

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, September 28, 2016  
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, and Dick Olsen.

Councilors absent: Councilor Floyd Collins was excused.

SCHEDULED BUSINESS

SPECIAL PRESENTATIONS

Certificate of appreciation for Greater Unified Albany Vexillological Association.

Cole Pouliot from West Albany High School (WAHS) said he is happy to see this project come to fruition. He is appreciative of Public Information Officer/Management Assistant Marilyn Smith's assistance. He is looking forward to seeing the actual flag.

Konopa read the certificate of appreciation as outlined in the agenda packet.

Government Finance Officers Association (GFOA) Awards – Don Hudson, Oregon GFOA Liaison.

Don Hudson, Tualatin Finance Director, is also the President of the Oregon Government Finance Officers Association (OGFOA). He said the OGFOA has 500 members. The organization's purpose is to promote professionalism and excellence in public financial management, through a commitment to four primary goals: fostering individual professional growth, advancing the government finance profession, furthering standards and policies for the benefit of communities and OGFOA members, and monitoring and reviewing legislative and judicial activities. He described education and training opportunities provided by OGFOA.

Hudson said since Accounting Supervisor Anne Baker is the board liaison with the national GFOA, it would be awkward for her to present the award to herself, so he is filling in. He gave some background on the national organization, which has nearly 18,000 members. Their mission is very similar to the Oregon organization.

Hudson said he would present three separate awards tonight: the Distinguished Budget Presentation Award, the Certificate of Achievement for Excellence in Financial Reporting Award, and the Popular Annual Financial Reporting Award.

The budget award was established by GFOA in 1984 to encourage and assist state and local governments to prepare budget documents of the very highest quality that reflect established guidelines and GFOA best practices. He described the evaluation and rating process used in reviewing the submitted budgets. This year only 29 cities in Oregon received the award. This is the 24th consecutive year the City of Albany has received it. Hudson thanked Baker for her work.

Hudson described the Certificate of Achievement, which is given for the Comprehensive Annual Financial Report (CAFR). The award was established in 1945, to encourage state and local governments to go beyond minimum requirements in the spirit of transparency and full disclosure. He believes this is the hardest of the three awards to get. The review checklist is 79 pages long with over 500 items. Winning this award shows that financial statements are more than just numbers. Albany citizens can be assured that the City's financial position is transparent, fully disclosed, and of the highest quality at a national level. Thirty-eight Oregon cities received this award this year. This is the 33rd consecutive year the City of Albany has received it. Hudson recognized Accounting Supervisor Jeanna Yeager for her work on the CAFR.

Hudson described the Popular Annual Financial Reporting Award, given for the Popular Annual Financial Report (PAFR). This award was established in 1991 to encourage and assist state and local governments to produce financial reports specifically designed to be readily accessible and easily understandable to general public. The PAFR is judged in five categories: reader appeal, understandability, distribution methods, creativity, and overall quality and usefulness. Only four cities in Oregon received this award this year. This is the fourth consecutive year Albany has received the award. Hudson recognized Baker for her work on the PAFR.

Hudson said only five entities in the state of Oregon have received all three awards. He said recognition is due to the entire Finance Department under the direction of Finance Director Stewart Taylor and also to City Manager Wes Hare and the City Council. There is an environment of excellence at the City of Albany.

Hudson and Konopa presented the three awards to Baker and Yeager.

Economic Development & Urban Renewal Director Kate Porsche.

Konopa noted that Porsche has had several roles over the years which evolved to her current position. Porsche is leaving Albany to take a job in Redmond. Redmond is a smaller city, but it is a higher level position and Porsche is looking forward to the challenge.

Konopa said Porsche will be missed. When she took over management of the Central Albany Revitalization Area (CARA), we had not launched projects. Now, we have \$75 million private dollars leveraged by CARA money. The downtown has been transformed. Porsche deserves much credit for making sure that the Albany Revitalization Agency (ARA) followed policies and state law.

Konopa presented a certificate to Porsche (see agenda item). Konopa gave Porsche a Key to the City.

