

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, August 10, 2015
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:00 p.m.

ROLL CALL

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

Councilors absent: None.

BUSINESS FROM THE PUBLIC

Konopa introduced Peggy Burrus, the new director of the Albany Downtown Association (ADA). Burrus reported that the Movies at Monteith series has been well attended this year. Next week, the ADA will begin planning for Halloween trick-or-treating, and then for the Christmas tree lighting and parade.

Konopa mentioned that the Economic Improvement District (EID), which funds Parkwise, is up for renewal in 2016. Burrus said she will begin talking to downtown property owners in the next few days to prepare for the renewal.

Stephanie Lo, 6395 Chapman Court SW, said she is working with Public Information Officer Marilyn Smith on the public access channel. Lo thinks it's not being used to the fullest. She would like to contact non-profits and associations to see if they have video or other presentations to put on the channel. She also mentioned a booth at the Farmer's Market where City departments could promote their programs.

Councilor Floyd Collins said he has heard complaints about the lack of a program menu for the TV channel. Lo agreed that it's an issue. There aren't enough programs now to have a program menu. She has solicited several videos this year, from the Calapooia Watershed Council, the Library, Master Gardeners, and WIC, among others.

Konopa said there are two issues: TV channel programming, and outreach. She encouraged Lo to continue collecting videos that Information Technology (IT) can simply plug into the system. Managing the system will require some staff time, and a policy on acceptable organizations and presentations.

Rebecca Landis, of Corvallis/Albany Farmers Markets, P O Box 2602, Corvallis, 97339, said they already allow non-profits to do outreach at the market. The City would need to take into account the physical considerations of a booth, and the best location for wifi connection. The Market does not give space to fund-raising activities, and keeps political and religious activity on the edges. Landis said Smith has a copy of the Farmers Market's written policy.

Konopa said before the Council can make a decision, they will need a report from IT on Channel 28.

PUBLIC SAFETY FACILITIES PROJECT UPDATE

Engineering Manager Staci Belcastro reported that neighborhood meetings for both new facilities will be held this week. Belcastro and Police Chief Mario Lattanzio will attend this week's meeting of the Arts Commission to request funding for a water feature on the Police Station's plaza. The land-use application for both stations is scheduled to come before the Council on September 9, 2015.

Councilor Rich Kellum said he has heard that Edward Jones' new building may not be ready by the time they have to leave their current building. What will they do in the meantime? City Manager Wes Hare said the City paid the brokerage firm "a substantial amount" to move Edward Jones. Konopa said the City and the Council will work to make sure they have a space in the interim if needed.

PROPOSED LICENSE TO OCCUPY CITY PROPERTY NEAR BROADWAY RESERVOIR

Civil Engineer III Gordon Steffensmeier directed the Council's attention to Attachment 1 of his agenda submission, and explained the existing Licenses on neighboring properties. He handed out a revised agreement form that had minor changes from the form in the agenda packet (see agenda file). Deputy City Attorney Sean Kidd suggested using the revised agreement. Steven Ho'okano, the property owner, said they don't want to use the City land, just to mow it to help keep their own yard weed-free.

MOTION: Kellum moved to approve the revised License to Occupy. Councilor Ray Kopczynski seconded the motion, which passed 6-0.

MARIJUANA LAWS

Kidd handed out several pages of questions and answers about local regulation of marijuana (see agenda file). He explained how local law relates to state and federal law. He said that the City can't make marijuana illegal but can regulate or prohibit new marijuana facilities. Hare asked if the Council can choose to prohibit marijuana facilities outright, or only to refer the question to voters. Kidd said the Council can pass an Ordinance, which acts as a moratorium on new facilities until an election can occur.

Kellum asked if existing recreational marijuana facilities would be grandfathered in, in case of a ban. Kidd said only medical facilities can be grandfathered in. He added that if Albany decided to ban recreational facilities, the City would not get to share in the state tax revenue. He also said that beginning October 1, 2015, medical marijuana facilities will be able to sell marijuana for recreational use, but only until the Oregon Liquor Control Commission (OLCC) begins licensing recreational facilities.

The Council discussed public vs. private spaces.

Kidd advised the Council that they can prohibit medical facilities from selling for recreational use without an election. He asked the Council to let him know to start working on it if they want to get it done before October 1.

Konopa asked if Albany could have recreational dispensaries by January 2016. Kidd said, yes in theory, but it isn't likely. Before issuing licenses, the OLCC will check land-use compliance with the City, which has 21 days to reply. The OLCC will not issue dual licenses.

The Council discussed state vs. local taxes.

Konopa asked if any Councilors planned to take the marijuana tour at the League of Oregon Cities (LOC) conference. None plan to at this time. Hare said he would take a marijuana tour while he is in Seattle at the International City Managers Association (ICMA) conference.

Hare said the Council should consider what process they want to use to consider the issue of restrictions. It's a tough issue with a fair amount of passion behind it. He said he can't guess what citizens will want in the way of opportunity to speak to the Council about the issue. Collins asked to see the City vote count for legalization. Konopa said she has the precinct lists. The measure passed in Albany by over 300 votes.

Kopczynski asked if staff time, crime, or maintenance had increased at all due to marijuana facilities? Captain Jeff Hinrichs, in the audience, said he is not aware of any crimes at the facilities. He hasn't seen an increase in DUIIs or crime. He suspects there will be some change from alcohol DUIIs to marijuana DUIIs. The police have cited a few people for smoking marijuana in public.

