



**MINUTES**

Monday, February 11, 2019  
Work Session  
Municipal Courtroom, City Hall  
**Approved: April 10, 2019**

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:00 p.m.

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

BUSINESS FROM THE PUBLIC

City Attorney Sean Kidd reminded the council that they will be asked to make a decision about a property owned by Monty Ellison on Wednesday. He advised that any discourse in which the council engages will become part of a record that may be presented to the Land Use Board of Appeals (LUBA) at some point.

Roger Nyquist, 2896 Firwood Place SE, stated that he is an adjacent land owner to Monty Ellison and may share a potential conflict of interest. Linn County and the City of Albany have multiple intergovernmental agreements (IGAs). The purpose of these IGAs is to carry out work on behalf of the taxpayers of the City and Linn County in a seamless manner. Nyquist shared an agreement dated from 1998 (see agenda file), which spells out how the City and County develop properties inside of the urban growth boundary. He commented that the IGA is straightforward and has had minimal issues over the past 30 years. Nyquist said Linn County staff heard that a land parcel must have a comfort level of five acres, with which the Ellison's complied. Nyquist said he fears a negative outcome, which will cost both the City and County money without accomplishing anything for the City's infrastructure. Nyquist shared a second IGA (see agenda file) regarding the process of transferring roads from County to the City as it grows. He said he understood that City staff is concerned that an approval of the division of this particular parcel will lead to an infrastructure problem. Nyquist commented that if the concern is bringing a street up to code, that should be the concern of the County and dealt with within the terms of the IGA. Changes for the IGA's can be discussed, but the taxpayer should not be caught in the middle.

Frank Morse shared that he had been asked by Linda and Monty Ellison to review the record of their applications to divide their property into two parcels and the City and County's responses. Morse commented that the Ellisons met the criteria for a conditional use variance. He said that upon reading the City's response, it was very difficult to come to any conclusion other than the City prohibited development within urban growth boundary. He suggested it may be appropriate to change the development code to avoid restrictions on property owners developing within the urban growth boundary. Morse read the comprehensive plan as encouraging development within the urban growth boundary, and conditional variances are allowed by the code. Morse said the development that the Ellisons have proposed abides by the development code, and they are counting on the sale of the properties for their retirement. Morse thanked the council.

Monty Ellison said the City took this land into the urban fringe in 1981. He feels that it is not fair that the City has essentially appropriated his property and after 38 years, they have no idea when or if the City will extend to the property. Ellison shared that he had a discussion with Planning Manager David Martineau who said that no set of circumstances would change staff's decision about taking this request to LUBA. Ellison said he is open to reasonable conditions to the development of the property. Ellison said he appreciated being able to address the council.

WASTEWATER & WATER SYSTEM DEVELOPMENT CHARGES

**4:06 p.m.**

Assistant City Engineer Rob Emmons presented a PowerPoint (see agenda file). He reminded council that discussion about water and wastewater system development charges (SDCs) began in November 2018, and the objective for this meeting is to come to a recommendation about appropriate fees and how to implement them. Mayor Konopa asked if the plan for fee implementation will cover the debt portion. Emmons answered that there will still be a gap in paying for the debt portion.

Public Works Engineering and Community Development Director Jeff Blaine added that there is a short window for debt obligations. Debt will be repaid over a short period of time, and reimbursement is collected over a long period of time. There is not enough revenue collected over the short term to cover the full amount of debt. The sewer gap is more substantial. The fee increase will shrink the debt gap but not close it because of the difference in time frames. Water is close to the debt obligation, and what is gained in revenues may likely cover the debt.

Councilor Rich Kellum and Mayor Konopa both expressed concern about additional projects increasing the debt obligation. Blaine replied that staff has projected what is needed based on building in the Urban Growth Boundary. Future projects are included in the SDC calculation. Some projects are not being proposed for funding because there is uncertainty about the nature of the project. Some projects may come up that are not included in the calculations, but staff does not yet know what those projects will be. At the time those projects start, the SDC methodology could be modified and the expenses could be added to the reimbursement category. Konopa said she wanted to prevent large annual increases for the rate payers. She wants to make sure the right amount is being paid now. The water treatment plant will need improvements that may not be factored in to the fees.

Councilor Bill Coburn asked if staff is proposing council adopt the five-year implementation plan. Emmons answered that it is an appropriate way to address SDCs as it keeps the fee increase at 10 percent annually. Ultimately it is council's decision. Coburn asked if staff will be able to reevaluate the implementation plan as inflation rates change. Emmons replied that these SDCs will be brought to council for action every year. Blaine added that the five-year projection is what might happen and could be reconsidered.

