



MINUTES

Wednesday, April 13, 2022
Meeting
Council Chambers, City Hall

Approved: May 26, 2022

Call to Order and Pledge of Allegiance

Mayor Alex Johnson II called the meeting to order at 6:00 p.m. The mayor led the pledge of allegiance.

Roll Call

Councilors present: Mayor Alex Johnson II and Councilors Dick Olsen, Matilda Novak, Stacey Bartholomew, Ray Kopczynski, Bessie Johnson, and Marilyn Smith

Councilors absent: None

Special Recognition

This item was added to the agenda at the mayor's request.

City Manager Peter Troedsson and Mayor Alex Johnson II recognized the service of Finance Manager J.C. Rowley, who has accepted a position with the City of Grants Pass.

Proclamation

Crime Victims' Rights Week – April 24-30

The mayor read the proclamation.

Business from the Public

6:06 p.m.

This item was moved up the agenda at the mayor's request.

Michael Quinn spoke about ways the city should use a \$1,000,000 allocation from the state to address homelessness. He also spoke about the annexation of the Parks Department's South Albany property. Troedsson clarified that the city already owns the property, which was discussed at the April 11, 2022, work session.

Jeff DaRosa raised concerns about noise generated from additions to the YMCA campus. Johnson II said he visited the DaRosa household and confirmed the high level of noise. Troedsson said staff will work with the DaRosas and the YMCA on a solution.

Johnson II noted that the City Council received written testimony from Anne Peltier, Barbara Krochta, and Friends of the Albany Public Library, in favor of eliminating library late fees.

Public hearings

- a. Honey Grove Project (CP-04-21; ZC-04-21; SD-09-21; and SP-31-21)

6:23 p.m.

OPEN: Johnson II opened the public hearing at 6:24 p.m.

No councilors declared a conflict of interest. Johnson II said he has known the applicant since 1994 and has spoken with him about the project. Councilor Bessie Johnson and Councilor Marilyn Smith both said they drive by the property on a regular basis. Johnson II said he was near the property during a recent oil cleanup. No other councilors reported ex parte contacts or site visits and no councilor wished to abstain from the proceedings. No one present objected to the disclosures or contested that the city council was the appropriate body for the hearing.

Staff Report

Planning Manager David Martineau read the meeting procedure and presented a slideshow* with information from the staff report.

Applicant Testimony

Matt Conser shared a slideshow* about the project and spoke about the need for housing in Oregon. Conser said he agrees with recommendations from staff and the Planning Commission and believes that the project meets all the appropriate criteria.

Public Testimony

6:53 p.m.

No member of the public signed up to speak at the public hearing. No person present wished to speak about the application.

No one raised procedural questions.

CLOSE: Johnson II closed the public hearing at 6:54 p.m.

Responding to questions from Smith, Conser spoke about achievable entry-level pricing for single-family homes; the cost of materials; closing Three Lakes Road for construction; and the starting time for construction. Smith spoke about the project's wetlands and the notification of neighboring property owners.

City Attorney Sean Kidd noted that the mayor's guide for the public hearing did not have a section for questions of the applicant by the council. He noted that although the public hearing had been closed, the council was still effectively receiving testimony from the applicant.

Kidd recommended re-opening the public hearing if the council had additional questions.

MOTION: Councilor Dick Olsen moved that the City Council re-open the public hearing. Smith seconded the motion, which passed 6-0.

OPEN: Johnson II re-opened the public hearing at 7:00 p.m.

Johnson said she appreciated the detail in the packet and said she supports the development. Councilor Matilda Novak also said she was impressed with the packet.

No one present wished to give public testimony.

CLOSE: Johnson II closed the public hearing at 7:03 p.m.

Kidd read the ordinance for the first time in title only: AN ORDINANCE AMENDING ORDINANCE NO. 4836, 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 ZONING MAP AND ADOPTING FINDINGS FOR THE PROPERTY LOCATED AT LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-16 TAX LOT 2500.

