



MINUTES

Wednesday, March 11, 2020
Regular Session
Council Chambers, City Hall
Approved: April 22, 2020

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

PUBLIC HEARING

- a. Adjusting rates for wastewater system and repealing Resolution No. 6814. RES. No. 6869
- b. Adjusting rates for water service and repealing Resolution No. 6815. RES. No. 6870
- c. Adjusting rates for stormwater management services and repealing Resolution No. 6816. RES. No. 6871

OPEN: Konopa declared the public hearing open at 7:17 p.m.

Public Works Engineering and Community Development Director Jeff Blaine pointed out that no one was in the audience who wanted to comment or hear the staff report. The council heard the presentation Monday night. Blaine asked if they wanted to hear it again. The council declined.

No one in the audience wished to comment.

CLOSE: Konopa closed the public hearing at 7:19 p.m.

MOTION: Councilor Rich Kellum moved to adopt all three resolutions. Councilor Alex Johnson II seconded the motion, and it passed 6-0.

BUSINESS FROM THE PUBLIC

7:18 p.m.

Lise Grato of the Albany Downtown Association thanked the CARA Advisory Board and the city council for hosting the open house on the waterfront project.

Wanda Scheler, 125 Expo Parkway, said she owns a rental house at 1136 Sixth Avenue, next to 610 Sherman Street. A shed was left on the property when the house was demolished, and the property owner is living in the shed. There are also a tent and tarps on the property, and people coming and going. Scheler said it's hard to find a renter for her house. Konopa said the code enforcement team will look into it.

FIRST READING OF ORDINANCES

7:21 p.m.

- a. Amending AMC by creating Title 13.21.112, Central Albany parking area.

City Manager Peter Troedsson said the council discussed this matter on September 23, 2019 and directed staff to prepare an ordinance. Code Compliance Officer Kris Schendel explained the map accompanying the ordinance.

City Attorney Sean Kidd read the ordinance for the first time in title only: AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE (AMC) TITLE 13 BY THE CREATION OF SECTION 13.21.112 TITLED CENTRAL ALBANY PARKING AREA.

MOTION: Councilor Bessie Johnson moved to have the ordinance read a second time in title only. Johnson II seconded the motion, and it passed 6-0.

Kidd read the ordinance a second time in title only.

MOTION: Johnson moved to adopt the ordinance. Councilor Mike Sykes seconded the motion and it passed 6-0. The ordinance was designated ORD. No. 5938.

- b. Amending AMC 13.36.180, motor vehicle or recreational vehicle use for sleeping or housekeeping purposes and related parking restrictions.

Kidd read the ordinance for the first time in title only: AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) SECTION 13.36.180, MOTOR VEHICLE OR RECREATIONAL VEHICLE USE FOR SLEEPING OR HOUSEKEEPING PURPOSES AND RELATED PARKING RESTRICTIONS.

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

Kidd read the ordinance a second time in title only.

MOTION: Kellum moved to adopt the ordinance. Coburn seconded the motion, which passed 6-0. The ordinance was designated ORD No. 5939.

AWARD OF BID AND CONTRACTS

7:25 p.m.

- a. Awarding bid for PK-20-01, pickleball courts.

MOTION: Johnson moved to award the bid as outlined in the staff report. Kellum seconded the motion, and it passed 6-0.

- b. Awarding contract for WL-20-03, Gibson Hill Road Corrosion Repairs and WL-20-04, Park Terrace Water Line

MOTION: Kellum moved to award the contract as outlined in the staff report. Sykes seconded the motion, and it passed 6-0.

ADOPTION OF CONSENT CALENDAR

7:27p.m.

- a. Appointments to citizen advisory groups.
- b. Approval of minutes
 - 1) January 22, 2010, regular session.
 - 2) February 24, 2020, work session.
- c. Reclassify Accounting Supervisor Position to Finance Manager.
- d. Adoption of resolution.
 - 3) Applying for FY 19-20 Assistance to Firefighters grant to purchase mobile training unit.

