



**NOTICE OF PUBLIC MEETING**  
**CITY OF ALBANY**  
**CITY COUNCIL**  
 Council Chambers  
 333 Broadalbin Street SW  
 Wednesday, April 23, 2008  
 7:15 p.m.

**OUR MISSION IS**

*"Providing quality public services  
 for a better Albany community."*

**OUR VISION IS**

*"A vital and diversified community  
 that promotes a high quality of life,  
 great neighborhoods, balanced  
 economic growth, and quality public  
 services."*

**AGENDA**

Rules of Conduct for Public Hearing

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL

4. SPECIAL PRESENTATION
  - a. Building Safety Week Award. [Page 1]  
 Action: \_\_\_\_\_

5. PROCLAMATIONS
  - a. Building Safety Week. [Page 2]  
 Action: \_\_\_\_\_
  - b. Older Americans Month. [Page 3]  
 Action: \_\_\_\_\_
  - c. Global Love Day. [Page 4]  
 Action: \_\_\_\_\_

6. SCHEDULED BUSINESS

- a. Public Hearings
  - 1) Adopting Capital Improvement Program for FY 2008-2009 through 2012-2013. [Pages 5-6]  
 Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_
  - 2) Economic Improvement District (EID) in Downtown Albany:
    - a) Forming/extending a three-year EID. [Pages 7-8]  
 Action: \_\_\_\_\_
    - b) Setting a second public hearing for the purpose of considering a voluntary EID. [Page 9]  
 Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_
- b. Business from the Public
- c. First Reading of Ordinance
  - 1) Amending AMC Chapter 3.14, Transient Room Tax, and declaring an emergency. [Pages 10-12]  
 Action: \_\_\_\_\_ ORD. NO. \_\_\_\_\_
- d. Adoption of Consent Calendar
  - 1) Approval of Minutes
    - a) February 25, 2008, City Council Work Session
    - b) March 12, 2008, City Council Meeting
    - c) April 7, 2008, City Council Work Session
 Action: \_\_\_\_\_

e. Personnel Requests

1) Reclassification of Ambulance Billing Specialist II position. [Page 13]

Action: \_\_\_\_\_

2) Reclassification of Park Maintenance Aide position. [Page 14]

Action: \_\_\_\_\_

f. Reports

1) Receiving Code Enforcement Team Third Quarter Report for Fiscal Year 2007-2008. [Pages 15-18]

Action: \_\_\_\_\_

2) Update on the contract sale of the Archibald property. [Pages 19-30]

Action: \_\_\_\_\_

7. BUSINESS FROM THE COUNCIL

8. NEXT MEETING DATE: Work Session May 5, 2008  
Regular Session May 14, 2008

9. ADJOURNMENT

City of Albany Web site: [www.cityofalbany.net](http://www.cityofalbany.net)

*The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the Human Resources Department in advance by calling (541) 917-7500.*



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Melanie Adams, Interim Building Official *MMA*  
DATE: April 16, 2008, for the April 23, 2008, City Council Work Session  
SUBJECT: Presentation of Safe Neighborhoods Award/Recognition of Building Safety Week

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods  
● A Safe City

Action Requested:

Acknowledgement of Building Safety Week in Albany, May 5-11, 2008. Recognition of Don Ward for improving the health, safety, and welfare of Albany's citizens through his building rehabilitation project at Cottage Court Apartments.

Discussion:

The purpose of Building Safety Week is to draw attention to the value of building codes and building safety as a critical element of a safe community. As part of Building Safety Week, Building Division staff wanted to recognize a construction project that has made a significant, positive impact on the safety and livability of Albany during the past year. We wanted to draw attention to a project that would exemplify the positive change that well-constructed, safe buildings can have on a community. In considering what to name this new Building Safety Week award, we looked to Albany's Strategic Plan, and its principles of "Great Neighborhoods" and "A Safe City." In keeping with the Building Safety Week message that safe buildings contribute to great neighborhoods, we decided to call this the "Safe Neighborhoods Award." It is Building's hope that this award will be given every year during Building Safety Week.

