



## ALBANY CITY COUNCIL

### MINUTES

Wednesday, June 14, 2023

Meeting

Council Chambers, City Hall

Approved: July 12, 2023

#### 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 Matilda Novak, Steph Newton, Ray Kopczynski, Jackie Montague, Marilyn Smith, and Ramycia McGhee

Councilors absent: None

#### Proclamation

Juneteenth

Johnson II read the proclamation.

#### Special presentation

- a. New firefighter swearing in ceremony **6:03 p.m.**  
Fire Chief Shane Wooton swore in new firefighters Davis Blackmon, Christopher Kinkade, Gavin Larson, Graham Steffen, Anthony Temple, and Griffin Whitney.
- b. Human Relations Commission Annual Awards and Annual Report **6:13 p.m.**  
Parks and Recreation Director Kim Lyddane introduced Keith Kolkow, the chair of the Human Relations Commission. Kolkow presented the annual report and recommended that the council search for a better name for the commission and budget an allocation to support the commission's work.

Kolkow presented the Human Relations Commission's 2022 Organization award to Jackson Street Youth Services and the 2022 Individual award to Javier Cervantes.

#### Public Hearings

- a. Extension of Economic Improvement District in Downtown Albany **6:21 p.m.**  
Johnson II opened the public hearing at 6:21 p.m.

Finance Director Jeanna Yeager said this is the second of two required public hearings for extending the Economic Improvement District.

No one else wished to speak.

Johnson II closed the public hearing at 6:22 p.m.

City Attorney Sean Kidd read the ordinance for the first time in title only.

MOTION: Councilor Marilyn Smith moved to have the ordinance read a second time in title only. Councilor Jackie Montague seconded the motion, which passed 6-0.

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Kidd read the ordinance a second time in title only.

MOTION: Montague moved to adopt the ordinance. Smith seconded the motion. The motion passed 6-0 and the ordinance was designated Ordinance No. 6016

b. 2021-2023 Supplemental Budget

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

Yeager said the main reason for the changes is skyrocketing contractual costs.

No one else wished to speak.

Johnson II closed the public hearing at 6:26 p.m.

MOTION: Smith moved to adopt the resolution. Councilor Ramycia McGhee seconded the motion, which passed 6-0, and was designated Resolution No. 7222

c. Planning division fee adjustments

Johnson II opened the public hearing at 6:27 p.m.

Planning Supervisor David Martineau said the request represents a 4.62 % increase from April 2022 to April 2023. Additionally, the building division is reducing their building plan review fee, so planning would like to raise theirs to either 20% cost recovery, to maintain their current level of support, or 25% to gain a little cushion.

Johnson II closed the public hearing at 6:28 p.m.

MOTION: Montague moved to adopt the resolution. Smith seconded the motion, and it passed 6-0.

Martineau asked which percent level the council wished to adopt.

MOTION: Montague moved to adopt the fees at 25% cost recovery. McGhee seconded the motion. The motion passed 6-0, and was designated Resolution No. 7223.

d. Building division fee adjustments

Johnson II opened the public hearing at 6:30 p.m.

Building Official Manager Johnathan Balkema said most of building's base fees will increase from \$75 to \$85, for recovery of staff time. Plan review fees are proposed to be either reduced or increased to 50% of the permit fee. Building fees were last increased in 2020. Electrical fees are proposed to increase by 10%. They were last increased in 2010.

Public testimony:

Sid Leiken, the executive officer of the Western Oregon Builders Association, said the association normally opposes fee increases, but in this case, they support the proposal.

Johnson II closed the public hearing at 6:36 p.m.

MOTION: Montague moved to adopt the resolution. Smith seconded the motion The motion passed 6-0, and was designated Resolution No. 7224.

- e. Greater Albany Public Schools bus barn conditional use modification (CU-04-23 and VR-02-03)

Johnson II opened the public hearing at 6:38 p.m.

No councilor wished to declare a conflict of interest.

Montague said she attended the Planning Commission meeting where this request was heard.

No councilors had made a site visit or wished to abstain.

Martineau read the rules of testimony.

Staff report:

Planner III Jennifer Cepello said Greater Albany Public Schools (GAPS) is requesting to use an existing emergency access to their bus barn property as employee access, and maintain the width at 20 feet. She described the property and surrounding uses, and showed a slide of the site plan.\*

Councilor Matilda Novak asked why GAPS feels they need to add employee access. Cepello referred the question to the applicant.

Montague asked if denying the variance would mean GAPS could use the entrance but would have to widen it to the standard 24 feet. Cepello said yes.

Councilor Steph Newton asked how many vehicles will use the access and whether there is parking available for bicycles. Cepello said there is bike parking, and we don't know how many employees would use the access.

