



MINUTES

Wednesday, July 13, 2022
Meeting
Council Chambers, City Hall
Hybrid format

Approved: August 24, 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 (virtual), and Marilyn Smith

Councilors absent: None

Special presentation

Center Against Rape and Domestic Violence (CARDV)

Kate Caldwell, executive director of CARDV, showed slides* and described the center's mission and services. The center is working with the City to apply for a CDBG grant to help get domestic abuse survivors into motel rooms. Caldwell asked what CARDV can do to make the partnership with the City better.

Approval of agreement

Approval of an IGA with the City of Eugene for standby medic unit

6:15 p.m.

Deputy Fire Chief Chris LaBelle said the proposed agreement is for the term of the World Athletic Championships in Eugene. Eugene also has backup agreements with other communities. The Albany Fire Department would use off-duty personnel for standby duty, and would be reimbursed by the City of Eugene.

MOTION: Councilor Marilyn Smith moved to approve the agreement. Councilor Matilda Novak seconded the motion. The motion passed 6-0 and was designated Resolution No. 7124.

Public hearings

a. Chad Curry annexation request and Zone Map amendment (AN-02-22 and ZC-03-22)

OPEN: Mayor Alex Johnson II opened the public hearing at 6:18 p.m.

No councilors declared a conflict of interest or ex parte contact. Smith said the site is in her neighborhood so she's familiar with it. No councilor wished to abstain.

Planning Supervisor David Martineau read the rules of testimony. Martineau showed slides* and described the application, the property, and the noticing process. No written comments were received during the comment period. Staff believes the property is ideal for future City development, and the Planning Commission recommends adoption of the annexation.

Applicant Roseann Johnson and applicant representative Wayne Hayson said they are excited to work in Albany. They see this property as an extension of the Henshaw Farms community.

Novak said she has heard from constituents who are concerned about the effects of development. Hayson said any development will be subject to City standards. Almost the entire property is currently farmed and has little wildlife habitat.

Smith asked if eventual development will accommodate the grove of trees on the property. Hayson said the development application will include an impact statement. Martineau said there are code specifications for cluster development, which might save the trees.

CLOSE: Johnson II closed the public hearing at 6:37 p.m.

Acting City Manager Chris Bailey read the ordinance proclaiming annexation for the first time in title only: AN ORDINANCE PROCLAIMING ANNEXATION OF A PROPERTY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-29 AS TAX LOT 401; 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: Councilor Ray Kopczynski moved to read the ordinance a second time in title only. Smith seconded the motion and it passed 6-0.

Bailey read the ordinance a second time in title only: AN ORDINANCE PROCLAIMING ANNEXATION OF A PROPERTY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-29 AS TAX LOT 401; 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 to adopt the ordinance. Smith seconded the motion, which passed 6-0 and was designated Ordinance No. 5981.

Bailey read the ordinance withdrawing the annexed property from the rural fire protection district for the first time in title only: AN ORDINANCE WITHDRAWING TERRITORY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-29 AS TAX LOT 401 FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

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

Bailey read the ordinance a second time in title only: AN ORDINANCE WITHDRAWING TERRITORY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-29 AS TAX LOT 401 FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

MOTION: Kopczynski moved to adopt the ordinance. Smith seconded the motion, which passed 6-0 and was designated Ordinance No. 5982.

Johnson II read the rules of appeal.

- b. City Parks property annexation request and Zone Map amendment (AN-03-22 and ZC-05-22)

OPEN: Johnson II opened the public hearing at 6:45 p.m.

No councilors declared a conflict of interest or ex parte contact. Johnson II said he drives past the site every day. No councilor wished to abstain.

Planning Supervisor David Martineau read the rules of testimony. Martineau showed slides* and described the application, the property, and the noticing process. No written comments were received during the comment period.

Kopczynski said he hopes some of the property will be actually used as a park. Smith said the residential zoning makes it eligible for use as a park. Martineau said the South Albany Plan envisions a park on at least part of the property.

Councilor Dick Olsen asked if the City has enough money to develop a new park. Acting Parks & Recreation Director Rick Barnett said a park will be built when it's appropriate with growth in the area. Novak expressed concern that the City consider a way to maintain the park once it is built.

CLOSE: Johnson II closed the public hearing at 6:58 p.m.

Olsen asked why the property is being annexed now, when it won't be developed soon. Martineau said there's an opportunity now with the Curry property annexation to make use of economy of scale. Olsen asked if the property must be annexed before the City can put in utilities. Martineau said yes.

Bailey read the ordinance proclaiming annexation for the first time in title only: AN ORDINANCE PROCLAIMING ANNEXATION OF A PROPERTY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-29 AS TAX LOT 402; 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 to read the ordinance a second time in title only. Smith seconded the motion, and it passed 6-0 on a roll call vote.

