

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, October 22, 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 Rich Kellum, Bill Coburn, Bessie Johnson, Ray Kopczynski, Dick Olsen, and Floyd Collins.

Councilors absent: None.

SCHEDULED BUSINESS

PROCLAMATION

Extra Mile Day.

Konopa read the proclamation as included in the agenda packet.

Konopa read a letter from Governor John Kitzhaber congratulating the City of Albany on its 150th birthday (see agenda file).

SCHEDULED BUSINESS

Business from the Public

Konopa welcomed Boy Scouts from Troop 100.

Bill Root, 2634 NW Valley View, thanked the Councilors for attending the Candidate's Forum. He said it was well attended and there were interesting questions and answers.

Root said that on Saturday, November 1, the North Albany Neighborhood Association (NANA) will be having a litter pickup from Springhill Drive to Blossom Street on Highway 20, and from the roundabout to Scenic Drive on Gibson Hill. Root said that SOLV will provide gloves, vests, pick up tools, and bags.

Root said the November 18, 2014, NANA meeting will be at Ciddicci's Pizza at 6:00 p.m. Miles Breadner, who owns property near Valley View and Crocker Lane and may be donating it to Benton County, will be the guest speaker along with someone from Benton County Parks Department.

Root said that on December 7, 2014, the Annual Toy Run will start at the Walmart parking lot. The parade route will be different this year, starting at Walmart and ending at the American Legion. He also noted that it is Pearl Harbor Day.

First Reading of Ordinance (walked in)

Locational restrictions for recreation marijuana sales.

Konopa said there is a new ordinance on the dais (see agenda file). City Attorney Jim Delapoer explained that all this does is to provide that if recreational marijuana sales are allowed they would be subject to the same locational restrictions as the Council has imposed for medical marijuana.

Delapoer read the ordinance for the first time in title only: AN ORDINANCE AMENDING ORDINANCE NO. 5833 TO INCLUDE SALES OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS WITHIN THE LOCATIONAL RESTRICTIONS APPLICABLE TO MEDICAL MARIJUANA DISPENSARIES AND DECLARING AN EMERGENCY.

MOTION: Councilor Bessie Johnson moved to have the ordinance read a second time in title only and Councilor Floyd Collins seconded it. The motion failed 5-1, with Councilor Dick Olsen voting no. It takes a unanimous vote of the Council in order for an ordinance to be read a second time in the same meeting. This item will come back to the next Council meeting for a second reading.

Delapoer said it is not imperative that this pass before the election because if Measure 91 passes on November 4, 2014, it will not be effective for 30 days. He thinks this can be done at a Regular Session since it does not have the same urgency. City Manager Wes Hare agreed; the location issue is not prohibited in the same way the tax issues were prohibited.

Second Reading of Ordinance

Establishing a tax on the sale of marijuana and marijuana-infused products in the city of Albany.

(The first reading occurred at the October 8, 2014, Council Meeting. The second reading of an ordinance at a subsequent meeting does not require a motion).

Delapoer read the ordinance for the second time in title only: AN ORDINANCE ESTABLISHING A TAX ON THE SALE OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS IN THE CITY OF ALBANY.

MOTION: Councilor Rich Kellum moved to adopt the ordinance and Johnson seconded it. The motion passed 4-3, with Olsen, Councilor Ray Kopczynski, and Councilor Bill Coburn voting no, and was designated Ordinance No. 5843.

Konopa said she would like it to be on the record that this item should be brought back in November after the election is over so that they know more about the legalities. She agrees with Delapoer's interpretation on this law, but she thinks they can still find out something about this in the next month. She wants to discuss it again in November to see what other communities have done, and to decide if they should continue with the Ordinance or repeal it.

Adoption of Resolutions

Establishing tax rates for the sale of marijuana, medical marijuana, and marijuana-infused products in the city of Albany.

Delapoer said to please authorize staff to administratively fill in the Chapter for this resolution. This resolution sets the rates for a new tax, 10% for recreational sales and 0% for medical sales.

Kellum asked if they have to do it now. Delapoer said they should and explained why.

MOTION: Kellum moved to adopt the resolution and to have staff administratively fill in the Chapters. Johnson seconded the motion and it passed 4-3, with Olsen, Kopczynski, and Coburn voting no, and was designated Resolution No. 6361.

Appropriating funds for the Fiscal Year 2015 State Hazardous Materials Emergency Preparedness Grant on behalf of the Mid-Valley Local Emergency Planning Committee for evacuation planning and hazardous materials responder training.