Konopa said Councilor Floyd Collins asked her to read his letter: "I have enjoyed working with Kate since she took her current position. The insights and talents she has exhibited has greatly contributed to the restoration of the community and the partial achievement of the vision of the CARA plan. She will be greatly missed."

SCHEDULED BUSINESS

Public Hearing

Community Development Block Grant (CDBG) 2015 annual performance evaluation and report.

Open: Konopa opened the public hearing at 7:33 p.m.

Planner II Anne Catlin said she is here to highlight the Consolidated Annual Performance Evaluation Report (CAPER) and seek Council authorization to submit it to Housing and Urban Development (HUD).

Catlin gave a PowerPoint presentation (see agenda file) that highlighted the information in the Council packet.

Catlin said that the CDBG Program Objectives are decent housing, removing blighting influences, and expanded economic opportunities. She described minor changes in the housing rehabilitation program. Reducing homelessness is a goal and this was achieved by Jackson Street Youth Shelter, emergency housing assistance, Court Appointed Special Advocates (CASA) of Linn County, and infant child abuse prevention. Catlin said blighting influences were mitigated by improving the parking lot at Sunrise Park and with the sidewalk infill project on 19<sup>th</sup> Avenue SE. The primary focus under the expanded economic opportunities is the microenterprise training and advising and small business grants.

Catlin recognized the CDBG Commission members in the audience.

Kopczynski asked if the CDBG funds are still under time constraints where they have to be spent by a certain date. Catlin said they are allowed to have 2.5 allotments that are not spent, but once you get there you lose it. She said, we are not there yet.

There was a signup sheet available for the public (see agenda file).

Andrea Myhre, 565 Lindon Avenue, Corvallis, Associate Director at Jackson Street Youth Shelter, thanked Catlin, the CDBG Commission, and the City Council for providing support for their shelter. They served 36 youth over the year, and at times there were over 50. They were full several times during the summer. The Shelter has had tremendous impacts on the community. School districts in Linn County reported almost 1,000 homeless youth who are with their families, and 140 of those youth who are unaccompanied, which means they are not with a parent or guardian. Myhre said that in the Greater Albany School District (GAPS) there were about 100 unaccompanied youth, so the Shelter's presence in the community is making a difference. The Shelter is able to use the CDBG funds to leverage support from other agencies, such as the Youth Development Council of Oregon. They also receive federal funds. Myhre said they have been able to expand partnerships such as with Albany Partnership for Housing (AHP), where they will be able to provide some supported units for older homeless youth age 18-20 years old.

Konopa said they filled up the AHP structure very quickly. It is especially helpful to use AHP to help those who are 18 and older.

Konopa asked if there was anyone in the audience who would like to testify that was in favor or against. There was none.

Close: Konopa closed the public hearing at 7:45 p.m.

MOTION: Councilor Ray Kopczynski moved to authorize staff to submit the CAPER to HUD. Councilor Rich Kellum seconded the motion and it passed 5-0.

#### Legislative Public Hearing

##### DC-01-16, Floodplain Albany Development Code (DC) text amendment.

Konopa said, next agenda item is a legislative public hearing regarding text amendments to the Albany Development Code relating to Floodplain Development Standards as described in Planning file: DC-01-16. The applicant is the City of Albany Community Development Department – Planning Division.

Konopa opened the legislative public hearing at 7:47 p.m.

Konopa said there is a signup sheet at the table (see agenda file).

Konopa said, for those wishing to testify, please be aware that you must raise an issue with enough detail to afford the Council and parties an opportunity to respond to the issue if you later want to raise that issue on appeal to the Land Use Board of Appeals (LUBA). Testimony and evidence must be directed toward the approval standards staff will describe or other criteria in the Comprehensive Plan or Development Code which you believe to apply to the decision. If additional documents or evidence are provided by any party, the City Council may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond.

##### Staff Report

Planner II Melissa Anderson gave a PowerPoint presentation (see agenda file).

