



# ALBANY CITY COUNCIL AGENDA

**Wednesday, February 14, 2024**  
**6:00 p.m.**

Council Chambers, City Hall  
333 Broadalbin Street SW

Watch on YouTube: <https://www.youtube.com/user/cityofalbany>

Please help us get Albany's work done.

Be respectful and refer to the rules of conduct posted by the main door to the Chambers and on the website.

1. Call to order and pledge of allegiance
2. Roll call
3. Business from the public
4. Adoption of consent agenda
  - a. Appointments [Pages 3-16]
    - 1) Various annual appointments and reappointments to citizen advisory groups
  - b. Approval of minutes [Pages 17-26]
    - 1) January 8, 2024, city council joint work session with the transportation advisory commission
    - 2) January 10, 2024, city council meeting
    - 3) January 22, 2024, city council work session
    - 4) January 24, 2024, city council meeting
  - c. Recommendations to OLCC [Page 27]
    - 1) Approve new outlet, full on-premises, commercial liquor license application for Sonia Enterprises, LLC, dba Royal Bar and Grill
  - d. Adoption of resolutions
    - 1) Accept FY 2023 Edward Byrne Memorial Justice Assistance Grant funds – Marcia Harnden [Pages 28-29] RES NO. \_\_\_\_\_ p. 29
    - 2) Accept 2023 Linn County Victim Impact Panel Grant – Marcia Harnden [Pages 30-31] RES NO. \_\_\_\_\_ p. 31
    - 3) Accept a Critical Oregon Airport Relief Grant for improvements at Albany Municipal Airport – Robb Romeo [Pages 32-33] RES NO. \_\_\_\_\_ p. 33

MOTION: \_\_\_\_\_

5. Staff reports
  - a. Lease or sale of property to Cumberland Community Event Center – Kim Lyddane [Pages 34-39] MOTION \_\_\_\_\_
6. Business from the council



7. City manager report
8. Next meeting dates  
Monday, February 26, 2024; 4:00 p.m. work session  
Wednesday, February 28, 2024; 6:00 p.m. meeting
9. Adjournment

*This meeting is accessible to the public via video connection. The location for in-person attendance is accessible to people with disabilities. If you have a disability that requires accommodation, please notify city staff at least 48 hours in advance of the meeting at: [cityclerk@cityofalbany.net](mailto:cityclerk@cityofalbany.net).*

*Testimony provided at the meeting is part of the public record. Meetings are recorded, capturing both in-person and virtual participation, and are posted on the City website.*



# MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT 2/6*

FROM: Kinzi McIntosh, Central Services Support Specialist *KM*

DATE: January 22, 2024, for the February 14, 2024, City Council Meeting

**SUBJECT:** Appointments to Citizen Advisory Groups  
Relates to Strategic Plan theme: An Effective Government

## Action Requested:

Council ratification of the following appointments and reappointments (unless otherwise noted, applications are attached in the order listed):

### Airport Commission

- Rodney Moore, Ward 1 (Councilor Newton's appointment to a new three-year term)

### Budget Committee

- Terry Virnig, Ward 1 (Councilor Newton's reappointment to a new four-year term)

### Building Board of Appeals:

- John Robinson, Ward 3 (Mayor Johnson's reappointment to a new three-year term)

### Community Development Commission (appointments by Mayor Alex Johnson II)

- Emma Deane, Ward 2, Social Services Representative (reappointment to a new three-year term)
- Ron Green, Ward 1, Planning Commission Representative (appointment to a new three-year term) (*no application attached*)

### Parks, Recreation, and Tree Commission

- Nick Anderson, Ward 3 (Councilor McGhee's appointment to a new three-year term)

### Transportation Advisory Commission

- Nichole Case, Ward 3 (Councilor Montague's appointment to a new three-year term)

## Discussion:

Mayor and councilor appointments for any remaining vacancies on the City's citizen advisory groups will be submitted for approval at subsequent city council meetings.

## Budget Impact:

None.

KM

Attachments 6



# Citizen Advisory Group Application

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Applying To Airport Advisory Commission

Received January 17, 2024

Name Rodney Moore

In City Limits? Yes (Ward 1)

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Are you currently employed? Yes (Storage Depot / Scott Lepman)

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List current or most recent occupation, business, trade, or profession:

Management

Please summarize what qualifications and experience you have that would apply to this position:

While most of my experience is within the private sector, I have been involved with many community development programs from within the casino industry and the Missouri Rotary in Louisiana Missouri. My Operations and Logistics experience has assisted me within all aspects of my community involvement experience.

Please detail your knowledge and experience with aviation.

I have been fascinated by aircraft since I first sat on my grandfathers lap at the Fresno airport when I was 3 years old. Since then, I have self educated myself with most aspects of the aviation industry, including flight training, and and would find it an honor to assist the City of Albany with improving such a wonderful historic airport such Albany Municipal Airport S12.

List community/civic activities in which you are or have been active:

While working withing the casino industry in Missouri I was involved in bi-monthly community involvement events that ranged from clean up to assisting the homeless. While on the Board of Directors for the Louisiana Missouri Rotary we spearheaded major city clean up activities and school programs.

If you would like to provide more information related to your qualifications and experience, please attach a file:

[rodney\\_moore\\_resume\\_1.1.doc \(https://cityofalbany.wufoo.com/cabinet/ed02be8e-b0ae-49fc-9f13-afb7b609bfc1\)](https://cityofalbany.wufoo.com/cabinet/ed02be8e-b0ae-49fc-9f13-afb7b609bfc1)



Do you have a significant financial interest in the commission's airport considerations?

No

How many Airport Advisory Commission meetings have you attended/viewed?

None

What is your understanding of the role of an Airport Advisory Commission member and what contributions do you hope to make to the commission?

My knowledge of developing and implementing improvement strategies could be a great asset for this position. Capital improvement projects, environment protection, and possible air service development would be a few important aspect of the position.

How would you improve the management and operation of the Albany Municipal Airport?

As of right now I keep a very open mind. I would have much to learn and research before decisions or ideas would be brought to other commissioners and board members.

Have you reviewed the meeting schedule for the commission and can you commit to regular meeting attendance?

Yes

I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism or non-preparation for meetings could result in removal.

Yes

If there are currently no vacancies for this commission, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity?

Albany City website





# Citizen Advisory Group Application

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**Applying To** Budget Committee

**Received** October 24, 2023

**Name** Terrence (Terry) Virnig

**In City Limits?** Yes (Ward 1)

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**Are you currently employed?** Retired

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**List current or most recent occupation, business, trade, or profession:**

Engineer

**Please summarize what qualifications and experience you have that would apply to this position:**

I have been on the Budget Committee for several years. I have provided budget plans or reviewed budgets for 3 different companies as well as the Oregon Department of Energy. I have been a member of various Albany Advisory Commissions for 10+ years. As a longstanding engineer, I have considerable experience with the cost of personnel and projects.

**List community/civic activities in which you are or have been active:**

Albany Public Safety Commission  
Albany Bicycle and Pedestrian Commission  
Albany Budget Committee  
Albany Transportation Commission

**Are you a registered voter?**

Yes

**How many budget committee meetings have you attended/viewed?**

4-6

**What is your understanding of the role of a budget committee member and what contributions do you hope to make to the committee?**

Review and understand draft budgets as prepared by City staff. Provide feedback and vote with the other members to send the draft budget on to the City Council or request changes that may be warranted before sending to Council.

