



**MINUTES**

Monday, March 25, 2019

Work Session

Council Chambers, City Hall

Approved: April 24, 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, Dick Olsen, and Mike Sykes

Councilors absent: None

SCHEDULED BUSINESS

BUSINESS FROM THE PUBLIC

None.

NATIONAL LEAGUE OF CITIES SERVICE LINE WARRANTY PROGRAM – Utility Service Partners, Inc.

Dennis Lyon, representing Utility Services Partners Inc., described the Service Line Warranty Program which is endorsed by the National League of Cities (NLC). Lyon said the League of Oregon Cities (LOC) have had an endorsement of the program for one year.

Lyon gave a PowerPoint presentation (see agenda file) and passed out several brochures (see agenda file).

Lyon described how the NLC wanted to find a program they could endorse, and after research and vetting, they chose Utility Services Partners, Inc. While the infrastructure on the public side of the water meter or sewer main is maintained by the municipality, infrastructure on the homeowner's side is not. This service provides insurance for utility customers for repairs to private water and sewer lines.

Lyon said they provide the marketing, customer billing, claims processing, and contractor billing. No public funds are used, and the program offers an opportunity for an ongoing revenue stream for cities through a license fee. At the most basic level, the program provides free public awareness. Even if customers choose not to participate, the education component will help to reduce calls to the city. The call center is staffed 24-7, including holidays, and dispatches local licensed contractors to deal with problems. Using local contractors also benefits the local economy. Contractors must be licensed, bonded, insured, have no open complaints, current equipment, and must have passed drug and background checks. This protects the homeowner as well as the city's reputation.

The opportunity for a revenue stream stems from the license fee. Some cities use the revenue for their low-income assistance programs, credits for leaks, or for charities. Cities have the option to decline the revenue so that the credit for the license fee would be go to the customers instead.

There are three direct mailings, and no door-to-door soliciting. The mailing would include the city's logo and a signature. People are more likely to participate in the program when they see the city has vetted it. This is a critical component of the program. The mailing would be approved by the city before going out.

Councilor Alex Johnson is concerned about using the city's logo, because it may seem as though the city is endorsing the product. It could open up the city to getting requests from other insurance companies asking for the same endorsement for their products. Also, some customers may see the city logo and assume it is a bill that must be paid, rather than an optional program. Councilor Rich Kellum has similar concerns.

Councilor Mike Sykes asked what kind of liability there would be to the city if our logo were used and something were to go wrong with the service. City Attorney Joseph Allison will look into that question. Lyon described indemnification language in the contract and noted that even if the city were named in a lawsuit, Utility Services Partners, Inc. would cover the cost of defense. Discussion followed about concern for the city's reputation. Allison will review the contract.

A. Johnson also wants feedback from contractors the program has used to see what they say.

Konopa said she gets questions from citizens about the validity of the flyers they get for similar products. Konopa explains to the citizen that it is their responsibility to maintain lines from the meter to the house, but she cannot and does not recommend whether they should or should not get the insurance. If the city proceeded with this, it would be helpful to know that this is a program that we could endorse.

Councilor Mike Sykes asked how much liability insurance they carry. He will not endorse this insurance product until he has more information.

Councilor Bill Coburn asked Troedsson to contact cities that use the program and ask for feedback, particularly if they had similar concerns.

Allison asked Lyon to send the payout-to-premium ratio.

BURKHART CREEK CROSSING – Ron Irish.

4:46 p.m.

Transportation Systems Analyst Ron Irish referred to the staff memo. Applications for land use have been received for both sides of Burkhart Creek. The alignment of the street will include a crossing of Burkhart Creek.

As Irish' staff memo in the agenda packet describes, there is limited incentive for the developers to construct the bridge, which means it would fall to homeowners through the formation of a Local Improvement District (LID). Staff thinks the best way to avoid implementing an assessment to homeowners later is to form an assessment district now, or at least do the engineer's report for a future LID. This would provide some incentive to the owners of these large parcels to build the bridge. Otherwise, if nothing happens, there is no incentive for this to be constructed, and it would fall to current and future residential home owners.

