

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, September 10, 2014
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge of allegiance to the flag.

ROLL CALL

Councilors present: Councilors Bill Coburn, Bessie Johnson, Ray Kopczynski, Dick Olsen, and Floyd Collins.

Councilors absent: Councilor Rich Kellum was excused.

SCHEDULED BUSINESS

Public Hearing

Amending Albany Municipal Code Title 7, Public Peace, Morals, and Safety; Title 12, Surface Water; and Title 15, Public Improvements; to comply with federal and state regulations regarding water quality.

Assistant City Manager/Public Works and Community Development Director Mark Shepard said there are three public hearings tonight: the proposed Albany Municipal Code (AMC) changes, the proposed stormwater fees, and the Albany Development Code (ADC) changes. City Attorney Jim Delapoer said the first two public hearings can be consolidated.

Assistant Public Works Director/City Engineer Jeff Blaine introduced Lori Faha with Greenworks. Faha is the consultant who assisted Blaine with developing this program.

Blaine said the proposed AMC amendments are provided in bold and strike format within the Ordinance on pages 5 through 12 of the agenda. The language is largely unchanged from the last draft that they reviewed except for added flexibility under one of the permit exemptions. Staff added language so that anyone that has submitted a land use application prior to the program coming on line will not be subject to the new regulations, in response to feedback received from a local engineering firm.

Blaine said the Council has reviewed the proposed program and all of the draft language on a number of occasions and there is really no new information to present to Council tonight. However, since this is a public hearing and the intent is to receive input from the public, staff will provide a general program overview and will answer questions.

Blaine gave a PowerPoint presentation (see agenda file).

Adopting the post-construction stormwater quality permit fees.

Blaine presented the information on permit fees, which was the same information provided in the Council agenda packet.

Blaine said Councilor Bessie Johnson had asked a good question about how fees are calculated. He said that where the Council sees percentages like “3% to construct the project facilities”, what it means is the cost of the stormwater quality facilities, not 3% of the entire cost of the project.

Councilor Floyd Collins asked Blaine to explain how item c) works, on page 16 of the agenda packet. He asked if it was also supposed to say \$25,000 to \$50,000. Blaine said yes; that is an error that will need to be fixed in Exhibit A.

Open: Konopa opened the public hearing at 7:38 p.m.

There was a sign-up sheet for the hearings (see agenda file).

Dan Watson, 710 East Thornton Lake Drive, is a Civil Engineer for K & D Engineering. He is president of the Willamette Valley Home Builders Association (WVHBA) and is here on behalf of them, and he said he also agrees with the positions he will be presenting.

Konopa asked Watson if he had presented this information to the Planning Commission. He said he did not.

Watson handed out a page of “Comments” (see agenda file). Watson reviewed his comments.

Watson added that the basic concept that the WVHBA is concerned about is that private facilities built on private property should continue to go through the building permit process without a separate fee paid to Public Works (PW); and that those portions built in the public right of way (ROW), which are already part of the Site Improvement (SI) process should not need a separate permit process. It should be issued without a separate fee.

Councilor Ray Kopczynski said to Watson, for AMC Section 12.45.050, Application for a Permit, you recommended deleting 5, 7, and 8. He asked Watson to elaborate. Watson said for 5), the emergency phone number would be part of the SI permit already; for 7), he thinks it is overboard for the level of facility that is being built; and for 8), it should be deleted because it is part of a current fee structure. Kopczynski said he is unclear what Watson meant when he described that these are primarily ditches. Watson said the vast majority of water quality facilities built in Albany so far have been grassy or bioswales.

