



MINUTES

Wednesday, May 25, 2022
Meeting
Council Chambers, City Hall
Hybrid Format

Approved: July 13, 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

Councilor Marilyn Smith spoke about Cathy Ingalls, who died May 12, 2022.

Mayor Johnson II called for a moment of silence to remember the children and teacher killed by a gunman in Uvalde, Texas.

Public Hearings

a. Parks SDC Methodology

OPEN: Johnson II declared the public hearing open at 6:06 p.m. Parks and Recreation Director Kim Lyddane said she would answer questions.

Councilor Ray Kopczynski asked about the scaling of the fees. Doug Gabbard of FCS Group said the scale is tied to average building occupancy. The methodology correlates fees to the impact on the park system.

Councilor Bessie Johnson asked if the methodology includes charges on businesses. Lyddane said yes. Johnson said she could not support including business.

Councilor Matilda Novak said she would like the council to take into consideration the analysis submitted to the council by David Shaw.

Kopczynski said if people are working here and using our services, they should be included in fees.

David Shaw of Albany testified by telephone. He said the evidence the methodology was built on is not credible.

Bill MacHugh, a real estate broker in Albany, said if the council raises SDCs, they can no longer talk about "affordable" housing.

Brad Wilson, an Albany business owner and developer, suggested financing park development by charging the homeless, who are significant park users.

John Robinson, Albany, said he is willing to see water and sewer SDCs charged to businesses, but not parks SDCs.

Mike Quinn of Albany also spoke against SDC fees.

CLOSE: Johnson II closed the public hearing at 6:52 p.m.

Councilor Stacey Bartholomew said she is a developer. She's concerned on a personal level, but she's also a city councilor who has to make decisions on how to support and finance our infrastructure. Charging reasonably for growth isn't an easy balancing act.

Johnson said she disagrees with charging parks SDCs to businesses. This needs to be discussed further.

Councilor Dick Olsen said it's important to have parks in new neighborhoods, but it's hard to know how a business will develop in the future, and how many employees will be able to use our parks. We need to think about this more.

Kopczynski said he agrees with Olsen except about business. He supports the methodology as presented. We need to think of the whole community.

Johnson II said he doesn't agree with charging businesses per employee. He'd like to see a better plan come back to the council.

Smith suggested approving the methodology as it relates to residential properties, and talking about the rest of it later.

Novak said the council needs to take another look at the methodology. We have to find something that will work, and she doesn't think this works.

Gabbard explained that the numbers in the methodology provide a framework for an equitable allocation of cost between residential and non-residential development. Lyddane added that this factor is used to calculate parks SDCs in almost any community in Oregon.

MOTION: Smith moved to adopt the 2022 parks system development charge methodology with the exclusion of the non-residential component. Kopczynski seconded the motion, which passed 5-1, with Novak voting no.

Johnson II said the council would like to discuss the question of non-residential SDC fees for parks at a future meeting.

b. Sale of Property, 401 Main Street SE

OPEN: Johnson II declared the public hearing open at 7:15 p.m.

City Manager Peter Troedsson said the City has received two offers on the property. One offer came in late. Staff recommends continuing the public hearing to the June 22, 2022, meeting to see if there is any more interest.

Yohn Baldwin, of Baldwin General Contracting, said he realized after making his offer that it had become public, allowing others the opportunity to out-bid him.

MOTION: Smith moved to reject the bids received and keep the hearing open until June 22, 2022. Kopczynski seconded the motion.

Olsen asked if the City has a usual process for selling property. City Attorney Sean Kidd said yes, but we aren't required to use that process and, in this case, the city is using an alternate process. He recommended setting a new bid deadline of June 15.

VOTE: the motion passed 6-0.

c. Justin Gross Annexation Request (AN-01-22 and ZC-01-22)

OPEN: Johnson II declared the public hearing open at 7:30 p.m.

No one wished to declare a conflict of interest, ex parte contact, or a site visit. No one wished to abstain or to challenge any member of the council's participation.

Planning Supervisor David Martineau read the meeting procedures. He presented slides* and described the application and noticing. Staff recommends approval of the annexation.

Kidd said normally a condition of annexation is that the developer sign an annexation agreement. In this case, the Planning Commission didn't require an agreement. Martineau will ask the council to condition its approval on an annexation agreement.

Kopczynski asked if the City would have to acquire property at Ellingson and Lochner for the planned roundabout. Martineau said yes.

Novak asked if utilities are available for development. Martineau said they could be made available. Novak said some people testified before the Planning Commission that they were concerned about negative impacts on their properties. What recourse would they have? Martineau said the southern line of the annexed property is the Urban Growth Boundary. The properties to the south will likely remain in farm use for years.

Olsen asked about the residential density zoning for the annexed property. Martineau said part of the property will be zoned RM. The rest will be lower density. Olsen asked if four- or five-story buildings are allowed in RM zones. Martineau said the maximum allowed height is 45 feet, so development would be limited to three stories.