Anderson said this is a legislative process that uses the decision-making criteria in ADC 2.290(1-2). She described notices and the public processes to date:

- DLCD Notice June 24, 2016
- Agency Notice July 11, 2016
- Mailed Notice to North Albany on July 26, 2016
- Newspaper Notice Published August 3, 2016
- Planning Commission Public Hearing, August 15, 2016 (recommended approval)

Anderson said that in 2010, the City initiated the flood study because the FEMA floodplain maps for North Albany were inaccurate and they did not include a floodway. She described the open houses and appeal periods:

- November 8, 2015, Open House preliminary maps
- February 17, 2015, Open House revised preliminary maps
- July through October, 2015, the FEMA appeal period
- June 8, 2016, FEMA issues new final maps
- December 8, 2016, final maps in effect

Anderson described what the amendments would do:

- Reference the new Flood Insurance Rate Maps for North Albany
- Streamline review process for small subdivisions
- Meet the minimum criteria of National Flood Insurance Program (NFIP):
  - Historic properties on National Register
  - Maintenance plans & emergency action plans for flood-proofed structures
- Clarify application requirements:
  - Documentation for elevation certificates
  - Documentation for ESA on fill projects
  - Engineering methodology for no-rise studies

Anderson said Criteria #1 is that the proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language. For flood hazards, the amendments clarify that the floodplain permit application requirements protect property and public safety; ensures the City is in compliance with the State of Oregon and NFIP; and updates reference to new FEMA flood insurance rate maps, which will be used to review development proposals. As to urbanization, the amendments ensure that all new developments are reviewed expeditiously by streamlining the review of subdivisions of 19 lots or less that are located in the floodplain and uses the most current information to manage development in the floodplain to minimize the impacts of development in the floodplain.

Anderson said Criteria #2 is that the proposed amendments are consistent with Development Code policies and with the purposed statement for the base zone, special purpose district, or development regulation where the amendment is proposed. In Article 1, the proposed amendments would manage development in the floodplain in a way that promotes public and environmental health and safety and minimizes economic loss and social disruption caused by flood events; satisfies requirements of federal and state law by adopting the new maps and other floodplain requirements; and provides for notice and public participation. Article 6, to promote public and environmental health and safety and minimize the economic loss and social disruption caused by flooding by, is met by referencing the new floodplain maps and clarifying and streamlining the existing regulations.

In conclusion, Anderson said that all applicable criterion have been met. Staff recommends approval of the Floodplain Development Code Text Amendments.

Councilor Bill Coburn noted that one goal was to clarify the application requirements, and Anderson had mentioned the documentation for elevation certificates. He asked, is that information supplied from a certified surveyor? Anderson said yes, the surveyor would provide a copy of the flood profile from the flood insurance study to show how they identified the base flood elevation. One of the trainings Anderson attended pointed out that this is a way to have more accurate information.

Kellum asked if the amendments would make it easier or harder for someone who has an undeveloped lot. Anderson said it does not necessarily make it harder. A surveyor usually does an elevation certificate. With respect to small subdivisions, the amendment makes it easier, because it skips the public hearing and streamlines the process.

Kopczynski asked if there is a program to help people in North Albany. Anderson said yes; the Council authorized staff to do the elevation certificates; we paid for about 100 elevation certificates for those properties that were negatively impacted.

Konopa asked if there was much testimony at the Planning Commission. Anderson said there was one person who wondered if they were in the floodplain. She said that overall there was not much attendance and there were no major concerns. Discussion followed regarding public inquiries and staff outreach.

#### Testimony

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.

Dan Watson, 710 East Thornton Lake Drive, said he testified about a year ago when the map was being considered over some limits of floodway that was in both east and west Thornton Lake. He said, the Council directed staff to go back and reconsider it, and they did.

Watson spoke to Kellum's question about whether this makes it harder for residents to comply with the regulations. He said the City does need to have the map adopted for FEMA, but there are a few things in the amendment that go further than that.