Kopczynski said in AMC Section 12.45.150, Right of Entry, Watson said it was intrusive. Kopczynski said that may be partially true if the City is being mandated by Department of Environmental Quality (DEQ), but asked, if there were a person not willing to provide access, how could the City address compliance? Watson said the Clean Water Act passed by Congress said that private parties are responsible, and that is all. He said it doesn't say that the state has to implement a law or require cities to implement a law. It says that the measures need to be taken by private entities to ensure clean water. Oregon decided to administer its own program, so now cities have to make sure that is done. Watson said, the right of entry and inspection in Section 12.45.150 goes on and on, but the AMC allows public employees appropriate action to do their job. He said, to have something like this in the AMC seems overbearing, so he wonders why it has to be this strong. He said, as a whole, it doesn't sound like our community, and state law and the AMC provide for public employees to do their job.

Collins asked, did you or your organization participate in any of the outreach that the City did? Watson said some, but not very many. Collins asked if these issues were previously raised. Watson said no. Collins said there was an opportunity to work these out before tonight. Watson said that is correct.

To Watson's comment about private property, Collins said drainage facilities that are not well maintained can become a garbage dump, and at some point it may take intervention by local government to get compliance with the discharge. People dump all kinds of grass and other waste into the bioswales and they become non functional. He said, without explicit authority to do something, we can't do anything, and we get into trouble with compliance issues because we are held accountable for the point of discharge. He asked, how do we know the source of the violation if we can't go onto the property and find out? Watson said he doesn't think it is necessary. Collins said that in his experience, property owners have threatened employees with trespassing, yet the City is held accountable for the point of discharge. Also, regarding the \$57,000 an acre referenced by Watson, if you have wetlands and buy wetland credits offsite, you pay that much or more, up to \$90,000 an acre. Watson said the number is a consistent number for wetland mitigation. Collins said, in essence, wetland mitigation is similar to what we are doing here with the off-site post-construction stormwater quality fee; if we are not putting them on site, they are being built elsewhere. Watson said he understands that now based on the testimony that has been provided tonight, but when he read it, it was unclear so he suggests that the City make it clear exactly what the square foot applies to. Collins said, would you be satisfied if the definition were made to be clearer? Watson said yes.

Jim Clausen, 1403 15th Street, asked if the City should accept the responsibility at the sole discretion of the Director. He asked who has done studies on these to prove that they do what they say they are supposed to do. City Manager Wes Hare said they have documented a year long process of looking at what the City needs to do to be in compliance with state regulations relative to stormwater compliance. There is a lot of data; and as to who has studied it, it has been studied by the federal government, the DEQ at the state level, City staff, and a consultant. There is a lot of data on why stormwater should be treated so it does not create problems for waterways used for drinking. Hare said if Clausen wants to see physical documents they can be produced, but the answer won't come from one single document. Clausen wants to know if there are studies that show that the mitigation measures do what they are supposed to. Hare said there is ample evidence to show that they work. It is a fairly simple concept that has been around for awhile, in which most facilities use a natural treatment process to filter water through plants and dirt to filter and clean it.

Konopa asked if any other people wished to speak. There were none.

Blaine responded to Watson's concerns, following the order of Watson's Comments list.

For AMC Section 12.45.030, Blaine said Watson suggested there be no additional permit required. Blaine said staff spent a lot of time contemplating how to structure this program. He thinks it should be a separate permit because they will have a mix of public and private facilities. If they were all public facilities he would advocate the same as Watson, but that is not the case. Beyond that they have a need for a permit program on the private side because there are regulatory obligations that the City has to meet which involve tracking, inspection, and maintenance agreements with private property owners. Also, for administrative reasons, there needs to be a permit to move through the facilities through the process of design review, as-builts, and data entry into Geographic Information System and Cartegraph. Blaine said, on the private side, if you were to add them to the building permit process as Watson suggested, you would need to come back with additional AMC language to

grant the Building Official authority to do all of that. So this is essentially trading one set of AMC rules for another, and avoiding a more complicated internal process, to track these permits. For public facilities, they can be incorporated into the City's existing SI permit process, just as Watson suggested. Collins asked if the plumbing code addresses stormwater quality features. Blaine said no. Collins agreed with Blaine that without the separate permitting process staff would still have to get authority to cross property lines unless there was additional language in the AMC.