MOTION: Johnson moved that the City Attorney read the ordinance a second time in title only. Councilor Ray Kopczynski seconded the motion, which passed 6-0.

Kidd read the ordinance for a second time in title only: AN ORDINANCE AMENDING ORDINANCE NO. 4836, 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 ZONING MAP AND ADOPTING FINDINGS FOR THE PROPERTY LOCATED AT LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-16 TAX LOT 2500.

MOTION: Johnson moved to adopt the ordinance. Smith seconded the motion. The City Attorney recommended that councilors use the suggested motion provided to them for land use purposes. Johnson said she did not have that information in front of her and asked that someone else make the motion instead.

MOTION: Kopczynski moved that the City Council adopt an ordinance that would approve the land use application for annexation with concurrent rezone to RS-5 under planning files AN-01-21 and ZC-03-21, as described in the March 7, 2022, staff report; the motion based on the findings and conclusions in the staff report, testimony presented at the hearing, and the findings in support of the application made by the City Council during deliberations on this matter. Smith seconded the motion, which passed 6-0 and was designated Ordinance No. 5970.

MOTION: Kopczynski moved that the City Council adopt an ordinance that would withdraw a 0.94-acre parcel located at 420 Clover Ridge Road NE from the Albany Rural Fire Protection District. Following clarification that this motion was intended to be read at the subsequent public hearing, the motion died for lack of second.

Johnson II read the notice of decision.

MOTION: Kopczynski moved that the City Council approve the subdivision and site plan review applications under planning files SD-09-21 and SP-31-21, as conditioned in the March 7, 2022, staff report; the motion based on the findings and conclusions in the staff report, testimony presented at the hearing, and the findings in support of the application made by the City Council during deliberations on this matter. Novak seconded the motion, which passed 6-0.

- b. Taylor Annexation Request (Planning Files AN-01-21 and ZC-03-21)

7:11 p.m.

OPEN: Johnson II opened the public hearing at 7:13 p.m.

No councilors declared a conflict of interest, ex parte contact, or site visit. No councilor wished to abstain from the proceedings. No one present objected to the disclosures or contested that the city council was the appropriate body for the hearing.

Staff Report

Planning Manager David Martineau read the meeting procedure and presented a slideshow* with the information from the staff report.

Applicant Testimony

Laura LaRoque of Udell Engineering spoke briefly about the application.

Public Testimony

No one signed up to speak at the public hearing. No one present wished to speak.

No one raised procedural questions.

CLOSE: Johnson II closed the public hearing at 7:24 p.m.

Kidd read the ordinance for the first time in title only: AN ORDINANCE PROCLAIMING ANNEXATION OF A PROPERTY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-04AB AS TAX LOT 300; AND AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP BY AMENDING THE ALBANY ZONING MAP AND ADOPTING FINDINGS OF FACT AND CONCLUSIONS.

MOTION: Kopczynski moved that the City Attorney read the ordinance a second time in title only. Smith seconded the motion, which passed 6-0.

Kidd read the ordinance for a second time in title only: AN ORDINANCE PROCLAIMING ANNEXATION OF A PROPERTY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-04AB AS TAX LOT 300; AND AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP BY AMENDING THE ALBANY ZONING MAP AND ADOPTING FINDINGS OF FACT AND CONCLUSIONS.

MOTION: Kopczynski moved that the City Council adopt an ordinance that would approve the land use application for annexation with concurrent rezone to RS-5 under planning files AN-01-21 and ZC-03-21, as described in the March 7, 2022, staff report; the motion based on the findings and conclusions in the staff report, testimony presented at the hearing, and the findings in support of the application made by the City Council during deliberations on this matter. Smith seconded the motion, which passed 6-0 and was designated Ordinance No. 5971.

Kidd read an ordinance for the first time in title only: AN ORDINANCE WITHDRAWING TERRITORY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-04AB AS TAX LOT 300 FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

MOTION: Kopczynski moved that the City Attorney read the ordinance a second time in title only. Smith seconded the motion, which passed 6-0.