Councilor Alex Johnson asked how this projection accounts for multi-family housing. Emmons answered that it is broken down by water meter size for a proportional impact. A. Johnson asked if an Accessory Dwelling Unit (ADU) is counted separately or the same as the main housing unit. Emmons replied that water SDCs are based on water meter size. Utility Services Manager Mark Yeager added that wastewater SDCs are based on the number of dwelling units. A. Johnson asked if a fourplex would have four separate fees. Yeager replied that it would be one fee but four times a single-family rate for wastewater. A. Johnson asked if that rate would be discounted. Yeager answered no, it would be straightforward four times the fee of a single unit home. Councilor Dick Olsen asked if ADUs will be subject to these SDC fees. Yeager replied that he is not sure. Coburn asked if ADUs would be required to have their own water meter and their own sewer connection. Blaine explained that for water, a separate meter would require an owner to pay an SDC. If water plumbing is connected to the main residence, the owner would not have to pay an additional SDC. For sewer, the owner would need to pay an additional SDC because it is based on number of units and an ADU is a separate unit.

Emmons explained that if the council decides to go with a five-year phase in period, there would be a public hearing on March 13 to decide fees. The public hearing scheduled for February 13 is for discussing SDC methodology. Kellum asked if it was necessary to have two separate public hearings on SDCs. Emmons explained that there needs to be separate public hearings to adopt the methodology and implement fees. Councilor Bessie Johnson asked whether the fees presented at the public hearing would reflect 6.2 percent or the higher 10 percent. Emmons noted that the fee will be presented as 6.2 percent for water and 6.9 percent for wastewater. Blaine emphasized that when the methodologies are accepted, the maximum charges will be set. There will be a later public hearing to establish what fee the council decides to implement starting July 1. The maximum fee included in the presentation for the first year, without inflation, will be the subject of the public hearing. The next year when staff presents routine adjustments, council will consider inflation going back to November 2018 and increasing fees by an additional step.

#### MUNICIPAL COURT JUDGE'S ANNUAL REPORT

4:38 p.m.

Municipal Court Judge Bob Scott introduced Court Supervisor September Ridgeway and recognized her for the work she has done in the last year. Scott thanked the council for allowing him to serve many years as judge and announced his retirement on December 31, 2019. Scott shared his report (see agenda packet). Scott explained that Municipal Court and the Albany Police Department (APD) are making an effort to share information more consistently. Defendants with repeated charges are always assigned a court appointed attorney. Most of those cases are resolved by a negotiated plea agreement, which includes a joint sentencing recommendation. Scott said that officers from APD have expressed interest in being more involved in the sentencing process. Scott commented that police body cameras and car cameras have made judge's jobs easier.

Councilor B. Johnson asked how often the court appointed attorneys are used and how much their services cost. Scott answered that there are five court appointed attorneys. Anyone who cannot afford an attorney is assigned a court appointed attorney. Most lawyers in Albany charge over 200 dollars per hour. The court appointed attorneys cost 50 dollars per hour. B. Johnson asked how the court is performing with collections. Scott replied that the court software doesn't have very strong tracking capabilities. Scott discussed outcomes of collections of various types of cases.

A. Johnson asked if the criminal non-traffic figure could be further categorized. Scott answered that it could not. A. Johnson asked what FTC stands for, and Scott explained that it means failure to comply. There is a problem with defendants who are ordered to contact their court appointed attorneys and do not do so. They appear at their pretrial conference without ever having seen their attorney, or they do not appear at the pretrial conference at all. Scott explained the issues involved with defendants not contacting their court appointed attorneys.

Kellum asked about the tracking capabilities of the court software to account for unpaid fees. Scott answered that staff can see when someone has unpaid court fees. Ridgeway commented that the new system will have better tracking and report capabilities. Finance Director Jeanna Yeager stated that unpaid fines are turned over

to collections. Kellum asked if fines could be raised or if methods of collection could be more aggressive to address the deficit. Kellum shared about a case he was familiar with in which the persons involved were not charged with very high fines. Scott replied that in that particular case, the report he received did not include very much information about the circumstances. In the future, he will examine information in the case files more carefully to avoid missing information. Sharing information between APD and the court will help to avoid misunderstandings going forward. Discussion of the case continued.

**REVIEW OF APPOINTMENT PROCEDURES FOR CITIZEN ADVISORY GROUPS 5:09 p.m.**

City Manager Peter Troedsson reminded the council that they had requested a review of citizen advisory groups in October of last year. Troedsson shared a PowerPoint presentation (see agenda file). The purpose of this discussion is to refine council guidance on the appointment process. Council asked staff to return with a process that would develop consistency, enhance diversity of opinion, and provide individual councilors the opportunity to make individual appointments. To change appointment procedures, some citizen advisory groups would need to be increased from five to seven members.