**What is your experience in reviewing or preparing a large-scale budget?**

I participated in drafting the budget for Synthetech, Inc. ( former Pharmaceutical Manufacturer in Albany) and Georgia Pacific Chemicals ( Chemical manufacturer in Albany sold after I retired). I have reviewed the past budgets of Albany during my previous two terms with the Albany Budget Committee.

**How would you make sure that the budget aligns with the City's Strategic Plan?**

Review the City Strategic Plan. Compare draft budget to the plan. Assure any differences were ironed out by staff.

**Cities face many challenges as we attempt to meet the demands of our growing communities. What role can the budget committee play in assisting the City in meeting those challenges?**

Provide real time experience of the community that assures the budget addresses the needs and services required of Albany and its neighborhoods with all the attendant challenges.

**Have you reviewed the meeting schedule for this committee and can you commit to regular meeting attendance?**

Yes

**I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism or non-preparation for meetings could result in removal.**

Yes

**If there are currently no vacancies for this committee, would you like your application kept on file for the remainder of this recruitment period?**

Yes

**How did you hear about this opportunity?**

I was notified by City Staff about my term expiring with the proviso that, if I wished another term on the Budget Committee, I should complete and return this form,





# Citizen Advisory Group Application

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Applying To Building Board of Appeals

Received November 29, 2023

Name John Robinson

In City Limits? Yes (Ward 3)

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Are you currently employed? Self-employed

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List current or most recent occupation, business, trade, or profession:

General Contractor. In business for 18 years operating as Quality Residential Construction LLC

Please summarize what qualifications and experience you have that would apply to this position:

18 years in business in Albany as a General Contractor, actively involved in the remodeling and building field. 15 years experience in the aerospace industry in the engineering field; design/ engineering/ project engineering. Able to understand complex technical issues and solve problems.

List community/civic activities in which you are or have been active:

Served past 2 years on the Building Board of Appeals. Attend various city council meetings. Provide input on housing needs and construction related issues to various cities.

How many Board meetings have you attended/viewed?

None

What is your understanding of the role of a Building Board of Appeals member and what contributions do you hope to make to the board?

Use my construction and engineering experience to understand the specific grievance, and as a member of the board render a decision.

How would your background and experience benefit the Building Board of Appeals and Albany in general?

18 years in business in Albany as a General Contractor actively involved in building and remodeling. Knowledgeable on current building codes; able to comprehend complex

issues and solve problems.

Please describe your experience in applying the Oregon Building Code and Title 18 of the Albany Municipal Code. Include years of experience for the following: - Oregon Structural Specialty Code - Oregon Residential Specialty Code - Oregon Electrical Specialty Code - Oregon Plumbing Specialty Code

18 years in business in Albany as a General Contractor. Most familiar with Oregon Structural Specialty Code and Oregon Residential Specialty Code. Utilize licensed electrical and plumbing sub-contractors and oversee their work, less familiar with those specialty trades codes.

Please describe your experience in general and trade construction. Include years of experience for the following: - commercial or multi-dwelling construction - one- & two-dwelling construction - installing electrical systems - installing plumbing systems - installing mechanical systems

18 years in business in Albany as a General Contractor. Currently licensed in residential construction, previously licensed in all structures (commercial and residential). Most services performed for clients are remodeling or additions or detached structures i.e. workshops, ADU's. Completed development and ground up construction of 4-plex townhouse style multi-family building. Currently constructing tri-plex apartment building. Not licensed for electrical or plumbing work. Routinely install mechanical ducting for ventilation of dryers, hood range and bathroom fans.

Please describe your experience in building design. Include years of experience for the following: - commercial or multi-dwelling design - one- & two-dwelling design - electrical system design - plumbing system design - mechanical system design

18 years in business in Albany as a General Contractor. I design and provide conceptual floorplans of various projects and then utilize design professionals to produce the actual drawings to obtain permits. Designed 4-plex and tri-plex buildings prior to construction. When required for the job, I also coordinate with Professional Engineers (PE), or soils engineers for project specific reports and solutions to specific problems.

Are you or have you been a registered design professional in the state of Oregon?

No

Do you currently or have you held Oregon inspector certifications?

No

Do you have any experience performing home or building assessments for defects or compliance concerns?

No

Please describe your experience working with the Oregon Fire Code and local fire marshals.

Held preliminary design meeting with a fire chief on construction of a new 4-plex building. Gathered input from the fire chief on access (driveway) and signage. Fire chief wanted the building to have fire sprinklers, however the building official is actually the authority over the building and did not require fire sprinklers.

Have you reviewed the meeting schedule for this board and can you commit to meeting attendance?

Yes

I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism or non-preparation for meetings could result in removal.

Yes

If there are currently no vacancies for this board, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity?

current term served is expiring





# Citizen Advisory Group Application

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Applying To Community Development Commission

Received January 19, 2024

Name Emma Deane

In City Limits? Yes (Ward 3)

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Are you currently employed? Yes (CHANCE Recovery)

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List current or most recent occupation, business, trade, or profession:

Executive Director CHANCE Recovery

Please summarize what qualifications and experience you have that would apply to this position:

I have previously served on this commission and worked in social services for years with in our community.

List community/civic activities in which you are or have been active:

Rotary, Honor Flight, and HEART Board

How many Community Development Commission meetings have you attended/viewed?

4-6

What is your understanding of the role of a Community Development Commission member and what contributions do you hope to make to the commission?

To provide feedback and support around CDBG

Please describe your experience working on housing or economic development issues.

I previously served on the affordable housing task force

Briefly describe your knowledge of Albany's Community Development Block Program.

I have applied for the grant and received it for agencies I have worked for and also previously served on this commission.

What programs or services could be offered or improved for low-income or special needs individuals and families in Albany?

Peer support, access to resources, access to affordable housing, more transitional housing, housing for individuals with SO charges, more group/care home options, and application fee support.

Have you reviewed the meeting schedule for this commission and can you commit to regular meeting attendance?

Yes

I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism or non-preparation for meetings could result in removal.

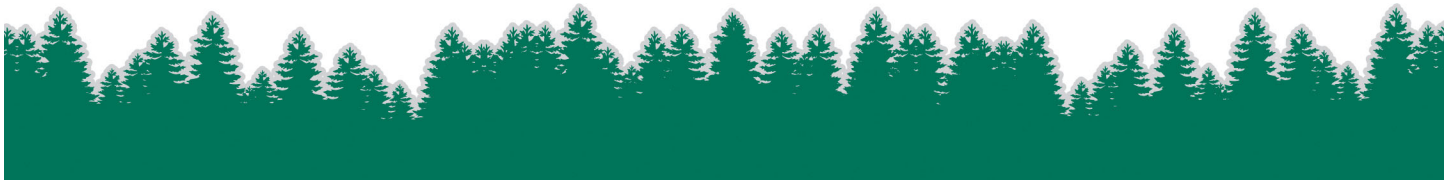
Yes

If there are currently no vacancies for this commission, would you like your application kept on file for the remainder of this recruitment period?

No

How did you hear about this opportunity?