Applicant testimony:

Laura LaRoque, of Udell Engineering, spoke for the applicant. She said the facility currently has ten administrative employees and 60 bus drivers. The entrance under discussion (on Lyon Street) is closest to the buildings, which would eliminate the need to cross bus traffic. The applicant estimates there are about 70 peak-hour trips. The applicant agrees that the entrance should be marked that delivery trucks and buses are not allowed; and that it could continue to be gated against through traffic.

Public testimony:

Tina Halvorsen expressed concerns about traffic and noise. She said she didn't get notice of the hearing.

Colleen Brodsky said she is concerned about traffic. She said the application shows 133 parking spots on the site. She questions the estimate of 70 peak-hour trips. Most of the employees arrive within ten minutes of 6:30 a.m. She recommends that GAPS buy back some of the land they sold recently and use it to solve the issue.

Gene Hiebert said he owns but doesn't live in a duplex on Boxwood Court. Neighborhood mailboxes are on Boxwood Court and on Lyons Street. Children cross the street constantly. He urged that an alternative be found.

David Reece said subdivisions in the area have followed the rules for access. He respects the original process that led to the current configuration of the GAPS property. It isn't fair for GAPS to ask for special treatment when others have been required to follow the rules.

Gary Hines said he lives at 25<sup>th</sup> and Marion, and GAPS employees park there now and walk into the property. He would like "no parking" signs in the neighborhood.

Rick Garrison said he lives in the neighborhood, and there are small children and bicycle traffic in the streets constantly.

Richard Whittington lives at 25th and Marion. He said he has seen garbage trucks use the emergency access. He said the gate is sometimes closed but isn't locked.

Rebuttal:

LaRoque said users of the access would be mostly school bus drivers, who would be mindful about children playing. Ferry Street (the main entrance) is a higher volume roadway and many employees will choose it because the traffic flow is freer. Reducing the required width from 24 to 20 feet is only four feet. A curb is about a foot wide.

Montague asked what other solutions have been tried to alleviate traffic conflicts. LaRoque said this request is just another option. The site has only two roadway frontages. There are also some wetlands on the site that restrict development, and the bus patterns constrain options.

Smith asked, with 133 parking spaces, is the lot overbuilt, or are they anticipating future needs? LaRoque said it is a lot of spaces. The Albany Development Code currently provides for more parking than is needed.

Newton asked if the applicant did anything to incentivize carpooling or biking. LaRoque said she doesn't know. Newton asked why GAPS wants to keep the access width at 20 feet. LaRoque said all of the infrastructure is already approved. Widening an access way affects the parking lot, stall widths, and so on.

Smith said she would like to ask the fire department if 20 feet is adequate for fire access. LaRoque said the fire department approved the application.

Martineau said public notice for this request was the same as the original approval. Notice was given to property owners within 300 feet in April and the property was posted starting May 1.

Division Chief - Fire Marshal Lora Ratcliff confirmed that 20 feet is wide enough for emergency access, depending on vehicles parked nearby. The access was not required for the fire department's use, but it's available if needed.

Colleen Gavaghan asked if the council was aware that sidewalks on 28th Avenue are not complete. Transportation Systems Analyst Ron Irish said this is new information, and the applicant will have the opportunity to rebut. He said sidewalks are often completed last, after all lots have been developed.

The applicant waived rebuttal.

Johnson II called for procedural questions.

Tom Cordier asked if there are other solutions. Johnson II said that is not a procedural question.

Johnson II closed the public hearing at 7:28 p.m.

Smith said she thinks the applicant can continue to use the Ferry Street access, which is built to accommodate the traffic. Novak said it would be safer. McGhee said it's already there for use. Smith said the Lyon Street access should be kept for emergency access only.

Councilor Ray Kopczynski said some speakers' comments indicate that the access is already being abused. If the council denies the application, how can we enforce its use for emergency only?

Johnson II said he would like the gate to stay closed, except for emergency vehicles.

Novak suggested that it is up to GAPS to find a way to control the use of the access.

MOTION: Kopczynski moved to deny the application. Novak seconded the motion, which passed 6-0.

Johnson II read the rules of appeal.

#### Recess

The council recessed for a break at 7:35 p.m.

#### Reconvene

The council reconvened at 7:45 p.m.

f. Housing Implementation Plan (CP-03-23)

Johnson II opened the public hearing at 7:45 p.m.

Comprehensive Planning Manager Anne Catlin read the hearing procedures.

#### Staff report

Catlin introduced Matt Hastie and Kate Rogers, from MIG/APG. She showed slides.\* Staff and the consultant have been working on the Housing Implementation Plan (HIP) for about a year and a half. They have narrowed the field of strategies to those they believe will work well for Albany, including updating the Albany Development Code and the comprehensive plan to support the needed development.

