

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, October 14, 2015
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: Mayor Sharon Konopa and Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Ray Kopczynski, Dick Olsen, and Floyd Collins.

Councilors absent: None.

SPECIAL PRESENTATION

Government Financial Officers Association (GFOA) Awards.

Roger Dawes, Controller at Washington County, is a member of the board of GFOA (Government Finance Officers Association). The Oregon Municipal Financial Officers Association (OMFOA) is a chapter of GFOA. OMFOA has 500 members from counties, cities, school districts, special districts, and other government entities, along with partners from associated businesses such as banks, software companies, attorneys, and bond underwriters, and was created to promote professionalism and excellence in public financial management. Dawes said his role is to serve as GFOA's representative. GFOA was founded in 1906 and represents public finance officials throughout the United States and Canada. It has 18,000 members from federal, local, and state government. GFOA provides best practices guidance, consulting, networking opportunities, publications, recognition programs, research, and training.

Dawes said he would present three awards: the Popular Financial Reporting Award (PAFR), the Distinguished Budget Presentation Award, and the Certificate of Achievement for Excellence in Financial Reporting.

Dawes said the PAFR was established in 1991 to encourage governments to extract information from their comprehensive financial reports to produce financial reports designed to be readily accessible and understandable to the general public. The reports are judged by four judges in five categories that give varying weights of importance towards the overall final grade. Categories include reader appeal, understandability, distribution methods, and other; and overall quality and usefulness. Oregon has six award recipients out of 48 nationwide. Dawes said the Albany Finance Department is in elite company and the City Council should be very proud. This is the third consecutive year Albany has received the award.

The second award is for the City's budget. The GFOA established this award program in 1984 to help governments produce the highest quality budget documents, based on guidelines and best practices. Budgets are judged on 27 criteria in four basic categories. He explained the scoring. Oregon has 51 recipients, 23 of which are cities. This is the 25th consecutive year Albany has received this award. Albany also received special recognition for the performance measures included in the budget. Only two cities in Oregon received this special recognition.

The third award is for the City's Comprehensive Annual Financial Report (CAFR). The award was established in 1945 to help governments go beyond the required minimums to develop financial reports that shows transparency and full disclosure. Dawes feels this is the most difficult award to achieve. The GFOA's checklist for the award is over 79 pages long, with over 500 items. One failure to meet requirements can disqualify the entire report. Thirty-eight Oregon cities received this award. This is the 31st consecutive year Albany has received the award.

Dawes said the citizens of Albany can be assured that the City's financial position is transparent, fully disclosed, and of the highest quality, comparable at the national level. In addition to Senior Accountant Anne Baker, Senior Accountant Jeanna Yeager, and Finance Director Stewart Taylor, Dawes recognized Finance staff, City Manager Wes Hare, Mayor Sharon Konopa, and the Albany City Councilors for establishing an environment of excellence.

Dawes presented Senior Accountant Anne Baker with the GFOA 2013-2014 Award for Outstanding Achievement in Popular Annual Financial Reporting and the 2014-2015 Distinguished Budget Presentation Award on behalf of the City of Albany.

Dawes presented Senior Accountant Jeanna Yeager with the GFOA 2013-2014 Certificate of Achievement for Excellence in Financial Reporting on behalf of the City of Albany.

Konopa said Albany is very fortunate to have staff of this quality. She congratulated Baker, Yeager, and Taylor on a great job.

SCHEDULED BUSINESS

Public Hearing

Accepting conveyance of City-owned real property to the Trustees of the Frank and Winifred Moore Revocable Living Trust and reserving an easement.

There was a revised Quitclaim deed on the dais, which is an attachment to the resolution (see agenda file).

Konopa opened the public hearing at 7:20 pm.

Hare said that when the City bought the property for the new fire station, they discovered that neighbors, the Moore's, believed they owned about eight feet of the property and had been using it. Hare said they came up with a solution that satisfies everyone's interests. The City did not want to disrupt the Moore's garage or yard, and is not interested in making money on the transaction. However, the City does want to ensure that we would not potentially lose parking spaces as a result of being too close to their property line. Community Development interpreted that the eight feet could be used as a buffer that would ordinarily have to be on the Fire Department's side of the property. This led to the conclusion that the City could give the piece of property to the Moore's so they would have unencumbered title to the property and be able to sell it, while the City would retain an easement for the purpose of ensuring that the landscape buffer would not cause the City to lose the use of our property. Hare said he thinks both parties were in agreement although it took a while to come up with the plan. He thinks this transaction is to everyone's benefit.