Mayor Johnson







# Citizen Advisory Group Application

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**Applying To** Parks, Recreation and Tree Advisory Commission

**Received** November 6, 2023

**Name** Nicholas (Nick) Anderson

**In City Limits?** Yes (Ward 3)

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**Are you currently employed?** No

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**List current or most recent occupation, business, trade, or profession:**

At-home Parent, previously sales for Verizon

**Please summarize what qualifications and experience you have that would apply to this position:**

I have a deep love of for the native flora of the Willamette Valley. In addition, I have three kids who have been enjoying the parks of Albany as well as having participated in activities like swim lessons through Parks and Rec.

**List community/civic activities in which you are or have been active:**

Earth Day cleanup at Periwinkle Park.

**How many Parks, Recreation, and Tree Commission have you attended/viewed?**

1-3

**What is your understanding of the role of a Parks, Recreation, and Tree Commission member and what contributions do you hope to make to the commission?**

To help give a citizens perspective on various issues and plans for our city's parks and public spaces. I hope to bring a parent's perspective as well as the perspective of someone who is passionate about how nature and green spaces can be used for recreation and beautification.

**What are your favorite events or programs offered by Albany Parks & Recreation?**

Fun in the Park in the summer is a great event for our family.

**How can Albany improve its parks and recreational activities?**

Creating more opportunities for kids to interact with Albany’s native nature like the programs at Talking Waters and Bryant Park. Creating more sensory sensitive activities for children and adults with different sensory needs. More programs for adults 25-45 years old.

**Have you reviewed the meeting schedule for this commission and can you commit to regular meeting attendance?**

Yes

**I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism or non-preparation for meetings could result in removal.**

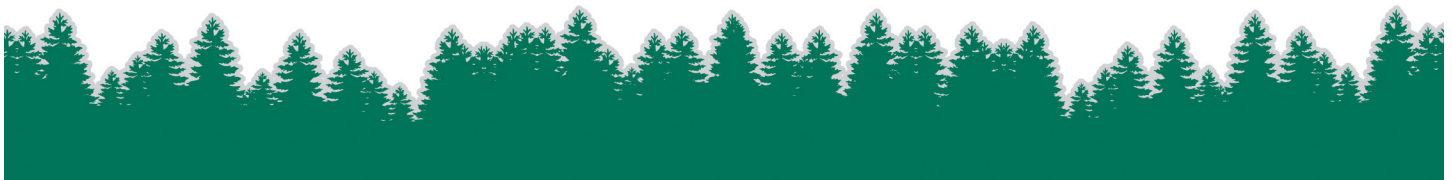
Yes

**If there are currently no vacancies for this commission, would you like your application kept on file for the remainder of this recruitment period?**

Yes

**How did you hear about this opportunity?**

Instagram





# Citizen Advisory Group Application

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Applying To Transportation Advisory Commission

Received January 23, 2024

Name Nichole Case

In City Limits? Yes (Ward 3)

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Are you currently employed? Yes (Davita Kidney Care)

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List current or most recent occupation, business, trade, or profession:

RN

Please summarize what qualifications and experience you have that would apply to this position:

I am a resident of Albany, I am a frequent biker and interested in developing more pedestrian friendly areas. I have also been a commuter within the city and feel that i can offer some input in the problems areas that we are discussing. I am interested in seeing our tax dollars at work.

List community/civic activities in which you are or have been active:

Linn County Democrats

How many Transportation Commission meetings have you attended/viewed?

1-3

What is your understanding of the role of a Transportation Commission member and what contributions do you hope to make to the commission?

This commission works with the city council to assist in making decisions and prioritizing areas of improvement for various forms of transportation. The commission also works with ODOT and funding opportunities.

Please list any local bicycle, pedestrian, or traffic events in which you have participated:

I have participated in various event walks in the downtown area such as the walk for a case, albany pride, I have also attended events such as summer sounds and river rhythms. I ride bike with a couple local people regularly in an in social groups that gather to ride together.

What do you believe are the biggest issues bicyclists, pedestrians, and drivers face in Albany?

An exponential growth of people in the city and the systems not being able to keep up.

How can bicycle, pedestrian, and traffic safety be improved?

I would like to see more barriers between bicycle lanes and traffic, especially in areas where the traffic is exceptionally fast. I feel very unsafe in a bicycle lane with traffic going 40-50 mph beside me. We could have more blinking pedestrian lights. Traffic improvements related to traffic light coordination and more designated turn and forward lanes

Have you reviewed the meeting schedule for this commission and can you commit to regular meeting attendance?

Yes

I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism or non-preparation for meetings could result in removal.

Yes

If there are currently no vacancies for this commission, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity?

Council member Jackie Montague





## MINUTES

Tuesday, January 8, 2024

Special Session

Council Chambers, City Hall

Approved Transportation Advisory Commission: January 23, 2024

Approved City Council: DRAFT

### Call to Order

Mayor Alex Johnson II called the meeting to order at 4:00 p.m.

### Roll Call

Councilors present: Mayor Alex Johnson II and Councilors Steph Newton, Matilda Novak, Ray Kopczynski, Ramycia McGhee, and Marilyn Smith

Councilors absent: Councilor Jackie Montague (excused)

Commissioners present: Lacy Ramirez (virtual), Mark Siddall, Frankie McCullough, Nolan Streitberger, Chuck Kratch

Commissioners absent: Terry Virnig

### Highway 20 corridor study

Engineering Manager/Assistant City Engineer Rob Emmons introduced Scott Mansur and Aaron Berger from DKS Associates, who presented slides\* with proposed improvements to the Highway 20 corridor that would decrease traffic congestion. Mansur and Berger answered clarifying questions from councilors and commissioners and showed simulations forecasting future traffic both with and without the changes. These simulations can be found in the video recording of the meeting.

### Business from the council and commission

Chair of the Transportation Advisory Commission (TAC) Chuck Kratch thanked the council for inviting the commission to join this work session and relayed to councilors the upcoming work of the TAC. Kratch said the TAC had asked representatives from rail and bus lines, the Albany Area Metropolitan Planning Organization, and the Oregon Department of Transportation to present to the TAC. Commissioners Frankie McCollough and Nolan Streitberger also thanked the council for the invitation to attend.

Commissioner Mark Siddall said Albany needs to optimize transit and invest in mass transit systems.

### ADJOURNMENT

There being no other business, the meeting was adjourned at 5:15 p.m.

Respectfully submitted,

Reviewed by,

Gabe Shepherd  
Deputy City Clerk

Peter Troedsson  
City Manager



## MINUTES

Wednesday, January 10, 2024

Meeting

Council Chambers, City Hall

Approved: DRAFT

### Call to Order and Pledge of Allegiance

Mayor Alex Johnson II called the meeting to order at 6:00 p.m. The mayor led the pledge of allegiance.

### Roll Call

Councilors present: Mayor Alex Johnson II and Councilors Matilda Novak, Steph Newton, Ray Kopczynski, Marilyn Smith, and Ramycia McGhee (virtual)

Councilors absent: Jackie Montague was excused.

### Mayor's Message

Mayor Alex Johnson II read his annual message.\*

### Special presentation

**6:06 p.m.**

Relay for Life

Relay for Life representative Kimberly Dammon thanked Johnson II for taking part in the 2023 Relay. She explained how to support Relay for Life and handed out materials\* to the council.

