



CITY COUNCIL MEETING MINUTES

via Virtual Meeting

October 12, 2021 @ 6:30 p.m.

- A. CALL TO ORDER Meeting called to order by Mayor Lepin at 6:30 p.m.
- B. ROLL CALL
- Councilors Present: Mayor Jim Lepin, Councilors Scott Cowan, Scott McPhee, John Sullivan, Dave Harms
- Councilors Absent: Councilor John Sullivan departed at 8:36 p.m.
- Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Forrest Reid, City Attorney; Kimberly Wollenburg, City Recorder; Matt Straite, Community Development Director
- Presenters: Lieutenant Beth Miller, Linn County Sheriff's Office
Chief Shane Wooten, Albany Fire Department
- C. CHANGES AND ADDITIONS TO THE AGENDA
- 1) Mayor Lepin reviewed the public comment process.
- D. CONSENT AGENDA
- 1) Approval of September 14, 2021 City Council Meeting Minutes
 - 2) Approval of September 28, 2021 City Council Work Session Minutes
 - 3) Acceptance of City Accounts Payable Report
- Action: **Motion to Accept Consent Agenda as Presented made by Councilor Scott McPhee; seconded by Councilor John Sullivan.**
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|---------------------------------|------------|
| Mayor Jim Lepin: | Aye |
| Councilor Scott Cowan: | Aye |
| Councilor Dave Harms: | Aye |
| Councilor Scott McPhee: | Aye |
| Councilor John Sullivan: | Aye |
- Motion PASSED: 5/0
- E. GUEST PRESENTATIONS
- 1) Linn County Sheriff's Office Monthly Report
Lieutenant Beth Miller reviewed the September 2021 monthly report. She spoke about the traffic accidents and the theft at the church on Old Salem Road.
 - 2) Albany Fire Department Quarterly Report
Fire Chief Shane Wooten provided the third quarter 2021 report. Chief Wooten specifically reviewed the fire alarm activations noting that only 5 of the 12 reported were commercial fire alarms whereas the rest were residential for things such as CO2 alarms. Additionally, he spoke about the Albany Fire Department's efforts during Fire Prevention Week and response impacts associated with COVID 19. He shared a change county wide fire departments

have elected to adopt with regard to backyard burning complaint responses, noting that most calls are neighbor upset with another neighbor over the smoke which fire departments have no regulatory authority for. Currently calls are being triaged by a dispatcher and AFD only responds on burn complaints if its: a threat to life, threats or property, or the complaint is during the June – October fire season. Outside of those three items, callers are encouraged to contact the Department of Environmental Quality, which handles nuisance smoke complaints.

F. PUBLIC COMMENT

- 1) Matt Hunt, Deciduous Avenue, asked about the driveway approach and curb cutting policy of the City and noted he'd received an information handout regarding the requirements. He asked specifically about the parking requirement and asked how the document pertains to homes that don't currently meet the parking requirements. He noted his home was one originally built with a driveway that didn't comply with the requirements. Assistant City Manager/City Engineer Booth noted that there are many driveways that for multiple reasons don't meet the current Code requirement. She noted that the intention of the Code is that everyone is allowed a 26-foot driveway width and if you want to go beyond that width you have to meet the parking standard in our current Code. Many of the driveways were completed before we had the right-of-way permit in place and parking standards had been adopted, so there are a lot out there that were previously approved or done when the builder built the home and prior to when we were doing driveway inspections. The City has not required all driveways out of compliance be brought into compliance. But if the driveway was done after the time right-of-way permit was in place and a permit was not obtained and the work completed anyway, that resulted non-permitted work occurring. These are the situations where the City is currently addressing violations through Code enforcement. If the driveway was previously approved through final occupancy or previous City approval, the City is not going back and saying you now have to meet the new Code. The discussion did confirm that there may be situations with new homes built that based on how the house is configured on the lot they may not meet the parking requirements, but that they would not be required to install a driveway with at width less than 26-feet. Everyone is allowed a driveway up to 26 feet. Extensions of driveways greater than 26 feet in width are only allowed if they can maintain 40-feet of parking on their frontage.
- 2) Richard Jacobs, Deciduous Avenue, addressed the Council regarding his driveway situation. He noted his driveway was not poured correctly when house was built. According to the rule of 26' the driveway was out of compliance before they moved into the house. He noted he received a code enforcement letter and that it requested he restore his driveway to what was originally poured. He further commented that there are a lot of driveways that don't match the code and that the code seems chaotic. Assistant City Manager/City Engineer Booth acknowledged there was a little bit of confusion as to what was required to be restored; however, the City will not require more to be restored than what was originally in place. City Manager Kreitman noted that at the time the builders constructed the subdivisions, the requirements

were 24' and there were not inspections done by previous City staff at that time.