Regarding AMC Section 12.45.050, Blaine said Watson made a statement that these improvements have been installed for many years in Albany. Blaine said that is true, but the difference is that the City has never allowed them to be public facilities until they started working on this program. When they were done on the private side, the City ignored them, which resulted in the property owner having to sacrifice buildable area. Blaine said, this gives them an avenue to bring them into the public ROW, which is something Watson had advocated for a number of years. Blaine is not aware of an existing process to review designs and perform construction inspection of private facilities through building permits. He said perhaps it is occurring, but he would be very surprised if that were the case.

As to Watson's second comment regarding AMC Section 12.45.050(5), Blaine said the process is a mirror image of the City's SI permit process; that was intentional in order to keep them as similar as possible and to have a standardized process. As to (7) and (8), Blaine supports the current language. Blaine pointed out that as it relates to permit fees, there is currently no mechanism for PW to take part of building permit fee revenues to review private stormwater quality facilities. So they not only would have to create Building Department AMC language, they would also have to adopt permit fee language so it could be added on.

Blaine said he thinks that there is a general misunderstanding regarding AMC Section 12.45.110. Transferring landscaping responsibility to the City is optional and refers only to public stormwater quality facilities. In some instances the developer may not want to plant the vegetation and worry about survival during the warranty period. This code provides flexibility for the developer to transfer the burden of planting and maintenance to the City. It is an optional transfer/fee and the risk is to the City. Kopczyński asked why it says "...at the sole discretion of the Director". Blaine said, so that if it does not make sense for a given situation, the Director could say no. Shepard said they are trying to add flexibility, but can't foresee every situation, be it staffing or other issues, in trying to accommodate a developer. This gives the City an out if, for example, there are staff cuts and the City cannot facilitate that option for the developer. It was clarified that after the warranty period expires, the public facility is the City's responsibility regardless of who plants it; this option applies just during the initial planting and establishment period.

Blaine said that regarding AMC Section 12.45.150, Watson said it doesn't sound like our community. Blaine said, this language is in response to specific situations that we have encountered when trying to access properties for various inspections. The PW Operations Manager, City Attorney, and staff spent a significant amount of time writing the language. Blaine is confident it gives them adequate authority and he cannot recommend alterations.

For Section 15.06.100, Watson's suggestion was to keep the one year warranty the same as they would for any other public infrastructure. Blaine said they can do that for concrete and pipes, but it is not advisable for vegetation. Two year warranty periods are very common for vegetation as Faha can attest to. This applies to a living thing that needs to be watered and established, and to not have a longer warranty period puts the City at undue risk.

Regarding fees, Watson had commented that fees are onerous and a bad idea. Blaine said the base fees mirror the City's SI process that has been used successfully for decades. Under this process, professional engineers submit design of public infrastructure, and the City reviews it for consistency with the standards that the community has adopted. When in construction, the City then inspects the improvements for compliance with the City's Standard Construction Specifications. It is an important service that the City provides. In order to have the person who is creating the need for the review to be the one to cover the cost, then there needs to be fees for plan review and construction. Otherwise, it would require increasing utility fees for all citizens or use General Funds to cover the costs. Blaine thinks it is appropriate for the developer, who will benefit financially from the project, to cover the cost.

Also on Watson's "Comments" document under fees, Blaine explained that the \$45 a square foot fee is an optional fee that the developer can pay so that they don't have to sacrifice buildable area on a constrained site. This allows them to use the entire lot and pay this fee so that a compensating stormwater quality facility can be put in somewhere else in the City. The square footage fee applies to the square footage of stormwater quality facility that would have been required for that site, not the entire site as used in Watson's calculation. Blaine said they could add some clarifying language in the text. Discussion followed. It was mentioned that typically the amount of stormwater quality facilities required is equal to about 2% of impervious surface square footage on a site.