### Public Hearing

**6:16 p.m.**

Irrevocable request annexations (AN-03-23 and ZC-06-23)

OPEN: Johnson II opened the public hearing at 6:16 p.m. He read the rules of testimony.

No councilor wished to declare a conflict of interest, ex parte communication, or a site visit.

No councilor wished to abstain.

Current Planning Manager David Martineau read the meeting procedures. He showed slides\* and summarized the annexation request. The areas to be annexed are subject to annexation requests signed previously, or they are areas such as street rights-of-way that were inadvertently left out of previous annexation maps.

Martineau listed the review criteria and described public noticing for the case. He said the LBCC property to be annexed is being rezoned RS 6.5, to match surrounding properties. All but about three-quarters of an acre of the property is unsuitable for development because of floodplain and wetlands areas.

The Planning Commission has recommended approval of the annexations

Public testimony:

Sandra McDaniel requested a copy of the overlays. She is opposed to annexation of the LBCC property. She is concerned that annexation will cause her to be assessed for street improvements.

Bobby Jo Johnson said she is opposed to the proposed zoning of the LBCC property. She said RS 6.5 zoning could lead to development with several new homes. She asked the council to zone the property RS 10 instead.

Paul Gibson attempted to speak, but would not comply with the meeting rules and became combative. He was asked to leave and did so.

Recess

Johnson II recessed the meeting at 6:36 p.m. until Gibson left.

Reconvene

Johnson II reconvened the meeting at 6:37 p.m.

No other member of the public wished to speak.

Rebuttal:

Civil Engineer III Gordon Steffensmeier said the annexations along 53rd Avenue are being done to correct some errors dating back to the 1960s, when maps omitted street rights-of-way adjoining properties that were being annexed. Property owners still in the county will not have to pay for improvements if they don't annex into the city.

CLOSE: Johnson II closed the public hearing at 6:45 p.m.

Councilor Marilyn Smith asked about the developable area of the LBCC property. Martineau said access would be difficult, and the nearest sewer line is more than 900 feet away.

City Attorney Sean Kidd read the ordinance proclaiming annexation for the first time in title only.

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

Kidd read the ordinance a second time in title only.

MOTION: Smith moved to adopt the ordinance, using the motion suggested by Planning staff. Kopczynski seconded the motion, and it passed 5-0. The ordinance was designated Ordinance No. 6032.

Kidd read the ordinance removing the annexed properties from the Albany Rural Fire Protection District for the first time in title only.

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

Kidd read the ordinance a second time in title only.

MOTION: Kopczynski moved to adopt the ordinance. Smith seconded the motion, and it passed 5-0 and was designated Ordinance No. 6033.

Johnson II read the rules of appeal.

Business from the Public

**6:57 p.m.**

Tom Cordier said Republic Services didn't pick up his leaves.

Lise Grato, executive director of the Albany Downtown Association, gave an update on activities downtown.

First Reading of Ordinances

**7:05 p.m.**

Amend Albany Municipal Code chapter 2.66 Procurement

Contracting and Procurement Officer Diane Murzynski explained the proposed amendments, which would raise the maximum dollar amount for small contracts and for contracts that must be approved by the council. The amendments would also remove the requirement to advertise in a local newspaper.

Smith asked if local vendors and suppliers can get the same advertising information from the City web site. Murzynski said yes. Changes in the Democrat-Herald's print schedule and submission timelines make it harder for staff to prepare and submit ads.

Kopczynski asked if staff is aware of any local businesses who haven't been able to bid on a project because of the current limit for small contracts. Murzynski said no, but raising the threshold will allow more contractors to do less paperwork. The state sees these changes as giving additional opportunities especially to disadvantaged contractors.

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

MOTION: Smith moved to have the ordinance read a second time in title only. Councilor Steph Newton seconded the motion.

Kidd read the ordinance a second time in title only.

MOTION: Smith moved to adopt the ordinance. Newton seconded the motion, and it passed 5-0. The ordinance was designated Ordinance No. 6034.

Adoption of Resolution

**7:15 p.m.**

Clarifying parks system development charges for accessory dwelling units and multi-family units

Parks and Recreation Director Kim Lyddane presented slides.\* She said the proposed resolution clarifies the method of assessing parks SDS for other than single-family homes.

MOTION: Kopczynski moved to adopt the resolution. Newton seconded the motion, and it passed 5-0. The resolution was designated Resolution No. 7291.

Adoption of Consent Agenda

**7:15 p.m.**

a. Appointments

- 1) Accepting Sonja Neperud's resignation from the Planning Commission
- 2) Various annual appointments

b. Approval of minutes

- 1) December 11, 2023, work session
- 2) December 13, 2023, meeting

c. Recommendations to OLCC

- 1) Approve new outlet off premises, liquor license application for US Smoke Shop LLC



- 2) Approve additional privilege liquor license application for Veracity Spirits LLC, dba Waterhill Wines
- d. Adoption of resolutions
  - 1) Appointing Municipal Judges Pro Tem RES NO. 7292
  - 2) Public sanitary sewer easement (SI-23-16) RES NO. 7293
- e. Grant application
  - 1) Oregon Department of Transportation safety division grant

MOTION: Smith moved to adopt the consent agenda as presented. Newton seconded the motion, and it passed 5-0.

Staff Reports

**7:18 p.m.**

- a. Park asset sponsorship and naming opportunities  
Lyddane shared slides\* and explained the opportunities to sponsor public amenities in the new Monteith park. Details are available through the Parks and Recreation Foundation.

Councilor Matilda Novak asked about the likelihood of vandalism. Lyddane said staff always looks for ways to discourage vandalism and minimize the damage that can be done.

- b. Curt Sorte modification of access/utility easement through city property **7:30 p.m.**  
Director of Community Development Matt Ruetters summarized the history of the request to modify the easement. Staff researched the question of a driveway over Tract J and found that a restrictive covenant prohibits any kind of motorized vehicle access. Sorte's request cannot be granted.

Kidd said that Sorte has retained counsel and may be considering litigation. He advised the council to be cautious in what they say about the issue.

MOTION: None. The council declined to take action that would allow modification.

- c. Personnel change requests in the Finance Department **7:34 pm.**  
Finance Manager Casey Headley explained the reasons for the reclassification and grade adjustment request.

Novak said she sees that money for the changes is in the budget for this biennium. But what about the next couple of years? Headley said the City is paying 23% below market for this work. We need to be able to hire and retain high-quality employees.

MOTION: Smith moved to approve the changes as requested. Kopczynski seconded the motion, and it passed 5-0.

Business from the Council

Newton said nighttime temperatures in the teens are on their way. She asked if there would be enough capacity at warming centers, and whether the City has plans to assist those staying at Marvin's Garden.

Smith said she is part of a Linn County multi-agency coordinating group that receives and distributes money from HB 5019. A grant to Second Chance shelter has allowed them to add 42 more beds, which are available now. Marvin's Garden campers can always go to Second Chance, which is close to the camp.

City Manager Report

**7:48 p.m.**

City Manager Peter Troedsson said Fire Station 11 will be open Sunday as a warming center. First Christian Church will be open as a warming center on Monday, January 15.

