

ALBANY CITY COUNCIL
REGULAR SESSION

January 26, 1983

The Albany City Council met in regular session on Wednesday, January 26, 1983, in the City Hall Council Chambers. Following the Pledge of Allegiance, Mayor Don Brudvig called the meeting to order at 7:15 p.m. Those Councilors present were: Conser, Koehrsen, Rouse, Greene, and Maddy. Councilor Saxton was absent. Mrs. Rouse moved; Mr. Conser seconded the motion to approve the minutes of January 12. The motion passed unanimously.

COMMUNICATIONS

Six-Months' Report from the Albany Downtown Association

Albany Downtown Association (ADA) President Bill Clotere reported on the progress made by the ADA during their first six months of operation.

Report from the Albany Downtown Association Streetscape Committee Regarding its Streetscape Proposal

Albany Downtown Association (ADA) Committee Chairperson Dottie Stutzman reported on the proposed one-block model landscaping project in downtown Albany. Ms. Stutzman requested authorization for the committee to proceed with their plans on planting trees on public property in this one-block area. Mr. Koehrsen moved; Mr. Maddy seconded the motion to allow the planting of trees on public property. The motion passed unanimously.

Recommendation from the Albany Downtown Association Regarding Parking Permit Request from the Monteith Historical Society

Report received from Albany Downtown Association (ADA) recommended denial of the request from Monteith Historical Society for additional on street parking. Mr. Conser moved; Mrs. Rouse seconded the motion to accept the recommendation from the ADA. The motion passed unanimously.

Request from Morse Brothers Regarding Ellsworth & Lyon Street Grading and Paving

- The Morse Brothers request is for the Council to waive the ordinance provision that prohibits construction noise as a nuisance between the hours of 6:00 p.m. and 7:00 a.m. Morse Brothers would like to engage in the construction of Lyon & Ellsworth Streets during the nighttime hours to reduce the impact on traffic and downtown merchants. Mr. Conser moved; Mr. Koehrsen seconded the motion to allow the construction during nighttime hours. The motion passed unanimously.

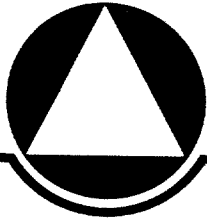
PUBLIC HEARING

Amending AMC 6.04, Regarding Dogs, and Second Reading of Ordinance

City Manager Bill Barrons reported on the letters received either in favor of the proposed leash law or against the leash law. Mayor Don Brudvig opened the public hearing and asked if anyone wished to speak for or against the proposed ordinance. There was no testimony. Mr. Greene moved; Mrs. Rouse seconded the motion to amend the proposed ordinance by changing the proposed eight-foot leash to a ten-foot leash. Upon roll call the motion passed 4-1, Councilor Koehrsen voting no. Mrs. Rouse moved; Mr. Conser seconded the motion to amend the ordinance by removing the requirement that dogs be safely and securely confined while in a motor vehicle. Upon roll call vote the motion passed 4-1, Councilor Koehrsen voting no. Mr. Conser moved; Mrs. Rouse seconded the motion to adopt the ordinance as amended. Upon a roll call vote the motion passed 4-1, Councilor Koehrsen voting no. Ordinance designated as Ordinance No. 4557.

BUSINESS FROM THE PUBLIC

There was none.



MORSE BROS.

January 14, 1983



Albany City Council
City Hall
P O Box 490
Albany, OR - 97321

RE: Ellsworth & Lyon St. Grading & Paving

Dear Council Members:

We would like you to consider waiving temporarily the 10:00 PM curfew on construction work to enable us, at our discretion, to conduct a portion of the work on the above referenced project during night-time hours, starting at 7:00 PM or when the main traffic flow is ended.

The first stage of construction consists of the new storm sewer lines, curb construction and traffic signals. This work will be done during daylight hours, starting about January 31st and running through April. The second stage is removal of the old pavement and base, re-basing and paving. It is anticipated that this phase would be done in May, June and possibly July.