Konopa reminded the Council that the City has an ordinance regulating marijuana facilities based on zoning. Kidd said the Council can create a zoning class for recreational marijuana now, before early sales start. Hare said the Council can create time and place restrictions, but as a city can be overruled by the state. At this point, the state has not preempted cities' ability to rule, but they could.

Konopa asked the Council what they would like to do.

Councilor Bessie Johnson said she would like to think about it, and see if she has questions.

Collins also said he wants to spend some time thinking about it. He would rather not have medical facilities selling recreational marijuana, but keep them completely separate. He would like to add restrictions on placement and zoning, especially regarding children. He thinks the Council should aim for an election on the November 2016 ballot.

Councilor Dick Olsen said if the City bans recreational marijuana, it will give up income. The Council discussed taxes on marijuana and came to a consensus that the potential loss would be relatively small.

The Council decided to take some time to think the issue over before deciding on a course of action.

Konopa and the Council thanked Kidd for his work.

COUNCILOR COMMENTS

Johnson handed out a copy of Albany Municipal Code (AMC) Chapter 2.96, One Percent for Art (see agenda file). She said she thinks the percentage should be less for very large projects. Kellum said he feels that a space which doesn't get a lot of public contact doesn't need art as much as a more public space, and the money could be better spent. Collins suggested an exclusion proportional to the construction value of a space.

Councilor Bill Coburn said he doesn't like 2.96.010(2). It seems to mandate "cramming" art into facilities with the space to accommodate, just because the money's available.

Konopa said she remembers when the Ordinance was passed. City Hall was built to be an art gallery, and the intent of the Ordinance was to get some art dollars into City Hall rather than other facilities with little public space.

Kopczynski said he likes the proposal to juxtapose water treatment with art for the fountain Belcastro mentioned earlier. Belcastro said about \$77,000 will be available for art in the new Fire station, and about \$100,000 for the Police station. The Police station doesn't have a lot of public space, so placing art outside would bring it to the public.

Olsen asked if the museum at the 34th Avenue fire station would be eligible for public art dollars. Hare said Fire is talking about incorporating some of the museum's historical apparatus into the new Fire station lobby. Belcastro said that Fire Chief John Bradner will bring a proposal to refurbish the Department's old steam engine to the Arts Commission in September. The refurbished engine and an old bell and flagpole would be moved into the new lobby, which has a lot of glass, so people on the street can see in.

Kellum said the Council told Albany citizens that these buildings would be functional, not froufrou. Refurbishing an old steam engine is not "functional." Collins said the Council agreed the buildings themselves would be functional.

Konopa mentioned that the Police Department needs to have its Wall of Honor in its new building.

Hare said if the Council wants to change the 1% for Art, it needs to go on a meeting agenda. Konopa said the Arts Commission needs to be included in any discussion. Hare said that public art is a big issue in a lot of communities. The public should have the opportunity to comment. He will alert the Arts Commission and put the issue on the Council agenda for August 26, 2015.

Collins asked if the Council can override the Arts Commission if they make a decision the Council doesn't agree with. Konopa read 2.96.030(1), Acquisitions, aloud. Hare said his interpretation is that the Council has complete discretion. Konopa said the goal is to get art into the community. It's possible that some future City Council might not be inclined to support art in the community. That's why the Ordinance involves several different groups.

Kellum told the Council that the Auto Zone is now open, and so is the Sportsman's Warehouse.

Collins said he represented the City at the Governor's Solutions Team meeting here in City Hall. He did a joint presentation with Linn-Benton Community College (LBCC) on the Workforce Development Project. The audience was impressed that all parties came together to work on the imbalance between job creation and trained employees. LBCC will present the Workforce Development Project at a symposium later this year. Collins has asked them to tie the project back to the City's Strategic Plan.

Konopa reported that she attended the Mayors' Conference two weeks ago. All the state agencies were there. Several mayors commended Albany for its urban renewal, and several asked Konopa for advice about solutions. Albany is very fortunate to have Central Albany Revitalization Agency and our urban renewal plan.

CITY MANAGER REPORT

Hare said Linn County has expressed interest in the current police station. They are willing to share the cost of an appraisal with the City. The property has been nominally assessed at \$1.2 million, but should have a full independent appraisal if the City intends to sell. A full appraisal will cost about \$6,000 to \$7,000. Collins asked if the City would own the appraisal. Hare said yes. The City would be able to use the appraisal as a basis for sale to anyone.

Hare said the Council may also need to act on the possible future transfer of the grassy swale off of Somerset Avenue. The developer of the subdivision was supposed to be responsible for the swale, but the property was foreclosed on and Linn County now owns it. The City gets complaints because the County isn't mowing. The property has potential value to the City. Parks and Recreation Director Ed Hodney thinks it would cost about \$1,000 per year to own and maintain.

Konopa said she was at National Night Out last week at North Pointe. Residents believe the City owns a drainage way there but is not maintaining it. Collins said he doesn't know if it belongs to the City or to the Homeowners' Association (HOA). Konopa said the Council may need to figure out a policy on maintenance of public space in new developments.

Kopczynski noted that Fire Marshal Mike Trabue has accepted a position with the state. He asked if the City has a replacement ready. Hare said he doesn't know Chief Bradner's plans.

ADJOURNMENT

There being no other business, the meeting was adjourned at 5:50 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse
Accounting Specialist

Stewart Taylor
Finance Director