- 3) Mike Hanson, Deciduous Avenue, said he didn't believe he had 40' to begin with and shared that there is nothing that prevents someone from parking along the curb cut out as if it is a curb. He did not understand the issue of not having 40' when there is plenty of parking on the street and very rarely are there cars parked on the street. Community Development Director Straite noted that the City Council discussed and arrived at 40' determination, not a requirement based just on two cars since that would have introduced subjectivity as vehicles are different sizes. City Manager Kreitman shared that state law prohibits parking in front of a driveway. Lieutenant Miller, LCSO, shared that they would have to address that as a complaint unless it was the resident or visitor of the resident and permitted, including potential removal if unable to identify owner of vehicle.
- 4) Brandon Le Gurche, Deciduous Avenue, asked if the recent letters were the result of a complaint. Assistant City Manager/City Engineer Booth explained that the start of the issue was based on a complaint years ago that wasn't addressed as timely as it should have been. Community Development Director Straite shared that the City noticed there was much more unpermitted work done very recently within the City. Mayor Lepin noted that he has had discussions with City staff about areas where there have been issues and asked staff to engage with resolving these issues. Mr. Le Gurche asked if, going forward, it would be possible to have the City Engineer work with residents.

Mayor Lepin asked if the Council was interested in revisiting the discussion regarding driveway widths. Councilor Cowan noted the idea is not to change the rules but have staff work with residents in the middle of this transition. City Manager Kreitman shared that because of the issues the City was seeing several years ago, a newsletter and flyer were provided to residents informing them of the rules and many of the homes with the driveway cuts happened after the information was sent out.

- 5) Marion Kaftanchikov, Deciduous Avenue, confirmed that Councilor Cowan wants the City to work with residents and asked who is making that decision. Mayor Lepin noted that any accommodations must be within the Code requirements and staff isn't going to allow the violations to continue. Assistant City Manager/City Engineer Booth confirmed that staff will work with residents to address the issue and provide information. Community Development Director Straite noted that the City is being flexible regarding timeline for compliance.

Mr. Kaftanchikov said he has seen that there have been exceptions made by the City in regard to the Code noting that his neighbor was permitted to keep his driveway curb cut and wondered where that exception is in the Code. Assistant City Manager/City Engineer Booth said the intent was to restore it to what it was previously, which did not meet the Code, and that it wasn't fully restored. Assistant City Manager/City Engineer Booth met with the homeowner

and feels he must have misunderstood where the line was. It wasn't an exception being granted. Community Development Director Straite said a few homeowners were able to prove that the driveway remains as it was constructed originally and were able to keep the driveway as is. Mr. Kaftanchikov said the neighbor confirmed that the City did allow the exception. City Manager Kreitman said that when those were built, they were built at 26' which was incorrect but that was approved during occupancy permit and the homeowner did not have to restore the driveway to more than what the driveway was originally constructed.

- 6) Mr. Jacobs asked for a motion to have this issue be on the November Council meeting so residents can have further discussions with the Council. Mayor Lepin noted that he was asking staff once they had visited residents, if there were still concerns staff could add the item to the next agenda.

G. COUNCIL MEMBER AND STAFF COMMENTS

1) Mayor Lepin

a. Events Planning Committee

Mayor Lepin discussed recent conversations City staff had with chair of Events Planning Committee.

Action: **Motion to Permit Mayor Jim Lepin to Be a Second Council Liaison on the Events Planning Committee made by Councilor Scott Cowan; seconded by Councilor John Sullivan.**

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Scott McPhee:	Aye
Councilor John Sullivan:	Aye

Motion PASSED: 5/0

b. Council Consideration of Resolution 2021-19 Supporting Linn County Law Enforcement Levy

Mayor Lepin said the levy is important to the City noting that a lot of our officers are associated with the levy and named the various departments in LCSO that are backup to City enforcement. Councilor Cowan noted that there could be a significant impact on the City if the levy doesn't pass that Council has to consider and hopes citizens do as well.

Action: **Motion to Adopt Resolution 2021-19 Endorsing Approval of Linn County Measure 22-189, a Four-Year Local Option Law Enforcement Tax Levy, made by Councilor John Sullivan; seconded by Councilor Scott Cowan.**

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Abstain
Councilor Scott McPhee:	Aye
Councilor John Sullivan:	Aye

Motion PASSED: 4/1 Abstaining

H. CITY MANAGER'S REPORT

1) Fire Station Project Report

Assistant City Manager/City Engineer Booth provided an update on the Fire Station Project and construction activities in progress at the site. In addition, she reviewed the project budget and current change orders.

2) Project Updates

Assistant City Manager/City Engineer Booth provided an update regarding various maintenance and construction activities in progress throughout the City. Community Development Director Straite shared information regarding the win of a recent grant from the Department of Land Conservation District and he also provided a brief update regarding the upcoming proposed Development Code revisions.