Although there have been many recent construction projects in Albany that are deserving of recognition, anyone who has watched the transformation of the Cottage Court Apartments at the corner of Main Street and Salem Avenue over the past year and a half will understand why staff believes that this project should be the recipient of the premier Safe Neighborhoods Award. Less than two years ago, the Cottage Court site was derelict and decrepit; an attractive nuisance and a harbor for drug dealers and felons. Many of the apartment units did not have working heat or water, and nearly all of the units did not have functioning smoke detectors, operable windows, or adequate electrical wiring. Today, thanks to the vision and diligence of Springfield-area developer Don Ward, every unit at Cottage Court is clean and safe, with new wiring, sheetrock, and flooring, new appliances and fixtures, new heating units, and family-friendly yards and patios. Through careful attention to building safety and close collaboration with Albany's building inspection staff, Don Ward turned this blighted property into a model of affordable family housing. The Building Division wishes to recognize Don Ward for his rehabilitation of the Cottage Court site, and express our appreciation for his dedication to improving the safety of Albany's neighborhoods.

Budget Impact:

None.

MMA

**PROCLAMATION**

**BUILDING SAFETY WEEK 2008**

**May 5-11**

WHEREAS, through our continuing efforts to address critical safety issues in the built environment that affect our citizens, both in everyday life and in times of natural disaster, we are confident that our structures are safe and sound; and

WHEREAS, building safety and fire prevention officials, architects, engineers, builders and others in the construction industry work year-round to ensure the safe construction of buildings; and

WHEREAS, modern building safety codes such as those adopted by the State of Oregon include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires and earthquakes; and

WHEREAS, Building Safety Week, sponsored by the International Code Council, reminds the public about the critical role of building codes in preventing countless fires, accidents, and injuries; and

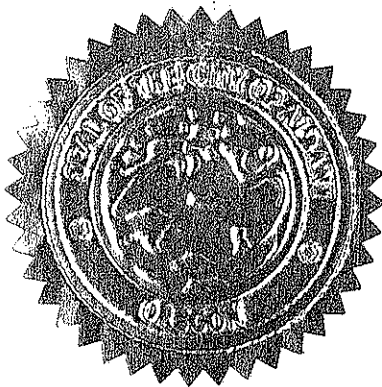
WHEREAS, the theme, "Building Safety: Where You Live, Work and Play," encourages all Americans to consider the importance of building safety in their daily lives; and

WHEREAS, this year, as we observe Building Safety Week, we ask everyone to consider projects to improve building safety at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments and federal agencies in protecting lives and property.

NOW, THEREFORE, I, Dan Bedore, Mayor of the City of Albany, do hereby proclaim May 5 through May 11, 2008, as

**BUILDING SAFETY WEEK**

in Albany and encourage all citizens to join communities across America in recognizing the value of building codes, and by participating in Building Safety Week activities.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Albany to be affixed this 23<sup>rd</sup> day of April 2008.

\_\_\_\_\_  
Dan Bedore, Mayor

**PROCLAMATION**

**OLDER AMERICANS MONTH**  
**Working Together for Strong, Healthy, and Supportive Communities**

**MAY 2008**

WHEREAS, Linn, Benton, and Lincoln Counties are home to more than 44,465 citizens aged 60 years old or older; and

WHEREAS, older Americans are valuable members of our society who are rich with experience and deserving of our respect; and

WHEREAS, the number of baby boomers reaching traditional retirement age continues to increase, spotlighting the need for more attention to the needs of older adults; and

WHEREAS, the older citizens of today and tomorrow promise to be among the most active and engaged older adult populations in the nation's history; and

WHEREAS, it is the responsibility of this and all U.S. communities to work together and prepare for changing older adult populations by modernizing systems of care and providing consumers with more control over their lives; and

WHEREAS, overall quality of life can be greatly enhanced when supportive communities help their older citizens obtain:

- evidence-based approaches to making behavioral changes that can reduce risk of disease, disability, and injury;
- tools to make informed decisions and gain better access to existing health and long-term care options; and
- more options to avoid placement in nursing homes and remain at home as long as possible.