Kellum asked if the project would be subject to prevailing wage if it were built privately. Irish said it would cost the City 25-30% more to build it due to prevailing wage, along with administrative overhead. If the City completed the engineer's report, then homeowners would know when purchasing their home what the future cost would be; otherwise, they would only see a petition and waiver and have no idea what the cost involved might turn out to be. Discussion followed.

MOTION: Kellum moved to direct staff to begin preparation of a preliminary engineer's report and A. Johnson seconded the motion.

Irish said the developers know he is discussing this with city council tonight. Discussion followed about the cost of the bridge if the City had to build it.

VOTE: A vote was taken on the motion and it passed 6-0.

#### Railroad whistle noise complaint

Doug Hiddleston, 1880 Washington Street, spoke about the intensity of the train whistle used by the person running the switching train, Willamette & Pacific #1511. He asked if the City has a decibel reader and if so, wants them to test the train's whistle to get a reading. He asked representatives from the train and they said they defer to federal standards. It is a stationary train and the whistle can last 15 seconds. He spoke about the difficulty of living nearby, and the impact to other neighbors and businesses.

Hiddleston noted that Salem has a quiet zone around the capital. Konopa said Albany tried that, but we don't qualify for a quiet zone in that area. Discussion followed. Hiddleston said it is dangerous, because people can't hear the fast-moving trains approaching over the sound of this whistle.

A. Johnson has heard it and agreed that it is excessive. Hiddleston wants the City to do a decibel reading before contacting Willamette & Pacific.

#### BUSINESS FROM THE COUNCIL

Councilor Bessie Johnson was contacted by a constituent who was concerned about a neighbor's use of a drone. The constituent reported that the drone flies over her property frequently, and although she has spoken to the drone flyer, they have not stopped. Emergency Manager/Safety Officer Chuck Perino showed the City Council the drone owned and used by the City of Albany. It is similar to the drone being discussed. He distributed a copy of City's drone policy, which governs how we use our drone (see agenda file). Perino described the training and testing required for our licensed pilots, and airspace and privacy issues. The Federal Aviation Administration (FAA) regulates airspace 500 feet and higher, but the drone being discussed flies 400 feet and under. The state has little control over it, but they do describe what nuisance flights are.

Deputy City Attorney Joseph Allison said there is little ability for local government to make aviation rules, but there are Oregon Revised Statutes (ORS) that could apply in the situation. B. Johnson has described. There are ORS that relate to harassment and recklessness.

Konopa noted that she received an email from Tom Dundas with guidelines from the FAA regarding state and local regulation of drones (see agenda file).

Landmarks Advisory Commission discussion

Coburn is in favor of changing how appointments are made to the Landmarks Advisory Commission (LAC); making them an advisory body only; and requiring them to bring recommendations to the council, with the council being the final decision maker. The LAC meetings and council meetings tend to be only three days apart, so it should be a reasonable change and would not delay decisions. He thinks that having the LAC's minutes and agenda emailed to the councilors is not the same as "reporting" to the council. His issue is that the LAC is off doing their own thing. Kellum agreed.

Kellum spoke about the budget. He said that now is the time to look at partnerships. He spoke about a conversation he had with Linn County Commissioner Will Tucker. Tucker had emailed Kellum a link to a document titled "Integrating School Bus and Public Transportation Services in Non-Urban Communities – Implementation Guide" (see agenda file).

A. Johnson said he may be the keynote speaker at the Linn Benton Community College graduation this year.

A. Johnson and Sykes agreed with Coburn's comments about changes to the LAC. Sykes wants it to move forward.

Konopa asked the council for direction on filling vacancies on the Traffic Safety Commission. The council agreed that Konopa should make the appointments.

CITY MANAGER REPORT

5:46 p.m.

Troedsson said Tucker thanked the Albany Fire Department for their response to a fire.

Troedsson reminded the council of the Budget Committee work session on April 2, 2019.

ADJOURNMENT

There being no other business, the meeting was adjourned at 5:50 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.*