Newton asked why the language uses "encourage" rather than "require". Johnson II asked if other communities are using "require." Catlin said she hasn't looked at other cities' comprehensive plans. This group is trying to make our comprehensive plan more strategic, so it can be used as a work plan. Newton asked if the group is working with the Housing Authority on Section 8 housing. Does this plan work in tandem with theirs?" Catlin said all the plans work together. We hope to remove barriers to creating desired and affordable housing.

McGhee asked how "affordable" is determined. Catlin explained the thresholds. The current work is on removing barriers to building a variety of housing types. This is just the beginning of addressing housing needs.

#### Public testimony

Robyn Davis, the chair of the Community Development Commission read a letter of support into the record.

Johnson II closed the public hearing at 8:00 p.m.

Kidd read the ordinance for the first time in title only.

MOTION: Smith moved to have the ordinance read a second time in title only. Kopczynski seconded the motion.

Kidd read the ordinance a second time in title only.

MOTION: McGhee moved to adopt the ordinance. Montague seconded the motion. The motion passed 6-0, and was designated Ordinance No. 6017.

Johnson II read the rules of appeal.

- g. Annual Inflationary Increase for System Development Charges and Public Works Fees
- 1) Revising water system development charges RES NO. 7225
  - 2) Revising wastewater system development charges RES NO. 7226
  - 3) Revising transportation system development charges RES NO. 7227
  - 4) Revising post-construction stormwater quality program permit fees RES NO. 7228
  - 5) Revising connection charges for street connections to improved city streets of unassessed properties in the City of Albany RES NO. 7229
  - 6) Revising connection charges for sewer connections of unassessed properties in the City of Albany RES NO. 7230
  - 7) Revising connection charges for water connections of unassessed properties in the City of Albany RES NO. 7231
  - 8) Revising connection charges for storm connections of unassessed properties in the City of Albany RES NO. 7232

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

Engineering Manager/Assistant City Engineer Rob Emmons reminded the council that these were discussed at the work session on May 22, 2023. The inflationary increase is 3.71%, and this will be the fourth planned step increase for water and wastewater system development charges.

Tom Cordier asked how many of the eight revisions are cost reductions. Johnson II said they are inflationary increases. Cordier objected to the increases and suggested that the City ask employees for ideas on how to reduce costs.

No one else wished to speak.

Johnson II closed the public hearing at 8:18 p.m.

Kidd advised the council that all eight resolutions could be passed in one motion.

Novak said Cordier makes a good point. She takes issue with automatically raising costs of things that people need to survive.

City Manager Peter Troedsson said these are not property owners' utility fees. They are system development and collection charges on new development. If the city doesn't collect these fees from developers, the ratepayers will pay more.

Smith said she remembers long cost-cutting discussions during the last recession. The council met many times to discuss and weigh staff suggestions for cutting costs and improving efficiency. Out of those discussions, the council adopted practical measures. All employees look at ways to control costs every day they're on the job.

MOTION: Newton moved to adopt all eight resolutions. Smith seconded the motion. The motion passed 6-0.

- h. Fire & Life safety services fee schedule update  
Johnson II opened the public hearing at 8:24 p.m.

No one wished to speak.

Johnson II closed the public hearing at 8:25 p.m.

MOTION: Montague moved to adopt the resolution. Novak seconded the motion. The motion passed 6-0, and was designated Resolution No. 7233.

Business from the Public

**8:26 p.m.**

Dick Clark spoke about speeding and accidents on Second Avenue.

Lise Grato gave a downtown update.

Tom Cordier said he had a question about sidewalk art relative to the pride flag. Montague called a point of order. Business from the public is not a forum for discussion. The point of order was sustained.

Mike Garcia spoke about parking problems in his neighborhood at 25th Avenue and Liberty Street. He asked to have curbs painted yellow at his mailbox and at the corner.

Second reading of ordinance

**8:41 p.m.**

Climate friendly and equitable communities parking reform (CP-02-23 and DC-02-23)

The ordinance was read for the first time in title only at the city council meeting on May 24, 2023. The second reading is automatic.

Kidd read the ordinance a second time in title only.

MOTION: Smith moved to adopt the ordinance. Kopczynski seconded the motion. The motion passed 5-1, with Novak voting against, and was designated Ordinance No. 6018

Adoption of Resolutions

- a. Alternative to Installation of an Emergency Responder Communications Coverage System (ERCCS)

MOTION: Montague moved to adopt the resolution. Kopczynski seconded the motion, which passed 6-0 and was designated Resolution No. 7234

- b. System Development Charge (SDC) Financing (suppl. agd.)