We plan both daytime and night-time operations for the removal and re-basing with the Mainline paving being done at night-time. This plan would shorten the overall construction time considerably and benefit both our company and the business community. Working at night would have less traffic to contend with and the merchants would be affected for a shorter length of time during the base work and not at all during the Mainline paving.

Thank you for your consideration of this matter.

Sincerely,

MORSE BROS., INC.

Chuck VanDenBerg
Chuck VanDenBerg
Project Supt.

cc: Director of Public Works

Construction Division • 32260 Hiway 34 • Tangent, Oregon 97389 • Phone (503) 928-6491

January 25, 1983

TO: Mayor Don Brudvig and
Members of the Albany City Council

FROM: Don Rea
3432 Chicago St. SE, Albany OR 97321

RE: DOG LEASH LAW

Consideration of the issue of keeping dogs on leash is an unfortunate one for the City Council. A poor situation will be made worse if the Council should decide to add another law, and more enforcement problems will be delegated to our already overloaded officials. It may drive a further wedge between dog owner and non-owner. It may well be unenforced most of the time and create another instance where young people can question authority.

The real issue is not control of dogs--it is control of people. We don't need more laws--we need a responsible citizenry who choose to behave in a courteous and civilized manner. A program of education will do us all a far better service than will adding to our lives another penalty and police responsibility.

BENTON HUMANE SOCIETY

POST OFFICE BOX 1336
S.W. AIRPORT ROAD
CORVALLIS, OREGON 97339
(503) 757-9000

December 27, 1982

Mrs. Dala Rouse
Councilmember, City of Albany
432 NE Burkhart
Albany, Oregon 97321

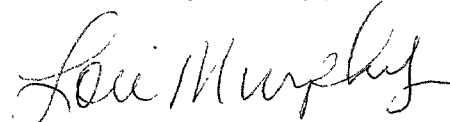
Dear Mrs. Rouse:

I am wholeheartedly in support of your effort to get a City of Albany leash law enacted. Please keep trying!

Enclosed is a copy of a letter I sent to Merle Long.

Let me know if there is anything I can do to offer some assistance on this subject.

Yours very truly,



Lori Murphy
President, Board of Directors

home address and phone:
2108 NW 20th Loop
Albany, Oregon 97321
928-4132

BENTON HUMANE SOCIETY

POST OFFICE BOX 1336
S.W. AIRPORT ROAD
CORVALLIS, OREGON 97339
(503) 757-9000

December 27, 1982

Mr. Merle Long
City Attorney
425 SW 2nd
Albany, Oregon 97321

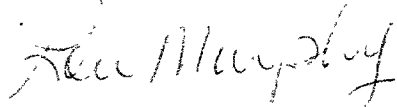
Dear Mr. Long:

I strongly urge you to reconsider your negative view toward a City of Albany leash law. It is important that a leash law be enacted for these reasons:

1. Protection of the dog: Dogs on leashes do not get run over by cars or in fights with other animals.
2. Protection of property and the environment: Dogs on leashes do not damage property, do not randomly deposit excrement, do not chase animals, people, cars, or wildlife (like ducks in City parks).
3. Protection of humans: Dogs on leashes do not bite, knock down, run after, and injure adults or children.
4. Prevention of unwanted litters: Dogs on leashes prevent unwanted matings and cut down on unwanted puppies and the surplus dog population.

Even some of the most obedient dogs can, on occasion, get out from under the control of their owner's voice control. Please look into the positive factors for having a leash law.

Yours very truly,


Lori Murphy
President, Board of Directors

home address:
2108 NW 20th Loop
Albany, Oregon 97321
928-4132

cc: Dala Rouse

January 14, 1983

Darla Rouse
Albany City Councilwoman
Albany, Oregon

Dear Mrs. Rouse,

We are in agreement with you that a local leash law would be very nice - but our main concern is with the law now in effect of "letting dogs run loose". There are many people in the city of Albany who allow this to happen, and it seems that it is very hard to enforce that law!

It is our feeling that they need to enforce that law before they make another law. They would never be able to enforce both of them, so we would be happy if they could enforce the law about letting them run loose.

Thank you for considering this.

