



MINUTES

Wednesday, May 8 2019
Regular Meeting
Council Chambers, City Hall
Approved: June 26, 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 II, Dick Olsen, and Mike Sykes

Councilors absent: None

SCHEDULED BUSINESS

Proclamations

- 1) Public Works Week.

Konopa read the proclamation for Public Works Week.

- 2) Historic Preservation Month.

Konopa read the proclamation for Historic Preservation Month.

Special Presentation

Historic Preservation Awards

Kerry McQuillin, Chair, Landmarks Advisory Committee (LAC), gave a PowerPoint presentation (see agenda file).

McQuillin and Konopa presented awards to Kenneth and Joyce Drake for the Monteith Historic District house at 924 Fifth Avenue SW; to Seth Fortier for 202 and 206 Second Avenue SW; to Scott Lepman and Spencer Lepman for the Fortmiller Building at 420 Third Avenue SW; and to Fire Chief John Bradner for displaying a historic engine in the Fire Station 11 lobby.

Public Hearing

Amending Comprehensive Plan and zoning map and amending Ordinance No. 4447. (MegaFoods)

Konopa read the mayor's guide.

Open: Konopa opened the public hearing at 7:28 p.m.

There was a signup sheet for the public hearing (see agenda file).

Konopa asked if councilors wished to declare a conflict of interest. There were none.

Konopa asked if councilors wished to declare ex parte contact. Councilor Rich Kellum said that he worked with staff to come up with a solution to a problem that the property owners had, and drove by the place to look at it. Councilor Bessie Johnson was at the same meeting and drives by this location every day. All of the councilors drive by this location frequently.

Planning Manager David Martineau gave a PowerPoint presentation (see agenda file). He briefly described the history of the property. The building, built in about 1990, is about 43,000 square feet. Maximum retail building footprint in the zone was limited in 2003. The applicants believe there are no financially feasible alternative uses for a building this size in this zone. They believe the property is essentially mis-zoned.

Martineau showed the review criteria for both applications. He said the main Comprehensive (Comp) Plan pattern in this area is low- and medium-density residential, light commercial and general commercial. The requested designation is consistent with this pattern. The zoning pattern is consistent with the comp plan designations.

Staff concludes that the requests meet all of the applicable review criteria, as outlined in the staff report. Staff recommends that the council approve the requests, as recommended by the planning commission.

Mark Shipman, a land use attorney with Saalfield Griggs PC, 250 Church Street SE, Suite 200, Salem, represents the co-applicants, B & E3, LLC, the parent company for MegaFoods, and Lyon Associates, the property owner. He has been working with the applicants on this matter for quite some time. City staff have been very thorough and the applicants concur with the staff report. The change will give both clients the flexibility needed to get the building occupied and drive commerce to the city. The planning commission unanimously recommended approval. He asked the council to approve the ordinance.

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 AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN MAP AND AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP, BY AMENDING THE ALBANY COMPREHENSIVE PLAN AND THE ALBANY ZONING MAP AND ADOPTING FINDINGS FOR 2000 QUEEN AVENUE SE: LINN COUNTY ASSESSOR'S MAP 11S-03W-08CD; TAX LOT 211.

MOTION: Johnson moved to read the ordinance for a second time in title only. Kellum seconded the motion and it passed 6-0.

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

MOTION: Johnson moved to adopt the ordinance and Kellum seconded it. The motion passed 6-0 and was designated Ordinance No. 5927.

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

Business from the Public

7:41 p.m.

Heath Casper, 35790 Meeker Drive, is on the Airport Commission. He spoke about the residency requirements for the citizen advisory boards in the proposed ordinance and resolutions. Pilots come from a wide geographical area, so he is concerned about changing the recruitment of the airport commission. It has been working well so far, so he was hoping to keep it the same.

Kerry McQuillin, Chair of the LAC, read comments about how appointments are made (see agenda file). She noted that three of four historic districts are in Ward I, and that it is beneficial to have members who have a unique interest in historic homes. She clarified the role of the LAC. The historic districts and tourism they create are a draw to Albany. As to Kellum's comments that there are no members who want to tear houses down, she stated that there shouldn't be any as that would negate the purpose of why the historic districts came into existence. Members should be interested in preserving historic resources. She said there are not members who are categorically opposed to demolishing houses and explained why. Decisions are not always unanimous. Members take care in evaluating and making decisions to value historic resources.