Watson said that ADC 6.095(10), on page 40 of the Council packet, requires fill projects in the floodplain of 50 cubic yards or more must show how they meet the endangered species act. He said that for anyone that wants to do work in the flood fringe, this seems to suggest they would need to do a full endangered species act evaluation, which is not required by the NFIP. There are other agencies acting along these lines, but, the bottom line is you don't need this in your ordinance. He said, if you are concerned about endangered species, you did a lot of work on Goal 5 in order to protect the goals of the endangered species act, such as protecting riparian zones, habitat zones, and wetland zones. Also, you have open space zoning that is very restrictive. He said, so if you as a Council are seeking to increase process, adopt this ordinance. If you are trying to forward the goals of the endangered species act, he does not see how this achieves that. He recommended that they do not adopt that portion.

Watson said ADC 6.121 (2) (e) and (f), on page 45 of the packet, addresses flood-proofing nonresidential construction. He said, in July 2013, FEMA came out with a document, titled "FEMA Floodproofing for Non Residential Buildings" (see agenda file) that tells what needs to be done to comply with this. He explained why he thinks it doesn't make sense for some projects, and should not be required for all projects. It would create process where it doesn't need to and where it is not required by FEMA.

Coburn asked, regarding 6.095(10), does it take the size of the lot into account? Watson said no. Discussion followed.

Coburn said, regarding 6.121 (2)(e), it does not seem unreasonable that what is done to prevent the flooding should be maintained. Watson said there are two different categories of non residential; dry-proofing and wet-proofing. Watson asked, why would you require someone to have a plan all the time? This makes it harder to comply because it is where it doesn't need to be.

Kellum gave an example of a person who plowed a field and ended up getting sued and lost his property. Discussion followed about various regulations.

Watson said, with the flood program, you can adopt or not adopt any portion of it. This piece does not need to be adopted.

Konopa said, we have to set a standard, otherwise every property would be allowed to add 50 yards; consider what that would do to the overall landscape. She said, we have to consider how it will impact all the properties if everyone was allowed to do it.

Watson explained the difference between a floodway and floodplain. The floodway fringe, filled in, would only impact the river by one foot or less. The ADC already says that we cannot cause damage to the properties downhill. He thinks it is not necessary to be in the code.

Olsen asked, did you raise the same questions you have raised tonight at the Planning Commission? Watson said no.

#### Staff Rebuttal

Anderson said she does not feel strongly that the proposed Section 6.095(10) needs to be included and could be removed. She explained that administratively it made sense, so it was simply an attempt to be consistent with requirements by FEMA and the endangered species act. She said, Watson had a good point about the new rules (FEMA and endangered species) and that there may be changes as a result of the homebuilder's lawsuit. She said if the Council so desires, they could amend the ordinance to strike 6.095 (10).

As to ADC 6.121 (2) (e) and (f), Anderson said these requirements apply only to non-residential flood-proofed structures; the state representative's review said that since it is federal law, it should be included. But, it does not apply to wet-flood-proofed structures, because that is in the section above.

Coburn said it only applies if it were lower than one foot above the 100 flood plain, so he is not sure it would apply to all structures. Anderson said it is only for commercial structures.

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

Konopa asked, does any staff member wish to respond to any testimony presented? No one did.

Close: Konopa closed the public hearing at 8:26 p.m.

MOTION: Kopczynski moved to adopt the ordinance with Section 6.095 (10) removed and Kellum seconded it.

Coburn commented that he agrees that the amendment regarding 50 yards of dirt per lot appears to be over-regulation or duplication.

VOTE: A vote was taken on the motion and it passed 5-0 and was designated Ordinance No. 5875.

Konopa said, a legislative decision of the City Council may be appealed to LUBA by filing a Notice of Intent not later than 21 days after the decision becomes final. Within five working days following the adoption of an amendment or new land use regulation, the Director shall forward to the DLCD a copy of the adopted text and findings and notify the DLCD of any substantial changes which may have occurred in the proposal since any previous notification.

#### Business from the Public

There was none.