NOW, THEREFORE, I, Dan Bedore, Mayor of the City of Albany, Oregon, do hereby proclaim May 2008 as

**OLDER AMERICANS MONTH**

in Albany and urge all citizens to honor older adults, and those who care for them, during May and throughout the year.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Albany to be affixed this 23rd day of April 2008.

\_\_\_\_\_  
Dan Bedore, Mayor

**PROCLAMATION**

**GLOBAL LOVE DAY**

**May 1, 2008**

WHEREAS, The Love Foundation, Inc., a nonprofit organization, has announced Global Love Day to facilitate establishing love and peace on our planet; and

WHEREAS, Global Love Day will set a worldwide focus towards “unconditionally loving each other as we love ourselves”; and

WHEREAS, we are one humanity, all life is interconnected and interdependent, and all share the universal bond of love; and

WHEREAS, love begins with self-acceptance and forgiveness; with tolerance and compassion we embrace diversity, and together we make a difference through love;

NOW, THEREFORE, I, Dan Bedore, Mayor of the City of Albany, hereby proclaim May 1, 2008, to be

**GLOBAL LOVE DAY**

in Albany and encourage all citizens to let it be a model for all of us to follow every day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Albany to be affixed this 23rd day of April 2008.

\_\_\_\_\_  
Dan Bedore, Mayor





TO: Albany City Council

VIA: Wes Hare, City Manager  
Diane Taniguchi-Dennis, P.E., Public Works Director *DSTD*

FROM: Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer *MWS*  
Jeff Blaine, P.E., Assistant City Engineer *JB*

DATE: April 3, 2008, for the April 23, 2008, City Council Meeting

SUBJECT: Capital Improvement Program (CIP) Public Hearing and Resolution

Action Requested:

Staff requests Council consideration and adoption of the 2009-2013 Capital Improvement Program (CIP) by adopting the attached resolution.

Discussion:

This evening the City Council is holding a public hearing to consider the adoption of the 2009-2013 Capital Improvement Program (CIP). The City Council, Planning Commission, and Budget Committee held a joint work session on March 6, 2008, to review and comment on the draft 2009-2013 CIP document. Based on the comments received, changes were made and an updated document was circulated on March 21, 2008, to the City Council, Planning Commission, Budget Committee, and staff. In addition, the document was made available to the public at the two City libraries, the Public Works counter, and on the City's web site.

Upon deliberation after the Public Hearing, Council may make any necessary changes to the proposed plan and act upon the attached resolution for adoption of the 2009-2013 Capital Improvement Program. The CIP is typically adopted in advance of the City Budget and before the new fiscal year beginning on July 1, 2008.

Budget Impact:

If adopted, the first year's projects for 2008-2009 will be incorporated in the FY 2008-2009 City Budget.

JJB:prj  
Attachment

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

A RESOLUTION CALLING FOR THE ADOPTION OF THE 2009-2013 CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, the Capital Improvement Program of the City of Albany is a long-term planning document intended to allow for prioritization, financing, coordination, and timely technical design and construction of projects to better serve the citizens of Albany; and

WHEREAS, the Capital Improvement Program plays a vital role in the budget process; land use planning; facility plan implementation; and coordination with the state, county, and other local municipalities; and

WHEREAS, the projects listed in the 2009-2013 Capital Improvement Program have been prioritized; and

WHEREAS, the Albany City Council held a public hearing on April 23, 2008, on the proposed 2009-2013 Capital Improvement Program.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby approves and adopts the 2009-2013 Capital Improvement Program.

DATED AND EFFECTIVE THIS 23RD DAY OF APRIL 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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





TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Stewart Taylor, Finance Director *ST*  
DATE: April 15, 2008, for the April 23, 2008 Council Meeting  
SUBJECT: Extension of Economic Improvement District in Downtown Albany

Action Requested:

Conduct a public hearing and if the Council decides to move ahead, a second public hearing is requested for June 11, 2008, at 7:15 p.m., in the City Hall Council Chambers to consider the formation/extension of the Economic Improvement District (EID) in downtown Albany.