Troedsson handed out copies of the League of Oregon Cities' 11 policy recommendations to mitigate the effects of Measure 110.\* The LOC is asking the legislature to take action on this issue during the short session coming up.

Councilor Ramycia McGhee asked if the City received settlement money for opioid treatment, and how that money was spent. Troedsson said the money is coming in payments over a number of years. We've used some for Narcan and for educating schools and organizations about opioids, among other things. The City receives requests for funding and determines whether the requests meet the state's criteria.

Next Meeting Dates

Monday, January 22, 2024; 4:00 p.m. work session  
Wednesday, January 24, 2024; 6:00 p.m. meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:03 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse  
City Clerk

Peter Troedsson  
City Manager

*\*Documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing [cityclerk@albanyoregon.org](mailto:cityclerk@albanyoregon.org).*



## MINUTES

Monday, January 22, 2024  
Work Session  
Council Chambers, City Hall  
Approved: DRAFT

### Call to Order

**4:00 p.m.**

Mayor Alex Johnson II called the meeting to order at 4:00 p.m.

### Roll Call

Councilors present: Mayor Alex Johnson II and Councilors Steph Newton, Matilda Novak, Jackie Montague, Ray Kopczynski (virtual), and Marilyn Smith

Councilors absent: Ramycia McGhee (excused)

### Business from the Public

**4:00 p.m.**

Sharon DuBeau spoke about a negative interaction she had with Ziplly Fiber installers. Johnson II referred DuBeau to the City Manager who said Ziplly committed to contacting DuBeau.

### Private property Impound Towing Rates

**4:05 p.m.**

Code Compliance Officer Kris Schendel asked the council to correct an error from a previous rate adjustment of the private property impound towing rates. Schendel said that Resolution No. 7287, passed December 13, 2023, used incorrect fee amounts for some of the rates. Schendel said that the council would consider a corrected version as a part of the consent agenda at the January 24, 2024, city council meeting.

Councilor Jackie Montague asked if staff conduct root cause analysis to prevent further errors when something sent to council needs correcting. Schendel said he typically does, noting this was his first rate adjustment.

### Pavement Management Funding Discussion

**4:10 p.m.**

Public Works Director/Interim Deputy City Manager Chris Bailey presented slides\* on funding options for city streets. City Councilors discussed the options presented by Bailey.

Bailey answered the following questions from councilors:

- If the city secures funding for street maintenance and repair, prioritization of which streets would be repaired or rebuilt first would be laid out in a pavement management plan which would likely have a 5-10 year cycle. The Council would consider how to group and prioritize streets and projects. *(Kopczynski)*
- Streets that are classified as a 0 on the PCI scale are likely a combination of neglected streets that were once at city standards, and unimproved streets. Once a street gets to 10 or 15 on the PCI scale, it is functionally the same as a 0 on the scale. *(Smith)*
- Franchise fees charged to utilities go into the general fund and do not currently pay for road maintenance in the city budget. *(Novak)*
- Money that is dedicated to staff reclassifications is vetted by the relevant department director and human resources before coming before the council. *(Novak)*

- The State of Oregon and the Oregon Department of Transportation are still determining how to charge Electric Vehicle (EV) owners for road usage, since EV owners would not be subject to a gas tax. The City of Albany is waiting to see how the state will handle the situation before making recommendations on how to gather revenue from EV drivers. *(Johnson II)*

Councilor Ray Kopczynski supported implementing a transportation utility fee. Councilor Matilda Novak said that she would support a voter-approved gas tax, saying that voters would support it if they knew it would improve their local streets and noted that it would gather revenue from visitors.

Councilor Jackie Montague and Councilor Marilyn Smith both supported a combination of a gas tax and a utility fee. Smith said that the utility fee should be the primary source of revenue and she is not confident that a fuel tax would pass the voters.

Business from the Council

**5:19 p.m.**

Councilor Steph Newton asked for applicants to the Airport Commission. Novak stated concerns with Ziply Fiber, their installation practices, and expressed interest in revoking their franchise agreement. Montague thanked local hospital staff and noted the creation of a city webpage outlining the history of the city's conversation around street funding.

City Manager Report

**5:24 p.m.**

City Manager Peter Troedsson said he and the mayor attended a legislative breakfast hosted by the Benton County Board of Commissioners and shared updates from that meeting.

ADJOURNMENT

There being no other business, the meeting was adjourned at 5:25 p.m.

Respectfully submitted,

Reviewed by,

Gabe Shepherd  
Deputy City Clerk

Peter Troedsson  
City Manager

*\*Documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing [cityclerk@albanyoregon.gov](mailto:cityclerk@albanyoregon.gov).*



## MINUTES

Wednesday, January 24, 2024

Meeting

Council Chambers, City Hall

Approved: DRAFT

### Call to Order and Pledge of Allegiance

Mayor Alex Johnson II called the meeting to order at 6:00 p.m. The mayor led the pledge of allegiance.

### Roll Call

Councilors present: Mayor Alex Johnson II and Councilors Matilda Novak, Steph Newton, Ray Kopczynski, Jackie Montague, and Marilyn Smith.

Councilors absent: Ramycia McGhee was excused.

### Business from the Public

There was none.

*The following two items were switched in the meeting for convenience.*

### Award of Contract

**6:02 p.m.**

Exemption from competitive bidding and cooperative contract award to Dell Marketing L.P.  
Information Technology Director Sean Park asked for questions.

Councilor Marilyn Smith asked if the new units will perform better for people working from home. Park said yes. The hardware has been improved.

Mayor Alex Johnson II asked if IT donates the replaced units. Park said IT removes the hard drives, then recycles them.

MOTION: Councilor Ray Kopczynski moved to adopt the resolution. Smith seconded the motion, which passed 5-0 and was designated Resolution No. 7294.

### First Reading of Ordinances

**6:04 p.m.**

Amending Albany Municipal Code 5.10, transient and itinerant merchants and vendors

Parks and Recreation Director Kim Lyddane said the proposed change is just cleanup. The City doesn't issue these licenses anymore and doesn't need them.

City Manager Peter Troedsson read the ordinance for the first time in title only.

MOTION: Councilor Jackie Montague moved to have the ordinance read a second time in title only. Smith seconded the motion, which passed 5-0.

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

MOTION: Smith moved to adopt the ordinance. Kopczynski seconded the motion, which passed 5-0 and was designated Ordinance No. 6035.

Adoption of Consent Agenda

**6:08 p.m.**

- a. Appointments
  - 1) Various annual appointments and reappointments
  - 2) Appointing Sherrie Payne and Brent Stutzman to the Economic Development Advisory Commission
- b. Adoption of resolutions
  - 1) Private property impound towing rates

RES NO. 7295

MOTION: Montague moved to adopt the consent agenda as presented. Councilor Steph Newton seconded the motion, which passed 5-0.

Supplemental Agenda Item:

**6:08 p.m.**

Intergovernmental agreement with Willamalane Park and Recreation District

Lyddane said Albany parks and public land suffered little damage in last week's ice storm. Springfield wasn't so lucky. Many of their parks and trails are closed due to damage. Albany will send a crew and chipper to help out.

MOTION: Smith moved to adopt the resolution approving the IGA. Newton seconded the motion, which passed 5-0 and was designated Resolution No. 7296.