Regarding Watson's comments to third party review fees, Blaine said the City does have capable staff and they do design these facilities, but there are issues that may come up when they may need assistance from someone that has specific expertise. This is a fee that should be across the board with SI permits and others; there have been times when the City loses money on development review because we need support from an expert in a specific area, such as a structural engineer, and the fees alone to the outside consultant far exceed the fees the

City receives. It makes good business sense to allow this fee. Blaine said, we have built some stormwater quality facilities, but we are learning as we go. Especially early on in the infancy of this program, if someone is proposing something drastically different than our standards, we may want to rely on the expertise of others. It is an important piece because if we don't do it, we will own the problem after the warranty period. It is a smaller investment up front for a long-term protection. Shepard said, another issue is if we can rely on expertise when needed, we can be more flexible to proposals that come up with the developer. If we are not comfortable with something that ultimately the City would be responsible for, we would likely deny it; but an expert may find it acceptable. So while there is a cost associated with this, it does provide the opportunity for flexibility.

Hare noted that Albany is not the first city to do this program, and in general Albany's development fees tend to be lower comparatively. He asked how these fees compare to the other 40 or so cities doing this type of work. Blaine said that Faha researched that. The fees vary significantly so it is difficult to compare. Some have flat fees based on the type of development; others invoice for actual time spent; and others have fee structures similar to the City of Albany.

Delapoer said he has worked with staff and there has been a lot of effort to fashion this program. It is like a puzzle with many interrelated pieces. He encouraged the Council that in reviewing this process, to resist the urge to look at too many pieces unless there is a glaring mistake and give the program an opportunity to work. Give the program a chance to work and if there is a problem, they can revisit it later when they have some actual experience with it.

Johnson asked, if a developer chooses the option to have the City plant the facility, do we have staff to do it? Blaine said, no, we use landscape contracts with local contractors.

Close: Konopa closed the public hearing at 8:38 p.m.

Delapoer read the ordinance for the first time in title only: AMENDING ALBANY MUNICIPAL CODE TITLE 7, PUBLIC PEACE, MORALS AND SAFETY; TITLE 12, SURFACE WATER; AND TITLE 15, PUBLIC IMPROVEMENTS; TO COMPLY WITH FEDERAL AND STATE REGULATIONS REGARDING WATER QUALITY.

MOTION: Collins moved to have the ordinance read a second time in title only and Kopczynski seconded it. The motion passed 5-0.

Delapoer read the ordinance for the second time in title only.

MOTION: Collins moved to adopt the ordinance and Kopczynski seconded it. The motion failed 3-2, with Johnson and Councilor Bill Coburn voting no. This item will come back to the next Council meeting.

The Council did not take action on the resolution adopting the post-construction stormwater quality permit fees since the ordinance did not pass.

Delapoer suggested that the Council could finish the public hearings tonight and make the decisions at the future meeting.

Legislative Public Hearing

DC-01-14, amending Ordinance No. 4441, which adopted the City of Albany Development Code and Zoning Map, by amending the Development Code text related to implementation of a post-construction stormwater quality program, and adopting findings.

Konopa said the next agenda item is a legislative public hearing regarding legislative amendments to the Albany Development Code that will support implementation of a post-construction stormwater quality program recommended by the Planning Commission as described in Planning File DC-01-14.

Konopa said, the applicant is the City of Albany. For those wishing to testify please sign in at the table next to the City Clerk.

Open: Konopa opened the public hearing at 8:41 p.m.

Blaine said that amendments are provided in the staff report with bold and strike. It is largely unchanged from the last draft that the Council reviewed, except for some clarifying text that the Planning Commission asked for at their August 18, 2014, meeting. Blaine said the intent of the proposed language is to remove roadblocks to program implementation and to meet two of the Council's and Planning Commission's goals for preserving buildable area and maintaining flexibility in the development community. The majority of the proposed amendments are clarifying that stormwater facilities are allowed in specific areas.