Konopa asked if anyone in the audience wished to speak. No one did.

There was no one signed up on the signup sheet (see agenda file).

Konopa closed the public hearing at 7:27 p.m.

MOTION: Councilor Floyd Collins moved to approve the resolution, including the revised Quitclaim deed attachment on the dais, and Councilor Ray Kopczynski seconded it. The motion passed 6-0 and was designated Resolution No. 6453.

Business from the Public

Michael Lesmeister, 3391 Lyon Street SE, said he was present to support West Coast Alternative Medicine, the business across the street from him. He has lived there for 13 years. They have had no complaints, and no trouble with the owners, who are nice people. The prior owner was not good. He said, Michael and Ricky bought the business and cleaned it up, so it looks nice. He doesn't care if they are there. They are people who run a business to support their families. He wants them to stay.

Ken Fonder, 3371 Lyon Street SE, said he also lives across the street from West Coast Alternative Medicine. He is a homeowner who thinks there may be some concern that homeowners aren't being represented. The owner of West Coast contacted neighbors at the beginning to discuss parking and traffic issues. He has security, and has cleaned up and upgraded the property. The previous owner had issues with the neighbors from the start. The new owner is a positive influence on the property. Fonder thinks the City should let him be a businessman. Instead of banning recreational marijuana, the City should wait a year so West Coast can develop a track record.

Konopa asked if the Council wanted to hear more on the marijuana issue that evening. She suggested that the City Attorney could come back to a future work session to present all possible options. City Attorney James Delapoer said it was his suggestion to the Mayor to dedicate a future work session to the subject. He said banning recreational marijuana is not on tonight's agenda and he is not sure where that story originated. He said it's clear that it's difficult for the Council to figure out what all the options are, and without knowing all the options it is difficult to choose. He suggested holding a work session dedicated solely to the subject, and the City Attorneys would list all of the Council's options and decision points. He suggested devoting the last half hour of the work session to public comment in case the public thinks there are other options. The meeting's purpose would not be to advocate for one option or another, but to agree on what the choices are and the legalities that accompany each choice. The choices can be listed in a document so it is clear. Once the Council knows what their choices are, they could choose to take action.

Kopczynski said that sounds plausible but he thinks there's a time crunch for some of the options. He wants to do it sooner rather than later. City Attorney Sean Kidd said it would be preferable to have some decisions made by the end of the year. The Oregon Liquor Control Commission (OLCC) will start accepting applications for recreational marijuana facilities on January 4, 2016. The OLCC says they won't issue licenses until late summer

or early fall, but the gray area is that in that process, once they receive an application, they will send a letter of compliance to the City to see if the applicant meets the City's current land use criteria. The City then has 21 days to respond. If we get a letter of compliance before the Council has made decisions, City staff will have to evaluate the letter based on current code. So, if the Council wants to make Code changes, they need to do it sooner rather than later. It doesn't have to be done on Monday, but the City Attorneys could present the options then if the City Council would like.

Kopczynski said he would like to do it at Monday's work session.

Councilor Bessie Johnson agreed. She would like to get all the Council's options in writing.

Kidd clarified that there are a variety of options. He and Delapoer will list the general options and the Council can revise them. The options can be ready by Monday, but all of the Councilors should be present. Delapoer clarified that the goal of that meeting should not be to pick an option, but to get on the table the various choices available and the associated timelines.

Councilor Rich Kellum said the bottom line is to do it right. He said, we have a history of doing things quickly and then there are unintended consequences. He thinks it is better to take two or three weeks and be sure to get it right.

Delapoer said that would give the attorneys time to make sure they don't miss anything. It would also allow time for staff to discuss whether regulations should be land use regulations or contained in the Municipal Code, and what the process should be, so that the Council knows the impact of their decisions. Delapoer reminded the public that the public input would not be to advocate one way or the other, but to make sure all the choices are on the table. Then, at another public meeting, the Council would decide what they want to do.

Councilor Dick Olsen wants the meeting to be in the evening.

The meeting was set for Monday, November 2, 2015, at 7:15 p.m.

Kellum asked that the list of options be emailed to the Councilors as soon as possible. Delapoer said it could also be put on the website for the public to see.