Lise Grato, representing Albany Downtown Association (ADA), described the events for Historic Preservation Month.

David Abarr, 625 Fourth Avenue SE, highlighted Historic Preservation Month. He described activities promoted by Friends of Historic Albany. He encouraged councilors to attend historic events and to visit the ADA and Albany Visitors Association websites for lists of other activities. He distributed three pages of pictures of historic windows and historic homes receiving awards (see agenda file). He highlighted tours, events, historic inventories, outreach, and education. There are passionate people involved in the LAC. He described the importance of historic windows, particularly Craftsman-style windows. The past is just as important as the future. Our historic homes make Albany special and he hopes to see some councilors at May's activities.

Rebecca Ziegler, 728 Sixth Avenue SW, is a member of Friends of Historic Albany. She spoke about the LAC and read portions of Albany Development Code Section 7.3, Statewide Goal 5. She commended the mayor for her diligence in selecting qualified individuals from appropriate

backgrounds. Geographic ward location should not be a hindrance to apply nor should it be used to disqualify. She read from the February 14, 2019, Albany *Democrat-Herald* editorial about the appointment process. This should not turn into a contested or divisive experience for applicants.

Camron Settlemier, 230 Seventh Avenue SW, passed out two maps, one of the city's wards and the other of the city's historic districts (see agenda file). He asked why the council is considering changing the LAC appointments, as the process is not broken. He had asked for an example of when the LAC denied an application for not properly applying local and state code, and he is still waiting for an answer. Settlemier described the content of the maps. He said the proposed ordinance disqualifies experienced people who live inside the ward that contains the historic districts. He said this could be appealed to LUBA.

Bernadette Neiderer, 1116 11th Avenue, said she sees no reason for reassigning appointment duties for the citizen advisory boards. She said the process is not broken and explained why. Board members should be qualified and enthusiastic. It is striking that the proposed ordinance doesn't refer to qualifications. She posed several questions about the proposed process. She is concerned about previous comments and attitudes that Kellum and Johnson have expressed about the LAC, which is a specialized group.

First Reading of Ordinance

8:02 p.m.

Amending Albany Municipal Code Title 2, Administration and Personnel, modifying the residency requirement, increasing the membership for select bodies, and reassigning appointment duties for the City's boards and commissions.

Kidd read the ordinance for the first time in title only: AN ORDINANCE AMENDING THE SECTIONS OF THE ALBANY MUNICIPAL CODE, TITLE 2, ADMINISTRATION AND PERSONNEL, THAT RELATE TO THE CITY'S BOARDS AND COMMISSIONS; MODIFYING THE RESIDENCY REQUIREMENT FOR MEMBERS TO SERVE; INCREASING MEMBERSHIP FOR SELECT BODIES; AND REASSIGNING APPOINTMENT DUTIES.

MOTION: Johnson moved to read the ordinance for a second time in title only and Councilor Bill Coburn seconded it. The motion failed 5-1 with Councilor Dick Olsen voting no. A second reading in title only in the same meeting requires a unanimous vote of the Council. This item will come back to the May 22, 2019, council meeting for a second reading.

Adoption of Resolutions

1. Modifying appointment procedures for City boards, commissions, and committees; establishing a residency requirement for all future appointments; and repealing Resolution Nos. 5678 and 5747.

This item will come back to the May 22, 2019, council meeting.

2. Reassigning appointment duties for certain positions on City boards and commissions.

This item will come back to the May 22, 2019, council meeting.

3. Establishing fire and life safety service fees, and repealing Resolution No. 6558.

Fire Chief John Bradner said fire department fees were initiated to gain compliance with building codes. The fees were last revised in 2016. The new fees and increases to existing fees are requested to help offset costs of fire's role in plans review. Most similar cities charge a plans review fee. The operational permit fee is for mass gathering events after hours that require overtime for inspections. The revenues will be directed to positions in the Fire Department to avoid layoffs.

Kellum asked if the after-hours fees includes Parks & Recreation events. Bradner said it is across the board. Kellum asked if the plans review fee aims to cover costs or to raise revenue. Bradner said the revenue is directed toward associated costs.