Lead Current Planner David Martineau said Albany's post-construction stormwater quality program is being supported through amendments to the AMC, ADC, and the City's Engineering Standards and the Standard Construction Specifications. This hearing is to consider amendments to the ADC.

Martineau said the proposed amendments are designed to supplement existing regulations more than adding new ones. In summary, vegetated stormwater quality facilities can be incorporated within required landscaping and buffer areas. They can also be placed in certain natural resource overlay districts as long as they utilize native plantings. Developers will need to show existing and new stormwater quality facilities on their site plans. The Code amendments will provide the City Engineer with authority to approve adjustments to street widths to accommodate curb extensions for stormwater quality planters, and four new terms relating to stormwater quality facilities will be defined Article 22 of the Development Code. They are impervious surface, pervious pavement, post-construction stormwater quality, and post-construction stormwater quality facility.

Martineau said the complete packet of amendments has been provided as "Exhibit B." Many of these will be cross-referenced with new post-construction stormwater quality sections being developed in Titles 7, 12 and 15 of the AMC.

Martineau said that at their August 18, 2014, public hearing, the Planning Commission discussed the package of amendments and asked staff to add text to Section 12.122 of the ADC to clarify that reductions in street width are only allowed to accommodate curb extensions for stormwater quality planters. With that change, the Planning Commission agreed that the proposed amendments better achieve the goals and policies of the Comprehensive Plan because policies adopted under Statewide Planning Goals 6 and 11 require developments to comply with applicable state and federal water quality standards including a restriction on discharging polluted storm water into all "waters of the state."

Martineau said the Planning Commission also agreed that the proposed amendments are consistent with the purposes of the Development Code with regard to compliance with both state and federal law. In conclusion, by a vote of 6-0, the Planning Commission recommends that City Council approve the proposed legislative amendments as described in the staff report and Exhibit B of the draft ordinance.

Collins asked, when the Planning Commission asked staff to modify language in Section 12.122, was there discussion about setting a minimum width if there were curb extensions? He doesn't want curb extensions to impact the ability of emergency vehicles. Blaine said that information is in engineering standards and has been vetted with the Fire Department and the school district. It is cross tied to the design standards.

Konopa said, if anyone wishes to enter an exhibit into the record as part of your testimony, please briefly describe the exhibit and present it to the City Clerk.

Konopa called Dan Watson from the signup sheet for public hearing (see agenda file)

Watson said he is representing WVHBA. He reviewed his "Comments" document, which included comments to the Development Code on the bottom of the page.

Watson also said Martineau has put in some flexibility where they can build the facilities. During the Goal 5 work, Watson said he tried to get them to be allowed to be built in these areas since they are the lowest spots on the site, so Martineau did a great job giving them the flexibility they need to build them and have them work.

Konopa asked, does anyone else wish to testify on the proposed amendments? No one did.

Blaine addressed Watson's comments. Section 2.450 addresses specific site plan review criteria. Item (2) is necessary in order to use the requirements being proposed in the AMC in order to approve a land use decision. Without the language they would have an AMC that requires it and a land use process where it is not one of the criteria for them to approve it. It is a necessary piece.

Regarding Section 9.190 (2) and (5), Blaine said it is a mix of public and private facilities; some developments may have both. This language intends to avoid a scenario where PW requires a financial security to sign off on a plat or building permit, and the Planning Department require a financial security over the landscaping for the same facility. This makes it clear that they don't want two financial securities for same piece of dirt. He does not recommend deleting this portion.

Blaine said Section 12.570 falls under the whole series of Storm Drainage Plan Approvals, of which post construction stormwater facilities are a part, but not the whole. This is an interlock between AMC and ADC and Blaine does not recommend removing the language.

As to Watson's comment on Section 12.581 that these facilities are not more important than others they construct, Blaine said he agrees; it is language copied over from other utility sections that also reside in Article 12, it makes this section consistent with all the other utilities.