Tom Cordier, 2240 Park Terrace NW, asked if the list will be available on the Friday before the work session. Konopa said yes.

Skyler McCollaum, 2175 Pine Meadow Drive SE, said he represents combat veterans in Albany. He said they sincerely appreciate all the Council is doing. He said, we really do want cannabis. It's one of the only things that help him, whereas pills and alcohol, which are readily available, do not. It isn't smoking it, but eating it that helps. Unless it's readily available in all forms, they are unable to live here and have businesses here. Konopa said medical marijuana is already allowed in Albany. McCollaum described the difference between the flowers and the other parts of the plant in making treatments.

John McNeil, 1735 23rd Court SE, said he's talked to his doctor about marijuana. Without marijuana he is unable to walk. He has to go to a dispensary to get it. He wants the dispensaries to stay open. He has met older people like himself that have similar problems. Konopa said the Council is not considering closing down the medical marijuana dispensaries.

First Reading of Ordinance

Amending Albany Municipal Code Chapter 2.27, Community Development Commission.

Konopa said this ordinance clarifies language in the Code about Community Development Commission appointments.

Delapoer read the Ordinance for the first time in title only: AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 2.27, COMMUNITY DEVELOPMENT COMMISSION.

MOTION: Councilor Bill Coburn moved to read the Ordinance for the second time in title only. Kopczynski seconded the motion and it passed failed 5-1, with Kellum voting no. It takes a unanimous vote of the Council for a second reading in the same meeting. This item will come back to the October 28, 2015, Regular Session for a second reading.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) August 12, 2015, Regular Session minutes.
 - b) August 31, 2015, Special Meeting minutes.
- 2) Accepting a sanitary sewer and storm drain easement from Glorietta Bay, LLC.

RES. NO. 6454

- 3) Executing a quitclaim deed for the release of the western 370 feet of a 420-foot wide sewer easement across tax lot 11S03W18BD-00501. RES. NO. 6455

MOTION: Coburn moved to adopt the Consent Calendar as presented. Kellum seconded the motion and it passed 6-0.

Report

Code Enforcement Team annual report for Fiscal Year 2014-2015.

Hare said that the Code Squad does a good job with limited resources. There is discussion about transferring some responsibilities to the Police Department and relying more on Community Service Officers (CSO). He said, finding the right balance between resolving neighbor disputes and limiting people's use of their property is one of the most difficult things we do. In general, the Code Squad does an outstanding job by working to consider the interests of all the parties involved in disputes. Konopa agreed, and said she hopes the Council will consider adding additional staff to handle the work load.

Kopczynski asked where the Big Pickup will be in 2016. Public Information Officer Marilyn Smith said that is usually decided in January.

Coburn asked about progress on 2215 Jefferson Court SE. Smith said bids have been received, and demolition will happen in November. The neighbors will be happy when it comes down.

Coburn asked about the property on 33rd Avenue. Smith said a CSO spoke to the new manager of the apartments on the north side, where the problem is. The manager has hauled off three dumpster loads of trash and moved the dumpster into the parking lot from the cul-de-sac. She is telling tenants that they can't congregate or dump stuff there. The neighbors still would like that end of the cul-de-sac fenced off. There's a continuing problem at the complex, which is also a problem complex for the Police Department. The bulb of the cul-de-sac is not City right-of-way. If it were fenced, we would have to maintain fire access. The CSO is hopeful the new manager will take care of the problem. Discussion followed about the complex.

Johnson asked if the new owners of the old radio station on Ninth Avenue were doing anything about the problems there. Smith said she hasn't had an update on the property, but it has been boarded up and secured.

Smith said that 4030 Shortridge Street SE, which has been vacant for five years, is up for auction on October 20. It has been pulled from auction a couple of times. Discussion followed about why lenders pull properties from auction.

Collins said the owner of the building next door to the KRKT building says he has rat problems and broken windows in his own building. Collins asked what the Council can do to put pressure on the owners of the vacant building to do something about the rats. Konopa said a nonprofit bought the building for transitional housing, but the property isn't zoned for that. She can give their information to Smith to contact them about the problems. Discussion followed about mixed-use zoning. Hare said commercial and residential uses can conflict, so we try to separate them without being too restrictive.