Sincerely,

Ray and Shirley Ruckert

Ray & Shirley Ruckert
1205 Lakewood Dr., SW
Albany, Ore. 97321

cc: Jim Conser

January 16, 1983

Mrs. Dala Rouse:

I am heartily in favor of the Dog Leash Law. I am in favor of having dogs on a leash at all times, even in their own yard. I have heard that Eugene has such a law, and have talked to a family that we visited with at the Coast that lived in a town in the state of Washington where this type of law is strictly enforced.

I walk each day and have learned that going out of our own neighborhood, can be hazardous to your health. Many dog owners permit their dog to be at large at any time, day or night, and I have been so scared at times that I have immediately walked home, and once called and reported such an incident to the police and because the dog was in his own yard, and did not leave the yard, (am I supposed to realize that a snarling, barking dog, a black and brown police dog, is going to stop running at me, right at the edge of the yard) that I don't have a the right to file a complaint because the dog was under voice control. At the time of the incident, there was no one in the yard. After a time of hearing my screams and the barking of the dog, someone opened the door a teensy bit, called the dog, and he returned to the inside of the house. I was in tears when I slammed the receiver in the ear of the Police Matron after reporting the incident.

There are many other people that feel the same way I do. I am also tired of cleaning up the messes that are left in our yard. CATS are notorious for this same problem and I chase them away also.

Thank you for trying to help the people who are in favor of this law.

Agnes Gentry

Agnes Gentry
1335 W. 14th. Ave.
Albany, Oregon 97321

RECEIVED
JAN 17 '80
CITY OF ALBANY

To whom it may concern
Banish the voice control. How
can one control a dog in that
manner. I live on a corner lot
And I get more dogs in my yard
I even had to put up chicken wire
fence around my small veg. garden
to keep dogs out. who want to
vegetables dog sprayed. yards crapped
in. I have two dogs. 1 lg. dog.
she has a large pen to run in
and is an outdoor dog. The other
is sm pup. I got in Dec. she's
taken out on a leash except when
I let her out in the pen with other
dog. Seems to me 50 feet mean
they can go wherever the dog
pleases, with sidewalks the owner
of property has to pay for the
concrete. Even some dogs mess
on the walks.

I have one neighbor who has a
fenced back yard. yet they turn their
hound out in front on the side-
walk and he jumps on people wet
paws. True some people dont mind
kids - But old adults or small
tots. get their clothes soiled I've
seen two children one a lame boy
knocked down twice. where was the
owner. inside on his dead end
Another time I had to rescue a
sm. girl on my side of the street
where the dog jumped on her.
I've had that dog in my yard,
front porch, took pictures of that
Finally took him to court. what
does the owner tell Judge Reiling
The dog never gets more than
two feet away from me.
Street is wider than 50 feet.
He never the less had to pay a fine
Total of \$18.⁰⁰

I am definitely for a leash
law. and against having dogs
turned loose while owners sit
indoors on their duff. I love
animals. dont believe in abuse
of them. I think people can put
up a fence a good sized pen
After reading this, either zero
it for yourself. but pass it
on to Mrs Rouse. Jim Loner
and Glenn Koehrsen and dont
forget Merle Long. Jerry Madley
& Marvin Saxton.

I thank you.

R. A. Mack
1590 S.W. Walnut
Alb.

January 11, 1983

Albany City Council
Albany Oregon

To whom it may concern:

I would like to have it known that I FAVOR A LEASH LAW in the city of Albany for the following reasons.

On November 7, 1982 I was walking on the Thurston Street Bicycle path, just North of Sixth Avenue. There was NO one on the path when I entered it at 6th Avenue. I had gone about 20 feet, when a DOBERMAN-PITBULL mix type dog came through an opening of the fence that surrounds the play yard of the ALBANY DAY CENTER. The dog jumped on my chest and attacked me. He hit me with such force that he knocked me backwards onto the cement and broke my left hip.

I had surgery on November 8 and a steel plate was inserted in my left hip. My medical bills up to January 1, 1983 is \$6121.88 and my loss of wages exceed \$2000. I have had to consult with an attorney. I am still under doctor's care, so my bills continue on.