Delapoer said that Blaine is correct, that the development process has to operate on its own separate code. This effort is to incorporate into the ADC the requirements of the AMC if those requirements are adopted. This will make the approval or denial decisions based on the ADC criteria, so it has to match up.

Collins asked, since the previous ordinance will be held over to the next Council meeting, if they should wait to take action on this ordinance. Delapoer said they could, or they could take a first reading on this ordinance also

so that both ordinances are at the same step when they are considered by the Council in the future. It would be consistent if they are both in the same place; then they could, adopt or not.

Close: Konopa closed the public hearing at 8:59 p.m.

Delapoer read the ordinance for the first time in title only: AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND ZONING MAP, BY AMENDING THE DEVELOPMENT CODE TEXT RELATED TO IMPLEMENTATION OF A POST-CONSTRUCTION STORMWATER QUALITY PROGRAM, AND ADOPTING FINDINGS (FILE DC-01-14).

MOTION: Collins moved to read the ordinance for a second time in title only. Kopczynski seconded the motion and it passed 5-0.

Delapoer read the ordinance for the second time in title only.

Collins said, having been in the public works business for 35 years and knowing that a stormwater program has been pushed down the road for at least 20 years in Albany, he thinks staff has done a great job in pulling together the relatively complex and integrated system with the AMC and the ADC, while meeting the intent of the regulations but making it specific to Albany. He said he has not always seen that in other municipalities. He appreciates the integration between the AMC and ADC and he praised staff for their work.

Konopa said she and Kopczynski attended the Open House at the Library. The attendance was not great, but those who came were positive and happy for the changes and were glad that the City is looking out for stormwater quality. It has been a long time waiting. There are lots of areas in Albany that can be opened up for development. She said, to have future development we need to make sure they have stormwater onsite because systems like Oak Creek cannot handle anymore run off from new development.

Collins said, if we adopt what is being proposed, we are building a stormwater quality management program that will address that quality in increments. He said, if we ignore the stormwater issue, we will be faced with regulations in the future where we as the municipality will have to address compliance on our own; and all the building that took place before that point would have not had to participate financially and shifted the burden of those improvements to all the other ratepayers. It is important that the Council adopt both ordinances, so that the financial burden is not onerous to the entire community.

Business from the Public

Susan Keen, 507 Fourth Avenue, has lived in Albany for 7 years. She said she lived in Salem for 20 years. During the 2006 Primary Election she said she was a candidate for the House of Representatives District 25. She explained she wanted to be an Oregon state representative because it pays \$1,400 and she wanted a job. She described the places she visited, people she met, and interviews she gave. She said she is here today about Central Albany Revitalization Area funds which she said are being distributed into the hands of powerful politicians for public safety and public safety facilities. She said the level of white collar corruption is frightening and there are other buildings that are crumbling. In her opinion, based on Linn County mug shots, there might be a more serious problem administering justice. She said, a new police department won't move serious offenders out of Albany. She said she is worried about her personal future bills. She thinks politicians should spend their pay for more constructive activities.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) June 25, 2014, City Council Regular Session.
 - b) July 7, 2014, City Council Work Session.
 - c) July 21, 2014, City Council Work Session.
- 2) Declaring a Fire Department vehicle as surplus property and authorizing the disposal of the asset.

Coburn asked for item 2) to be removed.

MOTION: Kopczynski moved to adopt the Consent Calendar with item 2) removed for discussion. Collins seconded the motion and it passed 5-0.

Coburn noted that Fire Chief John Bradner was going to sell the aerial truck. Coburn asked him, what is the value of having it as a back up? Bradner said they have a smaller aerial too. The old aerial is 109 feet, which was replaced with an aerial of 105 feet, and they are keeping the 65 foot for back up. They would still have two aerial devices. Also they have redundancy in Corvallis and Lebanon; they have 100 foot aerials so if Albany needed one they can use it through mutual aid agreements. Coburn asked Bradner to describe what they want to buy. Bradner said the Wildland engine could be a 4 wheel drive with an extended cab pickup, carrying 250-300 gallons of water. It would have the ability to get into tight areas, such as off road. For example, there was just a grass fire at end of 15th Avenue by the rail road tracks, and there was limited clearance under the railroad trestle so not all the vehicles could access it. A smaller vehicle gives greater flexibility. It would not be a frontline vehicle, so they would likely buy a used one for about \$100,000.