#### Adoption of Resolutions

##### Approving and adopting the City of Albany, Oregon, Natural Hazard Mitigation Plan dated September 2016.

Fire Chief John Bradner said that staff is requesting Council approve and adopt the Natural Hazard Mitigation Plan. This document is updated every five years and several people were involved including City staff, citizens, and other agencies. He said that Anderson and Lead Current Planner David Martineau provided key work on this project and he thanked them. Darrel Tedisch was also involved, and this will be his last year working with emergency management for the City, which he did for the last 16 years of his 42 years with the City. Bradner read for the record a comment by Brett Holdt, Regional Mitigation Planning Program Planning Manager for FEMA Region 10: "I would like to emphasize that the City of Albany developed a stellar natural hazard mitigation plan. It is obvious that both emergency management and community planning were key players in the update of the plan. In addition, it is great to see a jurisdiction complete the plan on their own, without contract support. This demonstrates high capacity in natural hazard mitigation planning."

MOTION: Kopczynski moved to approve and adopt the Natural Hazard Mitigation Plan and Olsen seconded it. The motion passed 5-0 and was designated Resolution No. 6539.

Approving exemption from competitive bidding requirements through use of an interstate cooperative procurement for the purchase of firefighting turnouts.

Bradner explained that turnouts are the gear that firefighters use to provide thermal protection so they can enter fires. This request is for an exemption from competitive bid.

Coburn pointed out that it's not that there hasn't been a competitive process; rather, the City of Albany is piggy-backing on another agency's bid.

MOTION: Kellum moved to approve the resolution and Kopczynski seconded it. The motion passed 5-0 and was designated Resolution No. 6540.

Awarding a bid to Tyler Technologies (Incode) for Municipal Court software, appropriating General Fund beginning balance, and approving reclassification of the Senior Court Clerk to Court Supervisor.

Taylor said the Albany Police Department (APD) and Linn County are transitioning to new software for computer-aided dispatch and records management. The current Municipal Court system will not be compatible with the new software, which will be on line in April of 2017. This proposal would award a software contract to Tyler Technologies for their Incode municipal court software. The program is already in use in 17 municipal courts in Oregon, and is highly regarded by those agencies. It is appropriate to use beginning balance funding for this purchase. The purchase was anticipated in the budget but the funding source was not identified so that is why it is coming to the Council now.

Finance is also requesting reclassification of the Senior Court Clerk to Court Supervisor. September Burrese has been the Senior Court Clerk since Mary Stankey retired in 2015.

Kopczynski said out of 13 possible vendors, only one responded. He asked why. Taylor said he is not sure, but he thinks Tyler Technologies is getting a good foothold in the municipal court market.

Assistant City Manager/Chief Information Officer Jorge Salinas said the City also considered adding a module from the Sungard system, but we found that Sungard is not selling it anymore. So we approached another current vendor to add this on.

Taylor said Albany's IT Department is working on an Request for Proposal (RFP) process with the City of Corvallis. Albany is getting this module for tens of thousands of dollars less than the price offered to Corvallis.

Kellum said he remembers doing a ride-along with APD when he first became a councilor. At that time he saw how long it took to just fill out forms. He asked if there is more we have to do? Taylor said not that he is aware of. This program should satisfy the need. He added that the Municipal Court counter is closed on Fridays because of the paperwork that accumulates during the week. During the recession, a court position was eliminated, and they use Fridays to get caught up. He hopes that the efficiencies of this new software will allow them to open again on Fridays with the same staffing.

MOTION: Kellum moved to adopt the resolution and Kopczynski seconded it. The motion passed 5-0 and was designated Resolution No. 6541.

Salinas introduced IT Project Manager Sean Park. He said Park has been working to coordinate the process with Linn County, and has been doing an outstanding job. The Council thanked Park for his work.

Kellum said the Linn County Commissioners are happy with the cooperation they are getting from the City of Albany. Salinas said the City has improved communication and the working relationship with Linn County through this project.

#### Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) July 27, 2016, City Council Regular Session minutes.
  - b) August 8, 2016, City Council Work Session minutes.
- 2) Liquor license recommendation to OLCC:
  - a) Grant the limited on-premises sales, off-premises sales, new outlet, liquor license application for No Rails Ale House, Inc., located at 123 First Avenue W, Suite 105 and 106.
- 3) Accepting and appropriating funds for the Hospital Preparedness Program grant for emergency medical service (EMS) training props to be shared by Linn County EMS providers. RES. NO. 6542
- 4) Authorizing staff to work with the City Attorney to develop a contract with Infinite Air Center for the purchase and operation of a fuel truck for the Albany Municipal Airport.