Kidd read the ordinance for a second time in title only: AN ORDINANCE WITHDRAWING TERRITORY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-04AB AS TAX LOT 300 FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

MOTION: Kopczynski moved that the City Council adopt an ordinance that would withdraw a 0.94-acre parcel located at 420 Clover Ridge Road NE from the Albany Rural Fire Protection District. Novak seconded the motion, which passed 6-0 and was designated Ordinance No. 5972.

Johnson II read the notice of decision.

First Reading of Ordinance

- a. Albany Municipal Code Title 7 Amendments, AMC 7.84.260, Offensive Littering **7:29 p.m.**

Kidd read the ordinance for the first time in title only: AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 7.84, PUBLIC NUISANCES, BY ADDING A NEW SECTION TITLED 7.84.260, OFFENSIVE LITTERING

MOTION: Smith moved that the City Attorney read the ordinance a second time in title only. Kopczynski seconded the motion, which passed 6-0.

Kidd read the ordinance for a second time in title only: AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 7.84, PUBLIC NUISANCES, BY ADDING A NEW SECTION TITLED 7.84.260, OFFENSIVE LITTERING

MOTION: Johnson moved that the City Council adopt the ordinance. Kopczynski seconded the motion, which passed 6-0 and was designated Ordinance No. 5972.

- b. Albany Municipal Code Title 7 Amendments, AMC 7.84.270, Trespassing **7:30 p.m.**

Kidd read the ordinance for the first time in title only: AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 7.84, PUBLIC NUISANCES, BY ADDING A NEW SECTION TITLED 7.84.270, TRESPASSING

MOTION: Johnson moved that the City Attorney read the ordinance a second time in title only. Novak seconded the motion, which passed 6-0.

Kidd read the ordinance for a second time in title only: AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 7.84, PUBLIC NUISANCES, BY ADDING A NEW SECTION TITLED 7.84.270, TRESPASSING

MOTION: Johnson moved that the City Council adopt the ordinance. Smith seconded the motion, which passed 6-0 and was designated Ordinance No. 5973.

- c. Franchise Agreement with Viser **7:31 p.m.**

Finance Director Jeanna Yeager introduced the agenda item.

Kameron Blomquist, chief executive officer at Viser, said his company would be building fiber lines and would therefore collocate with telephone lines but not use towers. Blomquist confirmed that the franchise fee is passed on to the consumer.

Kidd read the ordinance for the first time in title only: AN ORDINANCE ADOPTING CHAPTER 3.95 OF THE ALBANY MUNICIPAL CODE (AMC) AND GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS SYSTEM FRANCHISE TO VISER FOR THE CONSTRUCTION AND OPERATION OF A TELECOMMUNICATON SYSTEM; AND FIXING TERMS, CONDITIONS, AND COMPENSATION OF SUCH FRANCHISE

MOTION: Kopczynski moved that the City Attorney read the ordinance a second time in title only. Johnson seconded the motion, which passed 6-0.

Kidd read the ordinance for a second time in title only: AN ORDINANCE ADOPTING CHAPTER 3.95 OF THE ALBANY MUNICIPAL CODE (AMC) AND GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS SYSTEM FRANCHISE TO VISER FOR THE CONSTRUCTION AND OPERATION OF A TELECOMMUNICATON SYSTEM; AND FIXING TERMS, CONDITIONS, AND COMPENSATION OF SUCH FRANCHISE

MOTION: Kopczynski moved to adopt Chapter 3.95 of the Albany Municipal Code (AMC) granting a non-exclusive telecommunications system franchise to Viser for the construction and operation of a telecommunications system, and fixing terms, conditions, and compensation of such franchise. Smith seconded the motion, which passed 6-0 and was designated Ordinance No. 5974.

Adoption of Resolution

- a. Elimination of Library Late Fees

7:37 p.m.

Library Director Eric Ikenouye presented the information in the staff report.