Business from the Council

**6:11 p.m.**

City Manager Report

**6:13 p.m.**

Next Meeting Dates

- Monday, February 12, 2024; 4:00 p.m. work session
- Wednesday, February 14, 2024; 6:00 p.m. meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 6:13 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse  
City Clerk

Peter Troedsson  
City Manager



# MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager

*PT*

FROM: Marcia Harnden, Chief of Police

*MH*

DATE: January 24, 2024, for the February 14, 2024, City Council Meeting

**SUBJECT:** New Outlet, Full-On Premises, Commercial, Liquor License Application for Sonia Enterprises LLC, DBA Royal Bar and Grill, Located at 859 Belmont Avenue SW, Suite 120A

### Action Requested:

I recommend the new outlet, full-on premises, commercial, liquor license application for Sonia Enterprises LLC, DBA Royal Bar and Grill, located at 859 Belmont Avenue SW, Suite 120A be approved.

### Discussion:

Sonia Enterprises LLC, DBA Royal Bar and Grill, has applied for a new outlet, full-on premises, commercial, liquor license. Based on a background and criminal history investigation through Albany Police Department records, the applicant has no criminal record.

### Budget Impact:

None.

MH:rj

Sp



# MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager

*BT 2/16*

FROM: Marcia Harnden, Chief of Police *mo*

DATE: January 17, 2024, for the February 14, 2024, City Council Meeting

**SUBJECT:** Acceptance of FY2023 Edward Byrne Memorial Justice Assistance Grant Funds

Relates to Strategic Plan theme: A Safe City, An Effective Government

**Action Requested:**

Approve a resolution to accept a FY2023 Edward Byrne Memorial Justice Assistance Grant to purchase a mobile surveillance pole camera.

**Discussion:**

The Police Department was awarded an Edward Byrne Memorial Justice Assistance Grant for \$10,497, CFDA No. 15PBJA-23-GG-06117-JAGX, to be used to purchase a mobile surveillance pole camera. Staff will utilize crime data and mapping to determine areas of concern within the community. The camera will be used in areas of high crime to deter criminal activity and to quickly identify potential violators.

Because the unit is mobile, it is easy and quick to set up and will allow for a rapid police response when unusual activities are observed. The overall goal of this mobile surveillance pole camera is to reduce criminal activity to improve the livability of local neighborhoods and the safety of our residents.

**Budget Impact:**

The total cost of the mobile surveillance camera is \$12,678. The grant is for \$10,497. The police department has funds available to cover the difference of \$2,181.

MH:DE  
Attachment - Resolution







A RESOLUTION ACCEPTING GRANT FUNDS FROM FY2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

WHEREAS, the Albany Police Department applied for an Edward Byrne Memorial Justice Assistance Grant; and

WHEREAS, the Albany Police Department was awarded \$10,497 in grant funds; and

WHEREAS, the grant funds will be used to purchase a mobile surveillance pole camera; and

WHEREAS, this pole camera will be used to target areas of high crime to deter criminal activity; and

WHEREAS, mobile surveillance pole cameras allow for a rapid police response when unusual activities are observed; and

WHEREAS, Oregon Local Budget Law provides that expenditures in the year of receipt of grants, gifts, bequests, or devices transferred to local government in trust for a specific purpose may be made after enactment of a resolution or ordinance authorizing the expenditure (ORS 294.326(3)).

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the police department is approved and authorized to receive funds in the amount of \$10,497 from the Edward Byrne Memorial Justice Assistance Grant; and

BE IT FURTHER RESOLVED that the Edward Byrne Memorial Justice Assistance Grant funds are hereby planned as follows:

Resources:	Debit	Credit
20320812-420100		\$10,497
Requirements:		
20320812-700000	\$10,497	

DATED AND EFFECTIVE THIS 14TH DAY OF FEBRUARY 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



# MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager

*AT 2/16*

FROM: Marcia Harnden, Chief of Police

*MH*

DATE: January 24, 2024, for the February 14, 2024, City Council Meeting

**SUBJECT:** Acceptance of 2023 Linn County Victim Impact Panel Grant  
Relates to Strategic Plan theme: A Safe City, An Effective Government

**Action Requested:**

Approve a resolution to accept a 2023 Linn County Victim Impact Panel grant of \$1,400 to purchase a radar unit.

**Discussion:**

The Albany Police Department (APD) was awarded a 2023 Linn County Victim Impact Panel grant for \$1,400 based on Driving Under the Influence of Intoxicants (DUII) arrests for the prior year. These funds will be used to purchase a Stalker Street Dynamics Dual SL radar unit for APD's traffic vehicle.

**Budget Impact:**

The total cost of the radar unit is \$2,350. The grant is for \$1,400. The police department has funds available to cover the difference of \$950.

MH:DE  
Attachment - Resolution





A RESOLUTION ACCEPTING GRANT FUNDS FROM A 2023 LINN COUNTY VICTIM IMPACT GRANT

WHEREAS, the Albany Police Department applied for a Linn County Victim Impact grant; and

WHEREAS, the Albany Police Department was awarded \$1,400 in grant funds; and

WHEREAS, the grant funds will be used to purchase a radar unit for the department’s dedicated traffic vehicle; and

WHEREAS, Oregon Local Budget Law provides that expenditures in the year of receipt of grants, gifts, bequests, or devices transferred to local government in trust for a specific purpose may be made after enactment of a resolution or ordinance authorizing the expenditure (ORS 294.326(3)).

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the police department is approved and authorized to receive funds in the amount of \$1,400 from the Linn County Victim Impact Panel Grant; and

BE IT FURTHER RESOLVED that the Linn County Victim Impact Panel Grant funds are hereby planned as follows:

Resources:	Debit	Credit
20320808-428340		\$1,400
Requirements:		
20320808-610430	\$1,400	

DATED AND EFFECTIVE THIS 14TH DAY OF FEBRUARY 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



# MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT*  
Chris Bailey, Public Works Director *CB*

FROM: Robb Romeo, Transportation Manager *RR*

DATE: February 5, 2024, for the February 14, 2024, City Council Meeting

**SUBJECT:** Acceptance of a Critical Oregon Airport Relief Grant for Improvements at Albany Municipal Airport

## Action Requested:

Staff recommends Council, by resolution (Attachment 1), accept a Critical Oregon Airport Relief (COAR) Grant for the Albany Municipal Airport Taxiway Improvement Project.

## Discussion:

In 2015, the Oregon State Legislature passed House Bill 2075 to increase the fuel tax on aviation gas and jet fuel by two cents per gallon resulting in the Aviation System Action Program (ASAP). ASAP funding invests in aviation for specific purposes, including providing grant funds for eligible capital projects through the COAR grant program. In October 2023, council approved the application for a COAR grant to offset the costs of needed airport improvements. The grant application has been approved and staff recommends council accept the COAR grant funds for the project described below.

The 2016 Airport Master Plan identified needed improvements at the Albany Municipal Airport including taxiway and approach lighting systems. The existing taxiway and connectors at the Albany airport are not currently equipped with edge lighting. A project has been identified in the Airport Capital Improvement Plan (CIP) to install medium-intensity taxiway lighting. Additionally, a project has been identified to replace the existing runway Visual Approach Slope Indicator (VASI) system with a Precision Approach Path Indicator (PAPI) system. These lighting systems aid pilots in their approach to landing. The existing VASI system is becoming obsolete and more difficult to find replacement parts for. The PAPI system is easier to read, is more accurate than the VASI, and would improve pilot safety. Lastly, a project has been identified to sealcoat the parallel taxiway and connectors to enhance pavement longevity. Following the sealcoat, the taxiway pavement would require remarking. These projects will enhance the capacity and safety of the operations at the Albany airport.