Coburn asked Finance Director Jeanna Yeager if the fees go to the fire department or to the general fund. Yeager said they go to the general fund, but Finance will allocate to the fire department if the revenue comes in over estimates. These funds will be used to help with the fire budget next year. Coburn said he just wanted to verify that they will end up available for the fire department to use. Sometimes funds go into the general fund and disappear, so he wants to make sure that doesn't happen here.

City Manager Peter Troedsson said it's up to the council to say what the funds are to be used for. If the council tells staff to use these funds only for the fire department, then that's what will happen.

Troedsson said the increase in these fees will bring back 37% of fire department operating cost to the general fund.

Konopa pointed out that police don't have fees they can impose, but they assist on many ambulance or fire calls. She asked if they should get a portion of the fees. Bradner said not for fireline fees, which are on the life safety side, but possibly for ambulance fees, since police often respond on accident or domestic violence calls. Discussion followed.

MOTION: Kellum moved to adopt the resolution and Johnson seconded it. The motion passed 6-0 and was designated Resolution No. 6791.

4. Establishing ambulance service fees and repealing Resolution No. 6559.

Kellum asked how close current fees come to covering costs. Bradner directed the council to page two of the council memo for that information.

MOTION: Councilor Mike Sykes moved to adopt the resolution and Johnson seconded it.

Olsen asked if there are private ambulances anymore. Bradner said yes. Discussion followed about the cost difference of public and private ambulances and the study that the city of Bend conducted.

Councilor Alex Johnson II asked who sets the rates for FireMed. Bradner said each jurisdiction sets its own rates. Discussion followed about the types of calls and what rates would apply to specific scenarios.

VOTE: The motion passed 6-0 and was designated Resolution No. 6792.

5. Accepting the engineer's report and financial investigation report for the Timber Ridge Street Bridge at Burkhart Creek Local Improvement District (LID) and setting a public hearing.

Development Services Manager Matthew Ruetters reviewed the dates for this project as outlined in the council packet. Four property owners are involved in this LID: three developers and the City of Albany. The City's property is of little to no value and is not developable. Ruetters described the lots and the financial calculations. The groups are working together.

MOTION: Kellum moved to adopt the resolution and Johnson II seconded it. The motion passed 6-0 and was designated Resolution No. 6793.

Ruetters said the public hearing will be on May 22, 2019.

Adoption of Consent Calendar

8:24 p.m.

- 1) Approval of Minutes
 - a) March 13, 2019, City Council Meeting.
- 2) Adoption of Resolutions
 - a) Granting a guy and anchor easement in Hazelwood Park to PacifiCorp. RES. NO. 6794
 - b) Updating worker's compensation coverage provided by CityCounty Insurance Services to City of Albany volunteers, and repealing Resolution No. 6449. RES. NO. 6795
 - c) Waiving competitive bidding and establishing a contract-specific special procurement for a fire radio communications system study. RES. NO. 6796
- 3) Recommendations to OLCC:
 - a) Approving the off-premises sales, change of ownership, liquor license application for 7-Eleven, Inc., DBA Circle K Store located at both 333 34th Avenue SE and 300 Queen Avenue SE.
 - b) Approving the limited on-premises sales, new outlet liquor license application for Stick a Pork in it, LLC., located at Timber-Linn Memorial Park, 900 Price Road SE.
 - c) Approving the off-premises sales, new outlet liquor license application for J & B Liquidators, Inc., DBA Wheeler Dealer, located at 1740 Geary Street SE.

MOTION: Coburn moved to adopt the consent calendar as presented. Johnson seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Sykes talked about a recent active shooter in a school where all public safety in the area had immediate notification. He asked if that can be put into place in Albany so that direct access to first responders is available.

Johnson II discussed a shooting threat at a local school and the use of social media to alert people. Albany Police Captain Brad Liles said there is an active investigation that he cannot discuss. He explained how threats are evaluated based on the reliability of the information. Discussion followed.

Konopa noted tall grass at a property. Staff will make sure it gets mowed.

Parks & Recreation Director Ed Hodney passed out email (see agenda file) about Maple Lawn Preschool (MLPS). He will address it more fully at the budget committee meeting on May 9, 2019, and will confirm the actual start date during that report.

NEXT MEETING DATES

- Monday, May 20, 2019; 4:00 p.m. Work Session
- Wednesday, May 22, 2019; 7:15 p.m. Meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:30 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.