



## ALBANY CITY COUNCIL

### MINUTES

Wednesday, June 26, 2024

Meeting

Council Chambers, City Hall

Approved: July 10, 2024

#### Call to Order

**6:00 p.m.**

Mayor Alex Johnson II called the meeting to order at 6:00 p.m.

#### Roll Call

Councilors present: Mayor Alex Johnson II and Councilors Steph Newton Azorr, Matilda Novak, Jackie Montague, Ray Kopczynski, and Marilyn Smith

Councilors absent: Ramycia McGhee (excused)

#### Public hearings

- a. Legislative Article 6 Floodplain Amendments

**6:00 p.m.**

Johnson II opened the public hearing at 6:01 p.m.

Planner III Jennifer Cepello presented slides\* concerning changes made to the proposed ordinance since the previous public hearing.

Responding to questions from Councilor Matilda Novak, Cepello said federal regulations allow the development of storage and parking facilities in floodplains but not the development of habitable space. Cepello answered additional questions from Novak about specific developments occurring in North Albany.

No person signed up to give testimony for the public hearing and no person present wished to speak.

Johnson II closed the public hearing at 6:05 p.m.

City Attorney Sean Kidd read the ordinance for the first time in title only: AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE, BY AMENDING THE ALBANY COMPREHENSIVE PLAN AND DEVELOPMENT CODE AND ADOPTING FINDINGS

MOTION: Councilor Marilyn Smith moved to have the ordinance read a second time in title only. Councilor Ray Kopczynski seconded the motion which failed 4-1 with Novak voting no. Motions to read an ordinance a second time in title only require a unanimous vote to pass. The ordinance will return to the July 10, 2024, city council meeting for an automatic second reading.

Responding to a question from Novak, Cepello said that, to her knowledge, the city has never granted variance to floodplain standards

b. Island Annexations

**6:10 p.m.**

Johnson II opened the public hearing at 6:10 p.m.

No member declared a conflict of interest, ex parte contact, or site visit and no member chose to abstain from participating in the proceedings.

Current Planning Manager David Martineau read the meeting procedures and presented slides\* about the annexation.

No person signed up to give testimony for the public hearing and no person present wished to speak.

Johnson II closed the public hearing at 6:17 p.m. and asked Kidd to read the annexation ordinance a first time in title only.

Kidd read the ordinance for the first time in title only: AN ORDINANCE PROCLAIMING ANNEXATION OF PROPERTIES IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S03W04AC TAX LOTS 701 AND 2100; 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: Smith moved to have the ordinance read a second time in title only. Novak seconded the motion which passed 5-0.

Kidd read the ordinance for the second time in title only: AN ORDINANCE PROCLAIMING ANNEXATION OF PROPERTIES IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S03W04AC TAX LOTS 701 AND 2100; 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: Smith moved the City Council adopt an ordinance that would approve the land use application for annexation with concurrent rezones to RM and MUR under planning files AN-02-23 and ZC-05-23, as described in the May 24, 2024, staff report. This motion is based on the findings and conclusions in the staff report, testimony presented at the hearings, and the findings in support of the application made by the City Council during deliberations on this matter. Councilor Jackie Montague seconded the motion which passed 5-0 and was designated Ordinance No. 6043.

Johnson II asked Kidd to read the ordinance withdrawing annexed territory from the Albany Rural Fire Protection District for the first time in title only.

Kidd read the ordinance for the first time in title only: AN ORDINANCE WITHDRAWING TERRITORY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S03W04AC TAX LOTS 701 AND 2100 FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT

MOTION: Montague moved to have the ordinance read a second time in title only. Councilor Steph Newton Azorr seconded the motion which passed 5-0.

Kidd read the ordinance the second time in title only: AN ORDINANCE WITHDRAWING TERRITORY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S03W04AC TAX LOTS 701 AND 2100 FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT

MOTION: Montague moved the City Council adopt an ordinance that would withdraw properties listed in planning file AN-02-23 from the Albany Rural Fire Protection District. Smith seconded the motion which passed 5-0 and was designated Ordinance No. 6044.

- c. Community Development Block Grant (CDBG) Annual Action plan **6:23 p.m.**  
Johnson II opened the public hearing at 6:23 p.m. Planner II Beth Frelander presented slides\* on the CDBG program and annual action plan. Frelander and Comprehensive Planning Manager Anne Catlin gave the following answers to questions from councilors:
- The City Council will see an annual performance report in September that details how the previous year's CDBG allocations were spent and provides accountability for the funds. *(Kopczynski)*
  - The Housing and Urban Development (HUD) model, which determines how much funding is allocated to communities, considers many variables and staff are not sure which variables caused the city to receive a higher allocation than last year. *(Montague)*
  - The City of Albany started receiving CDBG funds around 2013. *(Novak)*
  - CDBG funding cannot be used for housing development, but it has been used to help with the purchase of land for tiny homes. *(Novak)*
  - The City does not just allocate funds to the top five requesters because there is a lot of consultation built into the process. *(Novak)*

Responding to requests from councilors, staff said they would bring back a long-term summary of CDBG funding accomplishments when they bring the annual performance report. Staff also agreed to include a tract map in future reports.

Smith said she is glad to see the breadth of organizations this year's CDBG allocation will be supporting. Newton Azorr spoke about the Community Development Commission's role in allocating the CDBG funding.

No person signed up to give testimony for the public hearing and no person present wished to speak.

Johnson II closed the public hearing at 6:35 p.m.

MOTION: Smith moved to adopt the resolution adopting the CDBG Annual Action plan as presented. Montague seconded the motion which passed 5-0 and was designated Resolution No. 7342.