I am recuperating at home and am able to walk on crutches. I have NO idea as to when I will be able to return to my job, at Albany General Hospital.

Our neighborhood is over run with UN LEASHED dogs running at large foraging for food.

PLEASE! PLEASE! PLEASE! Consider my letter and, put a leash law in force.

Sincerely

Loretta Jaye Selmer

Thankyou for your diligent efforts in working for a citizens protective dog leash law.

Our neighbor, Gary Cunningham, is a living example of the physical damage a small child received from an unleashed dog. The loss of hearing, deformed features of face, neck & head, loss of hearing & speech needn't have been inflicted on him - much less the suffering & trauma of many plastic surgeries etc.

Loose dogs are unsafe, unsanitary, & do much damage to foliage & our frontdoor, as well as to make bare spots on the lawn. Keep up the good work toward the goal.
Appreciatively - Morton

Albany, Oregon
Jan. 14, 1983

Dear Mrs. Rouse:

I am writing you about the problem of the Dog Leash law. I am all for it. My husband is too.

We are bombarded with large dogs using our lawn for a toilet all the year around. People let them out after dark and early in the mornings.

Last summer our Sunday School Group had a picnic at the park on the corner of Waverly and Grand Prairie Rd. and the mess in the park was inexcusable. You couldn't walk without stepping in a mess if you didn't watch. It would be impossible to take small children there to play. While there we observed young people bringing their dogs and turning them loose and throwing sticks for them to play and the dogs doing their daily toilet. One person even arrived by car from too far away to walk.

I suggest that Albany make an ordinance that required people to carry scoopers and clean up after their dogs in public places as well as when their dog uses their neighbors lawn.

We don't dislike dogs but feel that they should be their masters problem. If we let children destroy these things the dog owners would be aghast.

We are glad you are taking up this matter. I know its a touchy issue. Thank you for working with it.

Sincerely,

Agnes S. Morton

Mr. and Mrs. Ray R. Morton

3104 So. Geary St.

Albany, Oregon

P.S. My husband is ill and we will not be able to attend a hearing so thought we might make our feelings known.

FIRST READING OF ORDINANCES

Amending AMC 6.10, Keeping of Animals

City Attorney Merle Long read for the first time in title only an ordinance entitled, "AN ORDINANCE ESTABLISHING ALBANY MUNICIPAL CODE 6.10, REGARDING KEEPING OF ANIMALS." Second reading will be held on February 9, 1983.

Amending AMC 5.10, Pertaining to Transient and Itinerant Merchants and Vendors

City Attorney Merle Long read for the first time in title only an ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 5.10 OF THE ALBANY MUNICIPAL CODE AS THE SAME PERTAINS TO TRANSIENT AND ITINERANT MERCHANTS AND VENDORS." Second reading will be held on February 9, 1983.

Amending AMC 5.08, Pertaining to the Licensing of Peddlers and Solicitors

City Attorney Merle Long read for the first time in title only an ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 5.08 OF THE ALBANY MUNICIPAL CODE AS THE SAME PERTAINS TO THE LICENSING OF PEDDLERS AND SOLICITORS." Second reading will be held on February 9, 1983.

Amending 2.16, Planning Commission

City Attorney Merle Long read for the first time in title only an ordinance entitled, "AN ORDINANCE AMENDING AMC SECTIONS 2.16.020, 2.16.030 AND 2.16.040." Second reading will be held on February 9, 1983.

Lien Segregation for Warren W. Cooley

City Attorney Merle Long read for the first time in title only an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NOS. 3720, 3729, AND 3743 SEGREGATING THE LIENS OF WARREN W. COOLEY AND DECLARING AN EMERGENCY." Second reading will be held on February 9, 1983.

Final Assessments for ST-81-3, 14th Avenue

City Attorney Merle Long read for the first time in title only an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 4522 WHICH DETERMINED THE PREASSESSMENTS AGAINST THE PROPERTIES SPECIFICALLY BENEFITED BY STREET IMPROVEMENTS FOR ST-81-3, 14TH AVENUE AND DECLARING AN EMERGENCY." Second reading will be held on February 9, 1983.