MOTION: Coburn moved to adopt Item 2). Kopczynski seconded the motion and it passed 5-0.

Appointments

There was a staff memo regarding the appointment of Daniel Sullivan on the dais (see agenda file).

Appointing Daniel Sullivan to the Community Development Commission.

MOTION: Collins moved to appoint Daniel Sullivan to the Community Development Commission. Kopczynski seconded the motion and it passed 5-0.

Appointing Linsey Godwin to the Planning Commission.

MOTION: Kopczynski moved to appoint Linsey Godwin to the Planning Commission. Collins seconded the motion and it passed 5-0.

Reports

Designating Voting Delegate for the 2014 League of Oregon Cities Conference.

MOTION: Collins moved to designate Johnson as the voting delegate for the 2014 League of Oregon Cities Conference. Kopczynski seconded the motion and it passed 5-0.

Johnson said she wished other Councilors could attend the Conference. Discussion followed.

Discussion topics for Joint Meeting with Benton County Board of Commissioners scheduled for September 22, 2014.

Shepard said so far the list includes: the status of street transfer agreements, North Albany County Service Districts status, an update on the Albany to Corvallis multi-use path, and the Benton County parks issue. Kopczynski asked that the Metropolitan Planning Organization be added to the agenda. Konopa asked to include Benton County's future tax measures.

Hare said Albany staff has a good relationship with Benton County at all levels.

BUSINESS FROM THE COUNCIL

Johnson asked for the status of the Transient Lodging Tax (TLT) discussions. Hare said Economic Development & Urban Renewal Director Kate Porsche and Parks & Recreation Director Ed Hodney have been working with a users group; they will be coming to the Council in early October for potential changes for uses of the TLT. It is taking time because they are striving to get folks on the same page, focus on what they agree on, and move forward.

Councilor Dick Olsen noted the train crossing on Queen Avenue and asked about the status of the bypass into the Millersburg yard. Hare said the railroad is getting ready to activate the Millersburg yard. They have completed the physical improvements. Hasso Hering reported that there was an indication that the track had been used or is about to be used.

Collins said a citizen who lived in a residential area near the off ramp of the overpass suggested they put up a sign that says to not use compression brakes coming down the hill. Collins said it is an ODOT issue but wonders if the City puts up a sign then maybe some drivers would comply. Delapoer recommended that the Council not install signs that they cannot enforce because they will lose credibility. Collins asked if they can ask ODOT about signage. Shepard said it depends on their regulations, if they have them. Discussion followed. Konopa said the same issue is happening in another residential neighborhood. Staff will research and report back.

Konopa said she had a call about the pedestrian island in front of the Assembly of God Church by Albertsons. She asked if they can have a flashing light. It took the person 20 minutes to cross. Shepard said he has been working on that for the last year. The City told ODOT that Albany wants flashing lights on two pedestrian islands. ODOT approved the one on Baine Street, but they are resisting the other crossing. Staff will continue to work with them. The Baine Street crossing is in the design phase.

Konopa noted that in honor of 9/11 the American Legion will be hosting an event at the Linn County Courthouse and a new truck is being dedicated at Station 13.

Hare said there has been discussion among attorneys and City Managers around the state that new marijuana initiative preempts local government's authority to impose a sales tax should it be legalized. However, there is a belief that those cities that impose a tax prior to the measure passing, should it pass, would be grandfathered in. Hare said one city has already passed a sales tax, which is Ashland, and others are in the process. Hare wants to know if there is Council interest in this type of action and if so, if staff should bring back a sample resolution.

Delapoer noted that he does not think it will be grandfathered legally.