Bailey read the ordinance for the second time in title only: AN ORDINANCE PROCLAIMING ANNEXATION OF A PROPERTY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-29 AS TAX LOT 402; 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 to adopt the ordinance. Smith seconded the motion. The motion passed 6-0 and was designated Ordinance No. 5983.

Bailey read the ordinance withdrawing the annexed property from the rural fire protection district a first time in title only: AN ORDINANCE WITHDRAWING TERRITORY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-29 AS TAX LOT 402 FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

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

Bailey read the ordinance a second time in title only: AN ORDINANCE WITHDRAWING TERRITORY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-29 AS TAX LOT 402 FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

MOTION: Kopczynski moved to adopt the ordinance. Councilor Bessie Johnson seconded the motion, which passed 6-0 and was designated Ordinance No. 5984.

Johnson II read the rules of appeal.

c. Q & H Properties rezone (CP-02-22 and ZC-04-22)

OPEN: Johnson II opened the public hearing at 7:06 p.m.

No councilors declared a conflict of interest or ex parte contact. Smith and Councilor Stacey Bartholomew said they have been at the site. No councilor wished to abstain.

Planning Supervisor David Martineau read the rules of testimony. Martineau showed slides* and described the application, the property, and the noticing process. Staff says this site is best suited for the General Commercial and Community Commercial designations.

Laura LaRoque, of Udell Engineering, said the applicant wants to align the property's zoning with the uses that are currently there. The tenants of the property won't change.

CLOSE: Johnson II closed the public hearing at 7:16 p.m.

Bailey 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-07DD TAX LOTS 3700, 3801, 3802, AND 4301.

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

Bailey read the ordinance for the 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-07DD TAX LOTS 3700, 3801, 3802, AND 4301

MOTION: Kopczynski moved to adopt the ordinance. Novak seconded the motion. The motion passed 6-0 and was designated Ordinance No. 5985.

Johnson II read the rules of appeal

Business from the Public

7:20 p.m.

Mark and Jessica Wang expressed concerns about a possible easement to Curt Sorte. Ruetters said the project is still in the preapplication stage. It will have to go through the land use process, and neighbors will be notified and have opportunities to comment to the Planning Commission.

Carol Davies spoke representing the Community Outreach Assistance Team. She asked the council to consider how to create safe places to park overnight. Johnson II asked her to share her request with the Housing Affordability Task Force.

Albany Visitors Association Director Rebecca Bond handed out copies of the Albany Visitor Guide.*

Lise Grato, executive director of the Albany Downtown Association, also handed out literature about the downtown.*

Lonnie Rovig, who lives on Vine Street, said he was surprised to be told he has to vacate the easement along the canal. He would like an extension of time to vacate. Bailey said someone from public works will visit and talk to him.

Jim James said he lives on Fir Street next to the cemetery. Homeless people have taken over the back corner of the cemetery and he is afraid for his family. Police Chief Marcia Harnden said the police department is working to get the property owners to clear brush in the cemetery. Code Compliance Officer Kris Schendel will give a progress update soon.

Roger Snell said he lives in the same neighborhood. There have been homeless encampments on Simpson Trail for years. He wonders if it will ever be solved. Harnden said the police contacted a number of people there recently. Police give them opportunities to get resources and time to relocate before removing them. She said it's difficult to make progress.

First reading of ordinances

7:59 p.m.

Grant telecommunications system franchises to Ziplly Fiber Pacific LLC and Eagle Point Fiber LLC

Finance Director Jeanna Yeager said Ziplly Fiber and Eagle Point Fiber requested the City to enter into agreements. The agreements are very similar to the one signed earlier this year with Viser.

a. Ordinance adopting Chapter 3.96 of the Albany Municipal Code

Bailey read the ordinance for the first time in title only: AN ORDINANCE ADOPTING CHAPTER 3.96 OF THE ALBANY MUNICIPAL CODE (AMC) AND GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS SYSTEM FRANCHISE TO ZIPLY FIBER PACIFIC, LLC FOR THE CONSTRUCTION AND OPERATION OF A TELECOMMUNICATON SYSTEM; AND FIXING TERMS, CONDITIONS, AND COMPENSATION OF SUCH FRANCHISE

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

Bailey read the ordinance for the second time in title only: AN ORDINANCE ADOPTING CHAPTER 3.96 OF THE ALBANY MUNICIPAL CODE (AMC) AND GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS SYSTEM FRANCHISE TO ZIPLY FIBER PACIFIC, LLC FOR THE CONSTRUCTION AND OPERATION OF A TELECOMMUNICATON SYSTEM; AND FIXING TERMS, CONDITIONS, AND COMPENSATION OF SUCH FRANCHISE

MOTION: Smith moved to adopt the ordinance. Novak seconded the motion, which passed 6-0 and was designated Ordinance No. 5986.

