avenue NE, asked if the city would landscape around the building to soften it. Belcastro said yes. Green asked if the site east of the Wheelhouse building was considered as a location for the lift station. Belcastro said putting the station on that site would require acquiring the property and building a 22-foot-deep gravity-feed sewer line to the riverfront interceptor.

First Reading of Ordinance

8:55 p.m.

Amending the Albany Municipal Code (AMC) Section 7.28.245 by making overnight camping a violation punishable by a fine of up to \$100.

Troedsson said the ordinance in the agenda packet doesn't have an emergency clause. A new ordinance on the dais has the emergency clause (see agenda file).

Lattanzio said he doesn't like the term "emergency," but the change needs to take effect immediately. The Public Nuisances section of the AMC was changed last year to make overnight camping a violation instead of a misdemeanor. 7.28.245 is in the Park Regulations section of the Code. It needs to be consistent with the other camping section. People committing misdemeanors are subject to arrest, but violations are subject to fines. A court case recently ruled that it's unconstitutional to charge camping as a crime.

Troedsson said the proposed ordinance brings these sections of the AMC into alignment. The question for the council is whether to make it effective immediately or after 30 days.

Kellum said the state of Oregon uses the emergency clause so laws aren't made subject to being overturned by popular vote. It bothers him that we call something an emergency that isn't actually an emergency.

A. Johnson said he doesn't like the \$100 fine. Kidd said the fine as at the judge's discretion. The judge can assess a fine up to \$100.

The council agreed to vote on the ordinance with the emergency clause.

Kidd pointed out a scrivener error in the AMC citation in the ordinance, which says, "Chapter 28.245" instead of "Chapter 7.28.245." Staff can correct the error after the ordinance is passed.

Kidd read the ordinance for the first time in title only: AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) SECTION 7.28.245, OVERNIGHT CAMPING AND DECLARING AN EMERGENCY.

MOTION: Olsen moved to read the ordinance for the second time in title only. A. Johnson seconded the motion, which passed 4-0.

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

A. Johnson moved to adopt the ordinance. Olsen seconded the motion, which passed 4-0. The ordinance was designated Ordinance No. 5926.

Adoption of Resolution

9:03 p.m.

Approving an extended property tax abatement agreement between the City of Albany, a cosponsor of the Albany Enterprise Zone, and Stack HIP LLC.

John Pascone of Albany Millersburg Economic Development Corporation (AMEDC) said AMEDC presented this request at a previous work session. The standard tax abatement period is three years. Companies that pay at least 150% of the average annual wage in Linn County can be approved for an extra two years. AMEDC is asking the council to approve extending the abatement for Stack HIP by two years.

Kellum said there is no end date in the resolution. Pascone said the beginning date is determined by the county assessor on completion of the project, so there is no predicted end date yet. Stack will have to file for the exemption each year of the five.

MOTION: Kellum moved to adopt the resolution. A. Johnson seconded the motion, which passed 4-0. The resolution was designated Resolution No. 6786.

Adoption of Consent Calendar

9:07 p.m.

- 1) Recommendation to OLCC:
 - a) Approval of off-premises sales add partner/drop partner liquor license application for Grocery Outlet, Inc., located at 1950 14th Avenue SE.

MOTION: Sykes moved to adopt the Consent Calendar as presented. A. Johnson seconded the motion, which passed 4-0.

Reports

9:07 p.m.

Reports 1) and 2) were moved up the agenda.

- 3) Cox Creek Sanitary Interceptor Project cost and funding update.

Belcastro said staff has made changes to the Cox Creek project because its budget didn't accurately reflect the costs. The new draft Capitol Improvement Program shows the scope of the project reduced to the part between the water reclamation facility and Salem Avenue. The rest of the project is being deferred to fiscal years 2022 - 2024. It's a complicated project, with pipe up to 25 feet deep. The project will help reduce current sewer overflows. Blaine said lines will be relocated from back yards to the street. No above-ground improvements will be made.

BUSINESS FROM THE COUNCIL

9:12 p.m.

Kellum reminded the council that he had previously questioned how some of the money paid to LBCC for the Workforce Development Program had been spent. Investigation then found that LBCC had overspent by \$40,000 and had called some purchases "tools" that weren't. LBCC agreed to repay the money to the City, but they haven't done that. He'd like to put some pressure on them to repay by holding up further funding.

Kellum also mentioned that he knows of another titanium industry that is interested in locating in Albany. He will talk to Economic Development Manager Seth Sherry about it.

A. Johnson said a softball clinic was held recently at West Albany High School. There is the possibility of having a big tournament in Albany in the next year. Johnson will bring a proposal to a council work session.

Blaine handed out a sheet listing the interests and expertise of Landmarks Advisory Commission members (see agenda file).

NEXT MEETING DATES:

- Monday, March 25, 2019; 4:00 p.m. work session
- Wednesday, March 27, 2019; 7:15 p.m. meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:18 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse
Deputy 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.