ADOPTION OF CONSENT CALENDAR

There were five items up for approval on the consent calendar: 1) November department reports, 2) December department reports, 3) Final payments to R.D. Downer & M.O. Salmon & Sons, 4) Accepting easement from Oregon Freeze Dry, and 5) Traffic Safety Commission recommendations. Mr. Maddy moved; Mrs. Rouse seconded the motion to adopt the consent calendar. The motion passed unanimously. Item No. 4, Accepting easement from Oregon Freeze Dry was designated as Resolution No. 2377. Item No. 5, Traffic Safety Commission recommendations were designated as Resolution No. 2378.

REPORTS

Six-Months' Financial Report

City Finance Director Gary Holliday reported on the financial status of the city for the first six months of FY 1982-83. No additional action on this report.

City Investment Report

City Finance Director Gary Holliday reported on the investments during second quarter of FY 1982-83. No additional action on this report.

Motor Pool Building Project

Public Works Director Bob Jackson reported on the status of the motor pool building. The design work has been completed by Tim Merrill Architect. Mr. Jackson recommended that the City proceed with the requests for bid. Mr. Maddy moved; Mr. Conser seconded the motion for the City to proceed with the requests for bids. The motion passed unanimously.

Purchase of Property at Salem and Main

Public Works Director Bob Jackson recommended that the City proceed with the purchase of property at Salem and Main from the owner at a cost of \$51,286, which includes closing costs. Mr. Conser moved; Mr. Maddy seconded the motion to proceed with the purchase of property. The motion passed unanimously.

Appointment of another City Manager Pro Tem

City Manager Bill Barrons recommended that Planning Director Steve Bryant be appointed as alternate City Manager Pro Tem along with Finance Director Gary Holliday. Mr. Koehrsen moved; Mr. Conser seconded the motion to approve the recommendation of the City Manager. The motion passed unanimously.

Recommendation Regarding Sewer Separation Financing

City Manager Bill Barrons distributed a report recommending financing for the proposed sewer separation project. No further action on this report.

BUSINESS FROM THE COUNCIL

Mayor Don Brudvig recommended the appointment of Jody Kruse and Gary Ray to the Historic Advisory & Museum Commission (HAMC). Mr. Greene moved; Mrs. Rouse seconded the motion to approve the appointment. The motion passed unanimously.

City Manager Bill Barrons informed the council that this would be the last council meeting that Public Works Director Bob Jackson would be attending. Mr. Jackson will be starting his new job with the city of Reno, Nevada on February 1, 1983.

There being no further business, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,



D. Gary Holliday
Finance Director/City Recorder

js

PUBLIC NOTICE
of
PROPOSED CITY OF ALBANY, OREGON, ORDINANCES

Listed below are proposed ordinances to be considered by the Albany City Council of Albany, Oregon, during its regular council meeting on Wednesday, January 26, 1983, at 7:15 pm:

1. "An ordinance establishing Albany Municipal Code 6.10, regarding keeping of animals."
2. "An ordinance amending Chapter 5.10 of the Albany Municipal Code as the same pertains to transient and itinerant merchants and vendors."
3. "An ordinance amending Chapter 5.08 of the Albany Municipal Code as the same pertains to the licensing of peddlers and solicitors."
4. "An ordinance amending AMC Sections 2.16.020, 2.16.030, and 2.16.040."
5. "An ordinance amending Ordinance Nos. 3720, 3729, and 3743 segregating the liens of Warren W. Cooley and declaring an emergency."
6. "An ordinance to determine the assessments against the properties specifically benefited by street improvements for ST-81-3, 14th Avenue, and declaring an emergency."

Dated this 14th day of January, 1983.

A COPY OF EACH ORDINANCE LISTED ABOVE IS AVAILABLE FOR PUBLIC INSPECTION FROM 8 AM TO 5 PM MONDAY THROUGH FRIDAY IN THE CITY MANAGER'S OFFICE, ROOM 202, CITY HALL, 240 2ND AVENUE SW, ALBANY, OREGON. FOR THOSE PERSONS WANTING A COPY, THE COPYING CHARGE IS 15¢ PER PAGE.

CM-15:OrdPosting