MOTION: Collins moved to adopt the resolution and Kellum seconded it. The motion passed 6-0 and was designated Resolution No. 6362.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) August 11, 2014, City Council Work Session.
 - b) September 22, 2014, City Council and Benton County Commissioners Joint Meeting.
 - c) September 24, 2014, Industry Request Council Subcommittee.
- 2) Accepting a sidewalk easement from Tangent I.P., Inc. RES. NO. 6363
- 3) Accepting a variable-width slope and retaining wall easement from Tangent I.P., Inc. RES. NO. 6364
- 4) Accepting community donations to fund community policing programs for youth. RES. NO. 6365
- 5) Approving the following liquor licenses for:
 - a) Tacos el MaChin LLC, located at 1642 Pacific Boulevard East.
 - b) Lin Lin Inc., d/b/a Lum's Garden located at 1236 Price Road SE.

MOTION: Kopczynski moved to adopt the Consent Calendar as presented. The motion passed 6-0.

Report

CU-01-14, adopting final findings of fact and conclusions regarding a telecommunications facility.

Collins said there was a meeting at which there was additional testimony and he was not present; and he has not reviewed the minutes, so he will not be voting unless necessary as instructed by the City Attorney.

Delapoer said to the Council, you made a tentative decision at last meeting to support the application and you directed staff to prepare findings and conclusions to support your decision. Adoption of the findings and conclusions is the final step necessary to grant the approval.

MOTION: Kopczynski moved to adopt the final findings of fact and conclusions regarding a telecommunications facility and Johnson seconded it.

Kellum said he still objects, due to a lack of willingness on the applicants to make the tower into something other than a pole. There are other options. He is opposed.

VOTE: A vote was taken on the motion and it passed 4-1, with Kellum voting no and Collins abstaining.

Delapoer said, for the record there is no party present tonight that appeared at that last meeting; so there is no one who has standing to make an objection.

BUSINESS FROM THE COUNCIL

Konopa said there is a resolution on the dais supporting the Linn-Benton Community College (LBCC) bond measure (see agenda file)

Kellum said it has come to his attention that they will be having higher expenses for the new public safety facilities. While he supports the \$34 million bond, he noted that the City may need more funding for the public safety facilities.

MOTION: Collins moved to adopt the resolution supporting the Linn-Benton Community College Bond Measure Number 22-130 and Kopczynski seconded it. The motion passed 6-0 and was designated Resolution No. 6366.

Kellum said the 150th Anniversary Time Capsule is coming along well. He discussed items included so far and invited the Council to add items that would be of historical value over 50 years.

Johnson said that after the Candidates Forum, a lady in the audience gave her a note concerning the old museum downtown, commenting that it looked shabby. Konopa said she got the same note and she will talk to the museum. They are a separate nonprofit but Konopa will contact them.

Coburn asked Hare the status of the Albany Box Company's water damage due to a broken line. Hare said the City agreed to pay the invoices. Discussion followed.

Konopa invited the Boy Scouts to the podium. They introduced themselves: Cody Rogers and Matthew Rogers. They have been in the Scouts for five years and three years respectively and they are working on their communications merit badges. They are in the first class and second class respectively, and are aiming to get their Eagle badges. Konopa thanked them for attending.

Assistant City Manager/Public Works and Community Development Director Mark Shepard said the City's contracting rules and regulations require staff to bring back any contract changes that exceed 10% of the original contract. Staff does that on a regular basis. There are times that staff brings the Council the change orders somewhat after the fact as they deal with construction and the lag time involved in getting the numbers. The Vine Street Canal Bank Repair project was approved in September. There have been some changes with the design regarding soils and Shepard is sure the changes will exceed 10%. There may be some other savings that may offset the changes, but he is not sure yet. Staff can shut the project down and come to the Council and get authorization to move forward, but the City would incur additional costs in downtime with the contractor. Shepard said staff will bring a summary of the changes back to Council as soon as possible, but wanted to keep the Council informed in the meantime and get their approval of that process. If the Council does not like that process, staff can have the contractor stop the work.

Kellum asked how much money is involved. Shepard said this change is about \$35,000. Konopa recalled that when they awarded the bid, it seemed the bid was low. She asked if this was extra because of costs the contractor didn't see or if it is a design change. Shepard said it is a design change and not an error on the contractor's part; he described in detail the design for the wall stabilization along the canal.

Kopczynski asked if they have the funds in a reserve. Shepard said yes.

Delapoer said they should use a motion to approve going over the 10% subject to staff bringing the summary of the final change order back at a later date. Discussion followed.

MOTION: Kellum moved to approve contract changes exceeding 10% of the original contract price on WC-15-03, Vine Street Water Treatment Plant Bank repair, subject to staff bringing back a summary of the Change Order at a later date. Collins seconded the motion and it passed 6-0.

NEXT MEETING DATE: Work Session: November 3, 2014
 Regular Session: November 5, 2014

Albany City Council Regular Session
October 22, 2014

ADJOURNMENT

There being no other business, the meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
City Clerk

Stewart Taylor
Finance Director