## Budget Impact:

The taxiway improvement project is estimated to cost \$2,222,222.22. The available federal funding through the Federal Aviation Administration (FAA) is anticipated to cover 90 percent of the project cost (\$2,000,000) with Albany responsible for the 10 percent local match amount (\$222,222.22). The COAR grant in the amount of \$200,000 will pay for 90 percent of Albany's local match requirement bringing the cost to the City of Albany down to \$22,222.22. The Albany Municipal Airport capital budget 21140005 has adequate funds to pay for the full 10 percent local match.

RR:kc  
Attachment



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY OF ALBANY TO ACCEPT GRANT FUNDING FROM THE OREGON DEPARTMENT OF AVIATION FUNDS AND A COMMITMENT TO PROVIDE THE REQUIRED LOCAL MATCH

WHEREAS, the City of Albany is eligible to receive federal funds from the Federal Aviation Administration (FAA); and

WHEREAS, the FAA funds will cover 90 percent of the cost of capital projects that benefit the Albany Municipal Airport ; and

WHEREAS, a taxiway improvement project at the Albany Municipal Airport is estimated to cost \$2,222,222.22; and

WHEREAS, a 10 percent match is required for the FAA funded projects; and

WHEREAS, the Oregon Department of Aviation Critical Oregon Aviation Relief (COAR) grant funds are eligible to offset the required local match; and

WHEREAS, the City of Albany is asking for approval to accept Oregon Department of Aviation COAR grant funds in the amount of \$200,000; and

WHEREAS, a 10 percent match is required for the Oregon Department of Aviation COAR grant funds; and

WHEREAS, a receipt of these funds will allow the most efficient use of limited local Airport funds; and

WHEREAS, the City of Albany’s local match will be approximately \$22,222.22.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council accepts the Oregon Department of Aviation COAR grant for the purposes of Albany Municipal Airport taxiway improvements; and

BE IT FURTHER RESOLVED that the City of Albany approves a local match of \$22,222.22.

DATED AND EFFECTIVE THIS 14TH DAY OF FEBRUARY 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



# MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager *Belb*

FROM: Kim Lyddane, Director of Parks & Recreation

DATE: January 30, 2024 for the February 14, 2024, City Council Meeting

**SUBJECT:** Lease/Sale of Property- Pine Street to Cumberland Community Event Center

**Action Requested:**

Council to approve the updated lease agreement with the Cumberland Community Event Center for 540, 560, 524/580 SE Pine Street.

**Background:**

In November 2023, the Albany City Council provided staff direction regarding the renewal terms for the lease agreement for 540, 560, 524/580 SE Pine Street. At the end of 2023, the Cumberland Community Event Center completed the first three-year lease agreement and proposed a few modifications for the renewal. The Albany City Council agreed to update the sale price for the three properties to match the 2023 Linn County assessed tax value of \$196,070 instead of the former price of \$207,000. Additionally, the terms of the lease will be renewed in three years instead of annually.

Attached is the updated lease agreement for the Pine Street properties modified to meet the recommendations of the Albany City Council in November 2023.

**Budget Impact:**

The sale proceeds will accrue to the Parks and Recreation Fund (20250000).

KL



**CUMBERLAND COMMUNITY EVENT CENTER  
540, 560, 524/580 PINE STREET SE, ALBANY  
LEASE/OPTION CONTRACT**

This LEASE AGREEMENT WITH OPTION TO PURCHASE REAL ESTATE (hereinafter referred to as the Lease/Option) is made on this the 1st day of March 2024, by and between the following parties: Cumberland Community Event Center (CCEC), hereinafter referred to as the (“Tenant/Buyer”), and City of Albany, Oregon, hereinafter referred to as the (“Landlord/Seller”).

In consideration of the mutual promises and covenants herein, the parties hereby agree as follows:

(1) DESCRIPTION: The Landlord/Seller agrees to lease, and the Tenant/Buyer agrees to rent the real property and improvements, located at: 540, 560, 524/580 Pine Street SE, Albany, OR 97321, and shown on Attachment A – Cumberland Church Leased Properties, hereinafter referred to as the, (“Properties”).

(2) TERM: The term of this Lease/Option shall be for a period of 36 months commencing on March 1, 2024, and ending on February 28, 2027. This Lease/Option may be renewed with the consent of both parties for subsequent three-year terms if no material changes are made.

(3) RENT: Tenant/Buyer agrees to pay the Landlord/Seller, the sum of \$3.00 per month, as rent for the Properties, for the term of this Lease/Option, and during any extension or renewal thereof. All rental payments shall be due and payable in advance of the 10th calendar day of each and every month.

(4) INSURANCE AND INDEMNITY

(A) Insurance.

i. Commercial General Liability Insurance.

At all times during the Term of this Lease/Option, Tenant/Buyer, at its expense, will maintain commercial general liability insurance in respect of the Premises and the conduct or operation of business in it, naming Landlord/Seller as additional insureds, with a combined single limit of not less than two million dollars (\$2,000,000). All such insurance will ensure the Tenant/Buyer’s performance of the indemnity agreement as to liability for bodily injury to, illness of, or death of persons and damage to property set forth in this Lease. Tenant/Buyer will pay for and deliver to Landlord/Seller and any additional insured such policies or certificates of insurance, in form reasonably satisfactory to Landlord/Seller, issued by the insurance company or its authorized agent, at least ten (10) days before the Lease Commencement Date. Tenant/Buyer will procure and pay for renewals of such insurance from time to time before the expiration thereof, and Tenant/Buyer will deliver to Landlord/Seller and any additional insured the renewal policy or a binder thereof at least thirty (30) days before the expiration of any existing policy. Tenant/Buyer shall provide Landlord/Seller at least thirty (30) days’ prior written notice of the cancellation or modification of the insurance.

ii. Workers’ Compensation Insurance.

At all times during the Lease Term and any extensions or renewals, Tenant/Buyer agrees to keep and maintain, and to cause Tenant/Buyer’s agents, contractors,

and subcontractors to keep and maintain, workers' compensation insurance and other forms of insurance as may from time to time be required by Law or may otherwise be necessary to protect Landlord/Seller and the Premises from claims of any person who may at any time work on or in the Premises, whether as an officer, servant, agent, customer, invitee, subcontractor, volunteer, or employee of Tenant/Buyer or otherwise. Such insurance must be maintained at the expense of Tenant/Buyer or Tenant/Buyer's agents, contractors, or subcontractors and not at the expense of Landlord/Seller.

iii. Property Insurance.

Tenant/Buyer shall keep the improvements both the real and personal property insured for their full replacement value against loss by all casualties covered by the special form coverage policy. Landlord/Seller shall be named as an additional insured under such insurance.

(B) Indemnification.