Discussion:

On April 9, 2008, the Council adopted Resolution No. 5590 setting a public hearing for April 23, 2008, to discuss the formation/extension of a three-year EID in the downtown district. The current District will expire on June 30, 2008, and the new District would be established for July 1, 2008 - June 30, 2013.

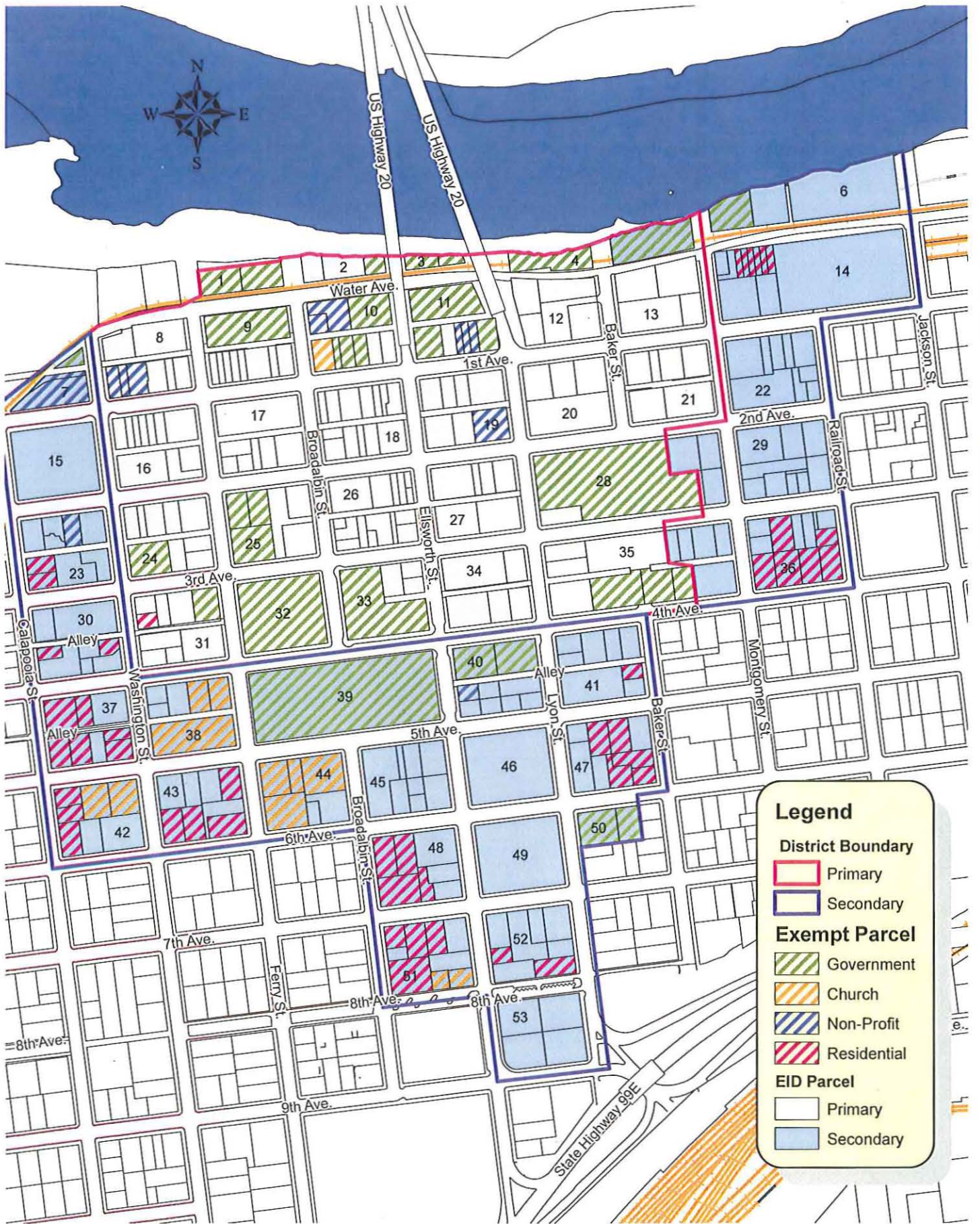
Property owners objecting to the EID must provide the City with written notification and remonstrate to be excluded from the District. If the City receives written objections from less than 33 percent of the property owners upon which the assessments are levied, then the formation of the District may be established. Remonstrances will be accepted through June 11, 2008, the day of the proposed second public hearing.