Business from the Public

**6:37 p.m.**

Ben Roche read from prepared remarks\* about the sale of sexual paraphernalia at the June 22, 2024, Pride event.

Gamile Nassar introduced himself as the new Executive Director of the Albany Area Habitat for Humanity and offered to give tours of new houses to councilors.

Carolyn McLeod and Ellie McLeod spoke about bike racks at city parks and said that more bike racks next to playgrounds would be useful.

Ray Hilts invited councilors to attend the July 4th breakfast hosted by the Albany Lions.

Adoption of resolutions

- a. Apply for Community Wildfire Risk Reduction grant **6:51 p.m.**  
Deputy Fire Chief Chris LaBelle presented the item.

MOTION: Montague moved to adopt the resolution. Kopczynski seconded the motion which passed 5-0 and was designated Resolution No. 7343.

- b. Special Procurement for Vertical Loop Reactor replacement  
Wastewater Superintendent Craig Prosser introduced the agenda item

**6:53 p.m.**

MOTION: Smith moved to adopt the resolution. Montague seconded the motion which passed 5-0 and was designated Resolution No. 7344.

Award of contract

- a. Banking and Procurement Card Services **6:56 p.m.**  
Finance Director Jeanna Yeager presented the agenda item. Johnson II expressed concern about the choice of Wells Fargo and asked that a performance report be brought to the council before the contract may be renewed.

MOTION: Montague moved to adopt the resolution. Smith seconded the motion which passed 5-0 and was designated Resolution No. 7345.

Approval of agreement

- a. IGA for Shared Equipment **7:00 p.m.**  
LaBelle presented the agenda item and clarified that the City of Albany will not need to pay for the shared equipment.

MOTION: Smith moved to approve the intergovernmental agreement as presented. Montague seconded the motion which passed 5-0.

- b. IGA for Linn County Transient Lodging Tax Collection **7:02 p.m.**  
Yeager presented the agenda item and gave the following answers to councilor questions:

- There may be a need for an addendum to the contract to more specifically detail the collection of tax from short-term rentals, but that process should be easy when or if it becomes necessary. (*Montague*)
- The City of Albany collects the tax, it goes into the city's account, and then the city remits the appropriate amount to Linn County. (*Newton Azorr*)
- The money the city makes from providing this service goes into the Central Services fund. (*Smith*)
- By state law, at least 70% of the money the city remits to Linn County should be spent by the County on tourism. (*Novak*)

MOTION: Newton Azorr moved to adopt the resolution. Kopczynski seconded the motion which passed 5-0 and was designated Resolution No. 7346.

Adoption of consent agenda

**7:08 p.m.**

- a. Appointments
  - 1) Accepting Greg Soriano's resignation from the Human Relations Commission
  - 2) Appointing Amy Roberts to the Library Board
- b. Recommendations to OLCC
  - 1) Annual liquor license renewals
  - 2) Approve change of ownership full on-premises commercial liquor license for Golf Club of Oregon, 905 NW Springhill Drive

MOTION: Kopczynski moved to adopt the consent agenda as presented. Smith seconded the motion which passed 5-0.

Staff reports

- a. Pavement management funding discussion **7:09 p.m.**

Public Works Director and Acting City Manager Chris Bailey presented slides\* about the city's street funding discussion. Bailey shared initial results of a consultant-led community survey about street funding and asked the council for direction on how to proceed with reducing the city's street funding gap. Staff recommended that the city council moves forward with a transportation utility fee (TUF) in the near-term and reserve the option for a local fuel tax for a future year.

Newton Azorr and Novak both said they want to see the consultant's public opinion report before considering any ordinance to implement a TUF. Bailey spoke about the methodology of the public opinion report and said that the opinion report should be presented to the council in late July and any ordinance would not come before council until at least August.

Montague supported staff returning with an ordinance implementing a TUF. Montague said she is interested in pursuing a local gas tax to help fund streets in the next few years.

Newton Azorr asked if the city could receive electric vehicle registrations from the state to charge those who live in town and wouldn't be purchasing fuel; asked about a phone poll that some Albany residents received about a transportation utility fee; and said nothing could be prepared in time for the November 2024 ballot. Bailey said she is unsure if the city could get access to the DMV data on electric vehicles and said that she is not sure what the phone poll asked, specifically. The polls results will be compiled and included with the opinion report.

Novak said that there are likely services that the city is providing that the public does not want, and the city should look at reducing current expenditures to pay for streets before implementing a new fee.

Kopczynski and Smith agreed with Montague and supported staff returning with a TUF ordinance and reserving a gas tax conversation for future years.

Johnson II said he is supportive of giving staff authority to start work on a TUF ordinance that the council would consider after viewing the public opinion report. Johnson II summarized the council's

direction as directing staff to bring back the city's public opinion report at the July meeting and a TUF ordinance in August.

Business from the council

**7:56 p.m.**

Montague, Smith, Newton Azorr, and Kopczynski spoke about recent and upcoming events.

Novak said she feels the city owes an apology to the community for allowing adult materials to be in full view of children at the recent Pride event.

Johnson II said he did not see the Pride event display that Roche described in his public testimony, but that he would have had an issue with it had he seen it. Johnson II spoke about recent and upcoming events.

City manager report

**8:09 p.m.**

Bailey, responding to comments from Novak, said that the city does not sponsor the annual Pride event, but rather attends it like any other vendor and has no authority to determine what vendors attend the event. Bailey also invited councilors to attend upcoming staff retirement ceremonies.

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:09 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@albanyoregon.gov](mailto:cityclerk@albanyoregon.gov).*