Kellum said each advisory group should have seven members, and A. Johnson agreed. Coburn said the appointment procedures should be changed for all advisory groups, and B. Johnson agreed. Troedsson said that three citizen advisory groups will go from five members to seven members. Coburn said that the purpose of each advisory group should be examined to determine value. Troedsson said that he cannot say whether the advice these advisory groups have provided to council has been valuable. Coburn questioned if the staff time spent on citizen advisory groups was worthwhile. Kellum stated that people from different wards have different points of view. Coburn said the advisory groups should make decisions based on the interests of Albany residents. Troedsson commented that advisory groups act as advisors to the council. Konopa stated that most advisory groups do not make policies but participate in events in the community. Kellum said the groups advocate for issues they have an interest in. There should be a balance of interests. Konopa replied that opposing views might make for a divisive group. Olsen commented that he supports the Mayor's appointments. Konopa said she doesn't always know the applicant's political views before she appoints them. Olsen said a divisive advisory group would not accomplish very much. A. Johnson said he believes there needs to be turnover in citizen advisory groups to foster healthy conversations. He said the appointment process should be evaluated.

Kellum said all advisory group members should have a connection to the city, whether they live, work, or own property here. B. Johnson said she thinks advisory group members should be city residents. She stated that a phased implementation would be best. Coburn questioned how an applicant who pays taxes on property owned within the city would be handled. B. Johnson replied that she thinks eligibility should be based on residency. Konopa said there are plenty of people within city limits who could serve. Troedsson said it sounds like the majority of the councilors wanted advisory group members to live within the city limits. Staff will come back to council with a policy proposal based on this recommendation.

Kellum said councilors should appoint advisory group members with different points of view. A. Johnson said he would look for applicants who look out for the best interests of Albany. He said councilors should try their best to make appointments from within their wards, but not necessarily appoint people who agree with them all the time. Coburn suggested language in the policy that would allow councilors to make appointments from outside of their wards if they cannot find someone from within their ward. He said that to increase diversity, councilors should try to appoint from their respective wards. Troedsson said policy language should indicate that councilors will make every effort to appoint from within their ward, but there should be a mechanism to appoint from other wards if necessary. Staff will come back with recommendations. No changes will be made to the Community Development Commission at this time because of the necessary expertise of the members. Discussion followed.

**BUSINESS FROM THE COUNCIL 5:54 p.m.**

None

**CITY MANAGER REPORT 5:54 p.m.**

Troedsson shared that the council had been invited to tour the National Energy Laboratory. Konopa replied that she was interested. Troedsson said they will have a chance to meet the executive director. A. Johnson shared about a connection he had to Senator Ron Wyden. Troedsson shared that artist D.E. Morrison will be at Fire Station 11 this Wednesday to meet with the Arts Commission from 5:30 to 7:00 p.m. Troedsson welcomed the councilors to attend. Troedsson also reported that the Joint Litigation Committee meeting this Wednesday has been canceled. Coburn asked about the date for the Department of Environmental Quality court hearing. Communications Officer Marilyn Smith noted that it had been postponed to 9:00 a.m. on Wednesday, February 13.

Blaine reminded the council that the Albany Development Code Amendments Task Force would be hosting a series of upcoming open houses as a public outreach effort. There will be three meetings at three different locations. These meetings will be unique in that they provide members of the public the opportunity to see the

progress of the project and help people access online resources. Konopa requested Blaine share the dates of the open houses with council.

Blaine reported that he had heard of complaints about driveway width being brought before council. Blaine share that the minimum driveway width was formerly 32 feet and has been reduced to 24 feet. Blaine said it was up to council to consider setting a new standard for driveway widths, and staff could come back with more information. Konopa said if driveways are allowed to get larger, there will be less on-street parking. Blaine said RV owners frequently complain about driveway width. Olsen asked if a 24-foot driveway was for a two-car garage, which Blaine confirmed is correct.

Break **6:03 p.m.**

RECESS TO EXECUTIVE SESSION **6:08 p.m.**

RECONVENE **6:14 p.m.**

MOTION: Motion to ratify the AFSCME General Unit and Transit Unit collective bargaining agreements passed 6-0.

RECESS TO EXECUTIVE SESSION **6:15 p.m.**

RECONVENE **7:31 p.m.**

ADJOURNMENT

There being no other business, the meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Reviewed by,

Allison Grove  
Administrative Assistant I

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.*