RES NO. 6872.

MOTION: Kellum moved to adopt the consent calendar as presented. Sykes seconded the motion, which passed 6-0.

STAFF REPORTS

7:27 p.m.

- a. Code Enforcement Team Report.

Konopa asked Schendel if he was aware of the situation at 610 Sherman Street. Schendel said yes. Kidd said a status conference has been scheduled in circuit court in April. The City has several options.

Johnson cited the last paragraph of the report, which lists funding for Schendel's position, and the amount recovered so far. She said those numbers show how hard he works.

The council discussed the Big Pickup on May 16, 2020.

- b. 1000 Friends of Oregon.

7:37 p.m.

Kidd told the council that the 1000 Friends of Oregon have notified the City that they intend to petition the Oregon Department of Land Conservation and Development (DLCD) for an enforcement letter because Albany is not in compliance with state law regarding accessory dwelling units (ADUs). Kidd said the 1000 Friends believe they have a basis for the challenge, but he isn't sure it will stand up. The big risk to the City is that the state can withhold some state funding if we aren't in compliance.

Kidd said the City has three options: to continue as we are; to compromise or pass a compliant ordinance; or to enter mediation. The 1000 Friends are receptive to the idea of mediation, and that is also staff's and Kidd's preference.

Blaine said if the DLCD found the City out of compliance, we could lose several grants and have to pay back some previously-shared state revenues. He said the 1000 Friends only want the City to adopt the state minimums.

Konopa said SB1051 says we have to allow for ADUs, and our development code does that. HB2001 doesn't have to be implemented until 2022. We are complying with 1051 and still have time to comply with 2001. Sykes asked if Konopa is willing to take a financial hit over non-compliance when a compliant ordinance was passed by the council three times. He said if so, he would vote for not even doing mediation.

Coburn said he wouldn't mind doing mediation, but he would like legal interpretation for some points of the 1000 Friends' letter. Blaine said there are debatable questions about legal requirements, but he doesn't want to spend a lot of time arguing fine points. All that 1000 Friends want is the minimum compliant language that came to the council for action. They would accept a 750-square-foot size limit, although they'd like to see a larger one.

Councilor Dick Olsen said he doesn't see any point in meeting with them. Absentee landlords are the real problem. Kidd said the only debatable issue now is square footage. The state says we can't regulate other requirements.

MOTION: Kellum moved to take no action. Olsen seconded the motion.

Coburn said maybe staff can review the issues and find something that at least five councilors can agree on. Blaine said he thinks it would be a short conversation to agree and move on. The risks of non-compliance are substantial. Kellum said he is willing to work toward agreement with other councilors but doesn't want to go to mediation.

Blaine said if the council can agree on the square footage staff would take the last council agenda packet, update the square footage number and bring it back to the council, and the 1000 Friends would drop their action.

Discussion followed on specific square footage and area amounts.

VOTE: the motion passed 5-1, with Coburn voting no.

BUSINESS FROM THE COUNCIL

8:14 p.m.

Johnson said she's been approached by people who have received parking tickets downtown for reasons such as not being within marked lines. They are visitors, dining and shopping downtown. She asked if they could be given a warning instead of a ticket.

Grato said anyone with a first offense is welcome to stop in at the Albany Downtown Association or call to talk about it, except for parking in handicapped or leased spaces. Vehicles are ticketed when the axle, not the nose, is over the line.

Troedsson reminded the council that Measure 22-181 (public safety levy) is now a pending measure, which restricts what staff can say. A warning notice and information went out this afternoon to staff. Relative to the coronavirus, Troedsson said that risk management is an equation, and panic is dangerous. Management is looking into ways the council could meet remotely and still include public participation.

NEXT MEETING DATES

Monday, March 23, 2020; 4 p.m. work session

Monday, March 25, 2020; 7:15 p.m. council meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse
Deputy City Clerk

Peter Troedsson
City Manager