RECESS: The council recessed for a break at 8:02 p.m.

RECONVENE: the council reconvened at 8:07 p.m.

b. Ordinance adopting Chapter 3.97 of the Albany Municipal Code

Bailey read the ordinance for the first time in title only: AN ORDINANCE ADOPTING CHAPTER 3.97 OF THE ALBANY MUNICIPAL CODE (AMC) AND GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS SYSTEM FRANCHISE TO EAGLE POINT FIBER LLC FOR THE CONSTRUCTION AND OPERATION OF A TELECOMMUNICATON SYSTEM; AND FIXING TERMS, CONDITIONS, AND COMPENSATION OF SUCH FRANCHISE

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

Bailey read the ordinance a second time in title only: AN ORDINANCE ADOPTING CHAPTER 3.97 OF THE ALBANY MUNICIPAL CODE (AMC) AND GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS SYSTEM FRANCHISE TO EAGLE POINT FIBER LLC FOR THE CONSTRUCTION AND OPERATION OF A TELECOMMUNICATON SYSTEM; AND FIXING TERMS, CONDITIONS, AND COMPENSATION OF SUCH FRANCHISE

MOTION: Smith moved to adopt the ordinance. Kopczynski seconded the motion, which passed 6-0 and was designated Ordinance No. 5987.

Award of contract

8:09 p.m.

Water Master Plan (FP-22-01)

Civil Engineer III Ryan Beathe said the water master plan was last updated 20 years ago. The project is included in the Capital Improvements Program and funds are available. Staff received one proposal from a team of five firms assembled by West Yost.

Kopczynski asked about an engineer's estimate. Bailey said staff estimated from the previous plan with new requirements added. Staff's estimate was within ten percent of the bid.

Johnson asked if any of the old plan can be used, or if the update needs to start from scratch. Beathe said a lot of it will be new.

Novak asked if the City has to use consultants. Beathe said yes. City staff don't need this skill set, so we hire consultants temporarily when we need them.

MOTION: Smith moved to award the contract as presented in the resolution. Kopczynski seconded the motion, and it passed 6-0 and was designated Resolution No. 7125.

Adoption of consent agenda

8:25 p.m.

a. Approval of minutes

- 1) March 21, 2022, joint city council & planning commission meeting
- 2) May 23, 2022, city council work session
- 3) May 25, 2022, city council meeting
- 4) June 6, 2022, city council work session
- 5) June 8, 2022, city council meeting

b. Adoption of resolution

- 1) Extending workers' compensation coverage to City of Albany volunteers RES NO. 7126

c. Approval of agreement

- 1) Approve an IGA with Department of Land Conservation and Development RES NO. 7127

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

Staff reports

8:30 p.m.

a. Council Chamber audio upgrade

Communications and Engagement Officer Matt Harrington said the council chamber video system was upgraded in 2020. The council was meeting virtually at that time, so the audio problems weren't apparent. The Mayor/Council equipment budget can be augmented with ARPA funds for this upgrade.

MOTION: Smith moved to approve the upgrade. Novak seconded the motion, and it passed 6-0.

b. Sole-source procurement for RITE training

8:34 p.m.

Kopczynski asked if the training sessions will be intensive enough to be worth the cost. Harnden said they will. The Department of Public Safety Standards and Training mandates this kind of training. The "train the trainer" session will allow the police department to continue the training in the future.

Kopczynski moved to approve the IGA as written. Smith seconded the motion, which passed 6-0 and was designated Resolution No. 7128.

Business from the council

8:36 p.m.

Johnson said the homeless situation is getting worse. We have to figure out some kind of solution. She asked if we can clear the brush on a property if the property owner won't. They're camping where it isn't legal to camp. Harnden said it isn't just a law enforcement problem. It's not necessarily due to criminal conduct, so the police response will always be to try to get the campers to resources first.

Novak agreed with Johnson. There has to be something we can do. She can't abide the thought of being powerless.

Kopczynski said he will be on vacation and will miss the next meeting.

City manager report

8:46 p.m.

Bailey said Albany has received a \$250,000 grant from the state for trash and sanitation services, cleanup, and abandoned vehicle removal, among other things. Staff will plan how to get started.

She mentioned that since Johnson brought up the psilocybin issue on June 22, City Attorney Sean Kidd will discuss the council's options at the July 25 work session.

Next Meeting Dates

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

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

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:47p.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.*