BUSINESS FROM THE COUNCIL

Olsen said he has talked to Fire Chief John Bradner about the possibility of enlarging the lobby at the new fire station to accommodate more than one engine. Bradner said he's reluctant to do that because they need the sight distance. Olsen said Bradner told him that ODOT says the current stop light on Lyon Street will have to be removed when the new station is built. Olsen asked if ODOT is prepared to take it out if the City leaves it there. Hare said the City would probably have to pay the cost to remove it. Olsen asked if we should raise the issue that it doesn't make sense to remove a stoplight that has prevented accidents. Hare said Traffic Engineer Ron Irish has worked effectively with ODOT for years. Hare will talk to him about it.

City Engineer Staci Belcastro said she did not attend the meeting with Irish and ODOT, but she understands that progress was made. Initially the City was looking at full traffic signals on Lyon and on Ellsworth, but ODOT said they don't think that's necessary. The City proposes a crosswalk on Lyon Street, and ODOT favors stop signs before the station driveways. Irish will discuss options further with ODOT.

Olsen mentioned the recent bomb threat at Central School. A teacher told him, "the cops were awesome." Olsen thanked the Police and Fire Department for their response to the threat.

Kellum said the crosswalk at Les Schwab has no lights, and also the one on Waverly Drive, south of Grand Prairie Drive. He asked, are these in the Capital Improvement Program? Public Works Engineering Director Jeff Blaine said Public Works is working with ODOT on the lights at Les Schwab. Belcastro said the plans are complete. Public Works is working to verify that there's enough right-of-way for the poles. The plans could be advertised as early as November.

Blaine said Public Works has applied for grant money for the other location. Irish thinks they will get the grants, but the process takes a while.

Konopa mentioned Ed Melvin, who asked at Monday's Work Session for free bus passes or Call-A-Ride transportation. She spoke to him by phone for 45 minutes the week before, when she explained the process and told him that if we gave him free passes we would have to do it for others. Many others in community are handicapped and the City doesn't have the means to give them all rides whenever they would like. She suggested he contact Disability Services for help. She doesn't know if he made contact with them or not. She asked the Councilors if they wanted to have staff pursue the issue.

Collins asked if this is a service that could be funded by Community Development Block Grant (CDBG) for disabled vets and people on Social Security Income. Hare said he isn't sure, but he can look into it. Collins said it could be a valuable service, and he thinks CDBG would be an appropriate source. Smith said the Cascades West Rideline already does that at no charge. Discussion followed. Hare said he will report back to the Collins about the services available.

Konopa said she received an e-mail request to ban fireworks in Albany or to step up enforcement against illegal fireworks. She asked if the Council wanted to pursue the issue. Coburn said he thinks Albany is already more restrictive on sales than Linn County. Hare said he doesn't think Albany is more restrictive than state law. Discussion followed about restrictions and enforcement. The Council was not interested in having staff pursue this further.

Konopa mentioned an email from Mr. Talley, who wants a train-whistle quiet zone. He contacted ODOT Rail and National Rail and still wants the City to look into quiet zones. Irish responded with an e-mail and explained that a quiet zone could cost \$300,000 to \$500,000 per crossing. Talley still wants the Council to pursue it. Konopa asked if the Council wants to have a study done.

Kellum asked, what do we want to cut in order to do this? Kellum said, Talley moved in next to a railroad. Collins said the North Albany line has very few trains, but he can clearly hear trains on the main line from his home in North Albany. He thinks that it would be good to do a brief staff report to provide the definition of a quiet zone and the cost involved.

Hare described studies done on quiet zones in LaGrande when he was City Manager there. He thinks Irish did a good job of summarizing the costs.

Delapoer said the City Council can't adopt an ordinance that could be enforced against the railroad. All the City can do is ask the Federal Rail Administration to adopt a rule, which may be subject to change by the federal government.

Collins said documenting the discussion and Irish's response to Talley would memorialize the information for future City Councils.

RECESS TO EXECUTIVE SESSION TO DISCUSS LITIGATION LIKELY TO BE FILED IN ACCORDANCE WITH
ORS 192.660 (2)(h)

The Council recessed to executive session at 8:42 p.m.

RECONVENE

The Council reconvened at 8:47 p.m.

MOTION: Collins moved to execute the settlement agreement with Tornado Soft as outlined by the City Attorney. Kellum seconded the motion and it passed 5-1, with Coburn voting no.

NEXT MEETING DATE: Work Session: October 26, 2015, and Regular Session: October 28, 2015

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:48 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
City Clerk

Stewart Taylor
Finance Director