3) Review of Draft Ordinance - Consideration of the Operation of Class IV ATVs on City Streets

Don Miller, Millersburg Drive, appreciated the City having the conversation and providing opportunity for residents to comment. He asked City Attorney Reid about the clause that the City cannot be held responsible and is concerned because in the past, City councilors have been held responsible for things that have happened. He's also concerned that we have streets with 50 and 45 speeds and worries that those speeds cause a lot of risk to ATVs who could be on the street. He noted that he believes this will create a lot more work for the Linn County Sheriff's Office.

4) Vicky Miller, Millersburg Drive, said she is offended that the City is considering allowing the potential of children on ATVs on a road where the speed is 50 and the risk of accidents.

5) Nate Pecyna, Anthony Lane, spoke about the safety of side-by-sides and noted that safety is extremely important. His arguments to support passing of the ordinance is that there are side-by-sides that can go in excess of 80 miles per hour and said that there are kits available to upgrade a side-by-side to allow driving on City streets and that side-by-sides are in full cage which makes them safer than being on a motorcycle.

6) Marion, Deciduous Avenue, asked why this is being considered now and asked if anyone has considered what kinds of problems passing this would create for the Linn County Sheriff's Office. He also said that the ATVs are likely going to damage property, including the farmers' fields in the City.

7) Richard Jacobs, Deciduous Avenue, asked about something in the ordinance about people who don't live in the City yet bring their ATVs into the City streets to drive them for fun assuming this is passed.

8) Brandon Le Gurche, Deciduous Avenue, disagrees with the passing since they are known to be noisy, and the point was to move to a fairly quiet area.

After receiving the above feedback from attending public, Mayor Lepin asked the Council for next steps. Councilor McPhee suggested posting this to the website and reader board to get public feedback. Councilor Dave Harms supports Councilor McPhee.

I. CITY ATTORNEY'S REPORT

None

J. UNFINISHED BUSINESS

1) Driveways on Collectors

Assistant City Manager/City Engineer Booth provided brief background to item and reviewed the available options for the resident on Alexander Lane who asked the Council for reconsideration regarding maximum allowable width for his driveway on Alexander Lane which is a collector street.

K. NEW BUSINESS

1) Enterprise Zone Actions

City Manager Kreitman briefly explained the staff report.

i. Enterprise Zone Exemption – Resolution 2021-20

Action: **Motion to Adopt Resolution 2021-20 Pursuant to Section 3 of HB 2343 (2021), Allowing Continued Qualifications of Enterprise Zone Exemptions as Allowed by House Bill 2343, made by Councilor Scott Cowan; seconded by Councilor Dave Harms.**

ii. Enterprise Zone Boundary – Resolution 2021-21

Action: **Motion to Adopt Resolution 2021-21 By Co-Sponsors of the Linn County Enterprise Zone to Change an Enterprise Zone Boundary, made by Councilor Scott Cowan; seconded by Councilor Dave Harms.**

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Scott McPhee:	Aye
Councilor John Sullivan:	Absent

Motions PASSED: 4/0

2) Appointment to Vacant Planning Commission Position

City Manager Kreitman shared that there is one applicant for one of the vacant Parks Commission positions.

Action: **Motion to Appoint Caryl Thomas to Fill the Remaining Term of Parks Commission Position 4, made by Councilor Scott Cowan; seconded by Councilor Scott McPhee.**

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Scott McPhee:	Aye
Councilor John Sullivan:	Absent

Motion PASSED: 4/0

3) OMI Agreement Amendment 5

City Manager Kreitman briefly reviewed the staff report regarding approval of the amendment to the DRC contract with OMI.

Action: **Motion for Approval of and Authorization for the City Manager to Sign Amendment No. 5 to the Professional Services Agreement with Operations Management International, made by Councilor Scott Cowan; seconded by Councilor Scott McPhee.**

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Scott McPhee:	Aye
Councilor John Sullivan:	Absent

Motion PASSED: 4/0

4) DLCD Technical Assistance Grant – Resolution 2021-22

Community Development Director Straite reviewed the staff report and provided information about the grant.

Action: **Motion to Approve Resolution 2021-22, Supporting the Submittal of the Grant Application to the DLCD and Authorizing the City Manager to Sign Any Needed Agreements for this and the Two Previous Grants Applied for, made by Councilor Dave Harms; seconded by Councilor Scott McPhee.**

Mayor Jim Lepin:	Aye
Councilor Scott Cowan:	Aye
Councilor Dave Harms:	Aye
Councilor Scott McPhee:	Aye
Councilor John Sullivan:	Absent

Motion PASSED: 4/0

L. CLOSING PUBLIC COMMENT

None

M. CLOSING COUNCIL COMMENT

None

N. ADJOURNMENT Mayor Lepin adjourned regular meeting at 9:10 p.m.

Respectfully submitted:



Kimberly Wollenburg
City Recorder

Reviewed by:



Kevin Kreitman
City Manager