Johnson said she is opposed to the elimination of fees, saying that removing fees would be removing a revenue source, lowering standards, and removing consequences.

Novak said she was initially opposed to the proposal but appreciated that there is not a cost benefit to collecting the fees. Ikenouye said the proposal would only eliminate the fee for items that are returned late, not for items that are destroyed or damaged. He said that the increase in cost for a library card is only for non-residents; city residents will continue receiving free library cards. He said that it is difficult to determine exactly how much is lost each year and noted that people with lost items are sent to collections.

Ikenouye said, though the city currently collects \$30,000 a year in fees, he believes it is a better use of library staff time to search out and apply for grants. This would also remove punitive measures on those whom the library is trying to serve.

MOTION: Kopczynski moved to approve the resolution to adopt a new fines and fees schedule for the Albany Public Library. Smith seconded the motion, which passed 5-1 with Johnson voting no. The resolution was designated Resolution No. 7096.

Award of Contracts

7:48 p.m.

- a. Eagle View and Wishram Water Line (WL-22-05)

Engineering Associate I Andrew Monaco presented the information in the staff report. He said it was fortunate that the city was able to get a bid under budget. Responding to a question from Olsen, Monaco said he believes the pipe that is being replaced was installed in the 1970s.

MOTION: Olsen moved to approve awarding the contract. Novak seconded the motion, which passed 6-0.

- b. Jefferson Street and First Avenue Water Line (WL-22-01)

Civil Engineer III Chris Cerklewski presented the information in the staff report. Cerklewski said the City has adequate reserves to cover the difference between the budgeted amount and the lowest bid.

MOTION: Smith moved to award the contract as presented for the repairs on First Avenue and Jefferson Street. Novak seconded the motion, which passed 6-0.

Adoption of Consent Agenda

7:54 p.m.

- a. Resignation
 - 1) Accepting Virginia Jordan's resignation from the Planning Commission
- b. Approval of minutes
 - 1) February 21, 2022, work session
- c. OLCC Liquor License Recommendation
 - 1) Denial of limited on-premises commercial liquor license application for Boujee Bites, LLC, dba First Burger, at 210 W First Avenue
- d. Adoption of resolution
 - 1) Accepting sewer easement, SI-20-17, Brandis Meadows Extension

RES NO. 7097

MOTION: Smith moved to adopt the consent agenda as presented. Novak seconded the motion, which passed 6-0.

Business from the Council

7:55 p.m.

Councilor Stacey Bartholomew spoke about a conversation with Tina Vanderburg who has concerns about the easement next to Albany Helping Hands.

Olsen spoke about the sound system and his use of audio enhancing devices during the meeting.

Smith said the \$1,000,000 Quinn referenced earlier in the evening will be discussed at an upcoming Community Development Commission meeting.

Johnson II spoke about the "If I Were Mayor Contest", congratulated the winners, and said the winners will present their essays to the City Council at an upcoming meeting.

City Manager Report

8:05 p.m.

Troedsson asked Economic Development Manager Seth Sherry to present briefly on the status of the City's transient lodging tax with regards to Air BnBs and VRBOs.

Sherry said the City of Albany is waiting to hear from cities who have joined the state's program of collecting and remitting TLT funds before choosing to join the program. He said the use of local TLT dollars is determined by the city budget and the state would only be taking over collection, not allocation of those dollars. Sherry, Johnson II, and Troedsson responded to questions from Olsen about the local allocation of TLT funds.

Kidd briefly spoke about the definition of a serial meeting and cautioned councilors against participating in conversations and emails that could become a serial meeting.

Next Meeting Dates

Monday, April 25, 2022; 4:00 p.m. work session

Wednesday, April 27, 2022; 6:00 p.m. meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:23 p.m.

Respectfully submitted,

Reviewed by,

Gabe Shepherd
Deputy City Clerk

Peter Troedsson
City Manager

**Documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing cityclerk@cityofalbany.net.*