To the extent allowed by Oregon law, Tenant/Buyer will indemnify, defend, and hold harmless Landlord/Seller and Landlord/Seller's officers, directors, partners, employees, agents, and independent contractors from any and all claims or liability for any uninsured property damages including, but not limited to, damages resulting in any injury, illness, or death of any person caused or created by Tenant/Buyer's use of Landlord/Seller's property and by the act or failure to act of Tenant/Buyer, its agents, officers, servants, employees, customers, invitees, subcontractors, volunteers, or licensees during the Term of this Lease. Tenant/Buyer will be liable for all property cleanup costs that Landlord/Seller may incur as a result of Tenant/Buyer's negligence.

(5) OPTION TO PURCHASE: The Tenant/Buyer, as part of the consideration herein, is hereby granted by the Landlord/Seller the exclusive right, option, and privilege of purchasing the Properties at any time during the term of this Lease/Option or any extension thereof.

(6) LIQUIDATED DAMAGES: Should Tenant/Buyer default on this agreement, Landlord/Seller shall keep all monies paid to date as liquidated damages.

(7) COVENANTS OF TENANT/BUYER: Commencing with entering the term of this agreement, including extensions, the Tenant/Buyer hereby covenants and agrees as follows:

(A) That the Tenant/Buyer will pay all utility charges and bills, including, but not limited to water, sewer, gas, oil, and electric, which may be assessed or charged against the Properties; and

(B) That the Tenant/Buyer will not use the Properties for any unlawful purpose and that the Tenant/Buyer will conform to and obey all laws, ordinances, rules, regulations, requirements and orders of all federal, state, and local governmental authorities, agencies, departments, bureaus, boards or officials, respecting the use of the Properties; and

(C) That the Tenant/Buyer will surrender and deliver up the Properties, at the end of the term or any extensions thereof, should the option herein not be exercised, in as good order and condition as the same now exists, reasonable use and natural wear and tear excepted.

(8) COVENANTS OF THE LANDLORD/SELLER: The Landlord/Seller hereby covenants and agrees as follows:

(A) That the Tenant/Buyer is entitled to the quiet enjoyment of the Properties without any interference or interruption by Landlord/Seller or its representatives.



(9) COSTS OF IMPROVEMENTS: In the event the Tenant/Buyer exercises the option to purchase set forth in paragraph 5, above, and through no fault of the Tenant/Buyer, the Landlord/Seller fails to convey said Properties to Tenant/Buyer in accordance with the terms of this Lease/Option, the Tenant/Buyer, in addition to any other rights which Tenant/Buyer may have in law or equity for the enforcement of Tenant/Buyer's option to purchase, shall be entitled to reimbursement for the cost of all repairs, maintenance, and improvements.

(10) FURTHER ENCUMBRANCES: The Landlord/Seller hereby warrants the total of the leases, options, mortgages, liens, and any other encumbrances against the Properties, whether of public record or not, are as follows:

(A) None.

The Landlord/Seller shall not lease to any other third party, nor to assign, sell, option, transfer, pledge, or otherwise to convey any or all rights or interests had by Landlord/Seller in the Properties or in this Lease/Option, nor to further encumber the Properties nor allow the same to occur. Violation of this paragraph shall be considered a material breach of this Lease/Option. The Landlord/Seller further agrees to keep all mortgages, liens, taxes, or other encumbrances on the Properties, current and in good standing, Tenant/Buyer shall have the right to make payment on same in the event that Landlord/Seller becomes delinquent or otherwise defaults on such payments, and Tenant/Buyer may at its option either reduce its monthly rent in the amount of the payments, or subtract the amount of the payments from the balance due Landlord/Seller at closing of the sale of the Properties.

(11) NO RIGHT OF ASSIGNMENT: The Tenant/Buyer may not sublet the Properties, and/or assign, sell, transfer, pledge, or otherwise convey any rights or interest which the Tenant/Buyer may have in the Properties or in this Lease/Option.

(12) MAINTENANCE AND REPAIRS: The Tenant/Buyer accepts the Properties "as-is" on the date of execution of this Lease/Option except for items listed in paragraph 14. As of the effective date, the Tenant/Buyer shall be responsible for all maintenance and repair upon said Properties, both interior and exterior. The Tenant/Buyer shall have the right to make such repairs, maintenance, and improvements as Tenant/Buyer shall deem necessary, proper or desirable.

(13) BINDING AGREEMENTS: The parties hereto agree that this Lease/Option comprises the entire agreement of the parties and supersedes all prior written or oral agreements, representations, warranties, negotiations, or understandings. This Lease/Option may not be amended except in a writing executed by all the parties hereto. The parties further represent and warrant that they have not relied on any representations, warranties or statements as an inducement to entering this Lease/Option other than what is expressly written herein. This Lease/Option shall be binding upon the parties, their heirs, executors, administrators, personal representatives, successors, or assigns.

(14) SPECIAL PROVISIONS:

(A) TITLE SEARCH may be ordered by the Tenant/Buyer. This cost will be borne by the Tenant/Buyer unless it is discovered that Landlord/Seller has unmarketable title in which case the Landlord/Seller will reimburse Tenant/Buyer to cost of the search. If the title is unmarketable the Tenant/Buyer will then have the option to void this agreement or proceed as agreed herewith.

(15) OPTION PURCHASE TERMS:

(A) PRICE AND TERMS: The Tenant/Buyer agrees to pay for said Properties the sum of One Hundred and Ninety-Six Thousand and Seventy Dollars (\$196,070) less any sums for which the Tenant/Buyer is entitled to claim as reimbursement or offset in accordance with this

Lease/Option; the net sum to be paid in cash, certified check, or cashier's check at closing.

(B) TITLE: The Landlord/Seller shall convey marketable title to the Properties with the above-described inclusions, by General Warranty Deed free, clear, and unencumbered except any existing mortgages, restrictions, and easements of record shown in paragraph 10.

(C) CLOSING: The deed shall be delivered, and the purchase money shall be paid at a time and place of Tenant/Buyer's choice, no later than 60 days after notification to the Landlord/Seller of the Tenant/Buyer's exercise of the Option.

(D) COSTS AND PRORATIONS: The following items shall be prorated by the Landlord/Seller and the Tenant/Buyer as of date of closing:

- i. All real estate taxes and assessments; and
- ii. Title fees.

(16) LEGAL: In the event that any legal proceeding is brought to enforce any right or obligation under this Lease/Option, the parties each agree to waive their right to a jury trial. In addition, the prevailing party shall recover its reasonable court costs and attorney fees from the non-prevailing party.

(17) CITY OPTION TO RE-PURCHASE LOT: The parties acknowledge that they have previously entered into an agreement whereby the Tenant/Buyer has purchased a separate lot described as 520 Pine Street SE, Albany, Oregon.

IN WITNESS WHEREOF, the parties hereto, have set their hands to this Lease/Option on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

LANDLORD/SELLER:

**CITY OF ALBANY**

\_\_\_\_\_  
Peter Troedsson, City Manager

TENANT/BUYER:

**CUMBERLAND COMMUNITY EVENT CENTER**

\_\_\_\_\_  
Name, Title



# Attachment A - Cumberland Church Leased Properties



J:\ArcGIS\_Proj\Projects\Finance\Plot\_Maps\APPX\Plot\_Maps\Plot\_Maps.aprx



0 25 50 100 Feet

Date: 1/18/2024 Map Source: City of Albany

## Properties Map

### Attachment A