Kellum asked for item 2) to be pulled.

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

Regarding item 2), Kellum asked if there was a stop work-order issued posted at this location. Salinas said there was an issue with the structure and unpermitted work. Porsche said that is correct, but the permit that item 2) applies to is not the same building. This permit is for the Mikesell building.

MOTION: Kellum moved to approve item 2). Coburn seconded the motion and it passed 5-0.

#### Award of Contract

##### Professional Services Contract for consulting work on WC-13-01, Canal Diversion Structures.

City Engineer Staci Belcastro said Public Works is recommending that the City Council award a professional services contract to Cardno, a firm from Portland. The contract amount is \$373,900. The contract is focused on three separate but related structures along the canal. All three are located in the city of Lebanon, and all three are in deteriorating condition. Improvements will help redirect Lebanon's stormwater away from the canal. Lebanon has contributed \$500,000 towards this and will contribute more in the future, consistent with their agreement with the City of Albany. The improvements are necessary to comply with federal hydropower licensing requirements and Oregon flow-monitoring requirements, as well as some OSHA issues.

The City received only one bid, from Cardno, after a second RFP was submitted. Staff has reviewed the proposal and believes the cost reflects the work required. The proposal includes significant predesign.

Kopczynski asked if the proposal is within original staff estimates. Belcastro said it's complicated; about 30% of the proposal is predesign, which is not usually included, but is necessary in this case to accurately define the project for the federal requirements. Public Works Engineering and Community Development Director Jeff Blaine said Public Works will learn more through the predesign about what the actual construction cost will be. It will take time, but it will come back to Council before moving forward.

Belcastro said she compared the predesign costs with other facility projects and they are right in line. She has the comparisons, if the Councilors want to see them.

Coburn asked if the \$500,000 from Lebanon was earmarked for this. Blaine said Lebanon is committing \$900,000 over several years for stormwater, removal efforts, and this is exactly in line with the intent.

Coburn asked about the lack of response to the first RFP and only one response to the second RFP. Was the RFP over restrictive, or are there not that many firms that do this work? Would we get a better response if we did RFPs for each of the three structures? Belcastro said the Marks Slough and CZ Gates are inter-related, so we can't design one without the other. It is a complicated project with lots of components, including hydraulic modeling, structural evaluation, archeological investigation, and wetland permitting. Public Works asked consultants why we didn't get more proposals, and they said it was because firms lack the staff to respond.

Blaine said Belcastro worked previously with the lead engineer on this project when Public Works rehabbed all the gates, so the proposed team has someone with experience on this exact type of structure, on our canal, and with our staff.

Coburn said this might be indicative of what happens when we regulate ourselves to death. The projects become almost cost-prohibitive. He is glad to hear that staff reached out to see why there were so few responses.

Kellum said Belcastro mentioned the Army Corps of Engineers. Last year we were talking about the problems with our generator. We were told someone would come back to Council with information. Is there a timeline for that? Blaine said yes, it's in the works. Before the next budget cycle, they will bring information back to the Council.

#### Report

##### Request for reclassification of one Police Officer position to Police Lieutenant.

Police Chief Mario Lattanzio said that when he arrived three years ago, one of the things he noticed was that there are a lot of drug issues in the community. We are in the only county along I-5 that is not designated as a High Intensity Drug Trafficking Area (HIDTA). When you get that designation you get more resources for the community to address some of the drug issues. The City of Albany can't apply for it, but Linn County can. The Sheriff's Department tried several years ago and was denied, but they just reapplied and were successful in getting the designation in January. We are now under the Oregon-Idaho HIDTA, which will bring more funding and allow us to get more resources in the community to fight the drug problem.

Lattanzio explained that one of the things we need to do is to develop a task force, which has to be co-located at one agency. In the new Police Station, there is a room for future office space that likely won't be needed for several years, so the task force will be housed there. The current City of Albany commitment is for a Lieutenant

and a Detective. Linn County will provide two detectives and Oregon State Police will provide one. The DEA will provide one agent, Lebanon will provide one officer, and Sweet Home may have a part-time position to offer. HITDA does not pay for personnel, but will pay for over-time and equipment. Lattanzio said the position being reclassified is a police officer position to a lieutenant position.