Laura LaRoque spoke as the applicant's representative. She said she is surprised by the requirement for an annexation agreement. It is not required by the Albany Development Code. She said the agreement is a contract, and she doesn't know the provisions. Kidd suggested continuing the hearing until the agreement requirement can be discussed.

Transportation Systems Analyst Ron Irish spoke by video connection. He said by signing the annexation agreement the applicant would agree to negotiate proportionate costs for acquiring right-of-way for a proposed roundabout at the nearby intersection.

LaRoque said her client has not been involved in those conversations. The council discussed options.

Troedsson suggested tabling the item. Until the council hears from Community Development Director Matthew Ruettgers, they don't have the information they need to make a decision.

Smith moved to continue the public hearing to the June 8, 2022, meeting. Kopczynski seconded the motion, and it passed 5-1, with Novak voting no.

RECESS: the council recessed at 8:03 p.m. for a ten-minute break.

RECONVENE: the council reconvened at 8:13 p.m.

d. Marion Street Rezone (ZC-02-22)

OPEN: Johnson II opened the public hearing at 8:13 p.m.

No one wished to declare a conflict of interest or ex parte contact. Smith and Bartholomew reported driving by the site.

No one wished to abstain or to challenge any member of the council's participation.

Martineau read the meeting procedures. He presented slides* with a staff report. The Planning Commission recommends approval of the application.

Linsey McClane Godwin, of MSS Engineering, also presented slides* and detailed the application. Olsen asked how many residential units an RMA zone can have compared to an RM zone. Godwin said the RMA zone can have 35 units per acre compared to 25 units in the RM zone.

There was no public testimony, and no procedural questions were raised.

CLOSE: Johnson II closed the public hearing at 8:31 p.m.

Kidd read the ordinance a 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 ZONING MAP AND ADOPTING FINDINGS FOR THE PROPERTY LOCATED AT LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-18BA TAX LOTS 601 AND 700.

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

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MOTION: Bartholomew moved to adopt the ordinance. Kopczynski seconded the motion, which passed 5-1, with Olsen voting no. The ordinance was designated Ordinance No. 5976.

Johnson II read the directions for appeal.

Business from the Public

8:38 p.m.

Steven Draper of Albany asked for records relating to inspections for a property from some years back. Staff will look for the records for him.

First Reading of Ordinances

8:42 p.m.

- a. Albany Municipal Code amendments
1) AMC 13.21.112(a), Central Albany Parking Area

Kidd read the ordinance a first time in title only: AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE (AMC) CHAPTER 13.21.112, CENTRAL ALBANY PARKING AREA.

MOTION: Kopczynski moved to have the ordinance read a second time in title only. Novak seconded the motion, and it failed 5-1, with 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 June 8, 2022, council meeting for an automatic second reading.

- 2) AMC 13.70, Abandoned Vehicles

Kidd read the ordinance a first time in title only: AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) CHAPTER 13.70 ABANDONED VEHICLES.

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

Kidd read the ordinance a second time in title only: AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) CHAPTER 13.70 ABANDONED VEHICLES.

MOTION: Smith moved to adopt the ordinance. Kopczynski seconded the motion, and it passed 6-0. The ordinance was designated Ordinance No. 5977.

Award of Contracts

8:48 p.m.

- a. Award of Contract for MS-22-01-CC, Albany Transit Operations Facility

City Engineer Staci Belcastro described the project. She said the proposal from David Evans & Associates was the lowest, and also demonstrated thorough knowledge of the requirements of the project. The City has already secured grants for most of the design cost.

Johnson asked how much the city match will be. Belcastro said it will be about \$145,000.

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

- b. Award of Contract for ST-22-07, Periwinkle Path Extension

8:53 p.m.

Civil Engineer II Aaron Hiemstra described the project. All bids were over the engineer's estimate. Staff recommends awarding the contract to Pacific Excavation.

Kopczynski asked what guarantees the City has that the contractor will be able to meet their proposals. Hiemstra said the bid was detailed, and they will post a performance bond.

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

Adoption of Consent Agenda

- a. Approval of minutes
 - 1) April 13, 2022, city council meeting
- b. Adoption of resolution
 - 2) Accept 2022-2023 Certified Local Government Grant

RES NO. 7103

MOTION: Smith moved to adopt the consent agenda as presented. Kopczynski seconded the motion, and it passed 6-0.

Business from the Council

8:58 p.m.

Novak said a constituent noticed a makeshift fire pit under the train trestle at Bryant Park. She asked staff to look into it.

Bartholomew said during the firefighters' Fill the Boot fundraiser, cars stop at the side of the road to donate money. We have an ordinance that doesn't allow that, and it's dangerous. Troedsson said he will check that the fire department has the permits they need for Fill the Boot.

Smith said the Albany Municipal Code requires a police presence at council meetings, but no police personnel are here tonight. The most recent school shooting has made her concerned. The world doesn't feel safe every day. Troedsson will ask if the police can spare someone to attend council meetings.

Next Meeting Dates

Monday, June 6, 2022; 4:00 p.m. work session
Wednesday, June 8, 2022; 6:00 p.m. meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:11 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse
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.*