RES NO. N/A

*This item was pulled from the agenda.*

First Reading of Ordinance

Albany Municipal Code Update, Title 17.28, uniform fire code update

**8:42 p.m.**

Kidd read the ordinance for the first time in title only.

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

Kidd read the ordinance a second time in title only.

MOTION: Smith moved to adopt the ordinance. Kopczynski seconded the motion, and it passed 6-0 and was designated Ordinance No. 6019.

Award of Contracts

**8:43 p.m.**

- a. Laboratory analytical services for City industrial compliance

MOTION: Montague moved to adopt the resolution. Smith seconded the motion, which passed 6-0 and was designated Resolution No. 7235.

- b. Public Works integrator of record

MOTION: Smith moved to adopt the resolution. McGhee seconded the motion, which passed 6-0 and was designated Resolution No. 7236.

- c. Sole-source procurement of Historic Preservation Services for the Historic Monteith House

MOTION: Smith moved to adopt the resolution. McGhee seconded the motion, which passed 6-0 and was designated Resolution No. 7237.

- d. Sole-source procurement of Main Street Program services from Albany Downtown Association

MOTION: Smith moved to adopt the resolution. Novak seconded the motion, which passed 6-0 and was designated Resolution No. 7238.

- e. SS-23-01-A, 2023 Pipe Bursting Projects (supplemental agenda no. 2)

MOTION: Smith moved to adopt the resolution. Kopczynski seconded the motion, which passed 6-0.

Approval of agreement

- a. Intergovernmental agreements for offset-only collection services for Municipal Court

MOTION: Smith moved to adopt the resolution. Montague seconded the motion, which passed 6-0 and was designated Resolution No. 7239.

Adoption of Consent Agenda

**8:47 p.m.**

- a. Approval of minutes

- 1) May 8, 2023, city council work session
- 2) May 10, 2023, city council meeting
- 3) May 22, 2023, city council work session
- 4) May 24, 2023, city council meeting

- b. Recommendations to OLCC

- 1) Approve limited on-premises, liquor license application for Ukiah Partnership LLC, dba Thai Express 60421
- 2) Approve off-premises, liquor license application for Jasbir Ghuman Enterprises, Inc., dba 7-Eleven#23216D

- c. Adoption of resolutions

- 1) Access Easement for (SP-01-2019) Banks Apartments development RES NO. 7240
- 2) Public Access Easement for (SP-01-2019) Banks Apartments development RES NO. 7241
- 3) Governing the display of flags on City property (on dais) RES NO. 7242

- d. Approval of agreements

- 1) Intergovernmental Agreement with Greater Albany Public Schools for School Resource Officers RES NO. 7243



- 2) Intergovernmental Agreements with Oregon State University and University of Oregon]
  - a) Intergovernmental Agreement with OSU RES NO. 7244
  - b) Intergovernmental Agreement with U of O RES NO. 7245

MOTION: Montague moved to approve the consent agenda as presented. Kopczynski seconded the motion.

Troedsson asked the council to add Item 13.a., the police department memorandum of understanding with the National Energy Technology Laboratory, to the consent agenda.  
Novak asked to pull Item c.3), the resolution governing the display of flags on city property, for discussion.

MOTION: Montague amended her motion to state "approve the consent agenda with Item c.3 pulled for discussion and Item 13.a. added." McGhee seconded the amended motion, and it passed 6-0.

Novak said that only government flags should be flown from the City Hall flagpole. The U. S. flag includes everyone here. The state flag includes all Oregonians. Any other flag excludes people. She would like the council to reaffirm that only government flags should fly on government property.

MOTION: Montague moved to approve the resolution governing the display of flags on City property. Smith seconded the motion, and it passed 5-1, with Novak voting against.

Business from the Council

**8:51 p.m.**

Novak said she would like to see more collaboration between the Linn County Fair and Expo and downtown events.

Newton said she would like a yellow curb program like Corvallis's. She will bring it to the council later.

MOTION: Smith moved to continue the meeting past nine o'clock. Montague seconded the motion, and it passed 6-0.

Johnson II said the American Association of Retired People (AARP) would like to present to the council about aging in the community.

City Manager Report

**9:08 p.m.**

Troedsson gave several recent examples of staff initiative that have saved the City money.

Kidd asked to comment on councilor attendance at planning commission meetings. He said if a case is appealed to LUBA and is remanded to the City, the appeal must be a *de novo* hearing. He asked the councilors not to attend planning commission or other land use hearings.

Next Meeting Dates

~~Monday, June 26, 2023; 4:00 p.m. work session – CANCELED~~

Tuesday, June 27, 2023; 3:30 p.m. joint meeting with Benton County Board of Commissioners

Wednesday, June 28, 2023; 6:00 p.m. meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:15 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](mailto:cityclerk@cityofalbany.net).*