Lieutenant Jerry Drum will be the supervisor for the task force. The position would start in January, so this would give Drum time to get the policies and procedures together so that once the group is under one house, it is ready to go. There are funds in the budget for this action.

Kopczynski asked if the Lieutenant position supervises this group. Lattanzio said yes; the Intergovernmental Agreement should be back to the Council in November or December.

MOTION: Kellum moved to approve the reclassification and Kopczynski seconded it.

Johnson said she wishes Albany didn't need to get this designation, but she is supportive of anything we can do to combat the drug issue.

VOTE: A vote was taken on the motion and it passed 5-0.

#### BUSINESS FROM THE COUNCIL

Kidd noted that the Floodplain Development Code ordinance needed to be read in title only. Kidd read the ordinance for the first time in title only: AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE, BY AMENDING THE ALBANY DEVELOPMENT CODE TEXT RELATING TO FLOODPLAIN MANGEMENT AND ADOPTING FINDINGS.

MOTION: Coburn moved the have the ordinance read a second time in title only. Johnson seconded the motion and it passed 5-0.

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

MOTION: Coburn moved to adopt the ordinance with Section 6.095 (10) removed and Kopczynski seconded it. The motion passed 5-0 and it was designated Ord. No. 5875.

Coburn said a citizen called him to complain of the smell of marijuana plants coming from the neighbor's house. The citizen called Albany Police Department and they determined that they did not have too many plants and they aren't visible from the street, so property owners were not in violation. Coburn did some research on the internet and learned that marijuana plants themselves have a very strong smell. The citizen asked Coburn if the City would require that people grow indoors instead of outdoors. Kidd told Coburn that the City can't regulate odor. Coburn said the homeowner is very frustrated; they have lived there for 20 years, and the new people just bought the house a year or so ago, and the smell is permeating their garage and house such that they have to close it up. They can't sit on their deck because of the smell. Coburn said this is an example of unintended consequences. Some of the strains or species do not smell as bad or people can plant other things around them in order to mitigate the marijuana smell. Coburn noted that it is still illegal on the federal level. Coburn said he wants to share this story because it is difficult to be a City Councilor in a position like this. He is basically telling the property owner that there is nothing that can be done even though it is impacting their house. Discussion followed about if the plants must be grown indoors or on the property.

Konopa said APD took her for a tour through the Simpson trail. They encountered the marijuana smell coming from a house as they drove by; she was surprised she could smell it from the street.

Coburn said different people are affected by different smells. Some people may not notice the smell at all, and others may be allergic. Coburn was frustrated that he could not help the citizens.

Kellum talked about a very large sign that he believes is clearly a political sign, put up by two City Councilors. He said it appears the money came from Colorado from a marijuana outfit. Kellum said regardless of whether it is legal or not, he thinks it is unseemly. He said, this is no longer about right or wrong, legal or illegal, but it is about whatever you can get away with today, just like not voting on an item in order to get a political advantage. He said that it has been posted online that Albany will keep medical marijuana users from getting medical marijuana; that is not true. He said he disagrees with what some Councilors are doing, such as putting oversized signs on public property or on the property of homeowners from out of state, since they aren't around.

Kopczynski said he is very proud of the signs that he and Olsen paid for. They meet all of the city codes and they were pre-approved. He said he was surprised when, as he was forming the Political Action Committee, he was approached by people from out of state who offered money for the campaign. Kopczynski said the donation shows up on Orestar, and he will be donating his own money as well. He said, I will do everything I possibly can to reinforce the first vote on recreational marijuana.

Olsen said he is happy to have spent his own money on the signs.

Albany City Council Regular Session  
September 28, 2016

NEXT MEETING DATE: Work Session on Monday, October 10, 2016; and Regular Session on Wednesday, October 12, 2016

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC  
City Clerk

Stewart Taylor  
Finance Director