Budget Impact:

Considerable staff time is in the current budget.

Attachments (2)

cc: Rick Rogers, Albany Downtown Association (ADA)  
Linda Lamer, Accounting Specialist



# Economic Improvement District

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

A RESOLUTION SETTING A SECOND PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A DOWNTOWN VOLUNTARY ECONOMIC IMPROVEMENT DISTRICT.

WHEREAS, the first Public Hearing for the purpose of considering a downtown voluntary Economic Improvement District was held before the Albany City Council on April 23, 2008; and

WHEREAS, it is the intention of the Albany City Council to consider a voluntary Economic Improvement District in the Downtown District as of July 1, 2008; and

WHEREAS, ORS 223.112-223.132 establishes requirements for implementing an Economic Improvement District; and

WHEREAS, a second Public Hearing should be held to receive approval of or objections to the proposed assessments.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that a second Public Hearing on the matter of establishing a Downtown Voluntary Economic Improvement District for the period beginning July 1, 2008, and expiring on June 30, 2013, be held by the Albany City Council on June 11, 2008.

BE IT FURTHER RESOLVED that the City Recorder shall give notice of the hearing and of the proposed assessments by mailing or personally delivering to the owner of each lot to be assessed a notice stating the amount of the assessment proposed on the property.

DATED AND EFFECTIVE THIS 23<sup>RD</sup> DAY OF APRIL 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Stewart Taylor, Finance Director *ST*  
DATE: April 18, 2008, for the April 23, 2008, City Council Meeting  
SUBJECT: Amendments to Transient Room Tax Ordinance  
RELATES TO STRATEGIC PLAN THEME: • Effective Government

Action Requested:

Adopt the ordinance amending AMC 3.14 Transient Room Tax Ordinance as recommended in the findings of the recent room tax audit.

Discussion:

The City recently contracted with Boldt, Carlisle & Smith, LLC, to conduct an audit of hotels and motels in the community and evaluate compliance with provisions of Albany Municipal Code Chapter 3.14, the Transient Room Tax Ordinance. The findings of the audit were presented to the Council Audit Committee on Friday, April 12. The findings were separated into general findings having to do with suggested clarifications in the code and establishment findings related to hotel and motel compliance.

The general findings suggested changes in the code to clarify the intent of the following:

1. Discounts for senior, AAA, Good Sam Club, etc.
2. Exemption for greater than 30 consecutive days of occupancy.
3. Exemption for federal employees traveling on federal business.

The Council Audit Committee also discussed providing an exemption for temporary emergency housing paid by the Red Cross or any other relief organization.

The findings regarding establishments included the following:

1. Four establishments had no findings of noncompliance.
2. Six establishments did not properly display the Certificate of Authority.
3. Three establishments incorrectly calculated the room tax due to the City resulting in underpayment of the tax.

All of the establishments that incorrectly calculated the room tax have contacted the City and asked for assistance to make the corrected payments. Each of the underpayments was less than \$5,000.

All of the hotel and motel establishments have been sent a letter thanking them for their participation in the audit and asking for compliance in areas they were found to be deficient.

Budget Impact:

There will be a small increase in room tax revenues resulting from the audit.

ST:de  
Attachment

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) 3.14, "TRANSIENT ROOM TAX" AND DECLARING AN EMERGENCY.

WHEREAS, the City recently contracted with Boldt, Carlisle & Smith, LLC to conduct an audit of hotels and motels in the community and evaluate compliance with provisions of Albany Municipal Code chapter 3.14, the Transient Room Tax Ordinance; and

WHEREAS, the findings of the audit were presented to the Council Audit Committee on Friday, April 12, 2008; and

WHEREAS, the general findings in the audit report suggested changes in the Municipal Code to clarify the intent of discounts for seniors, AAA, Good Sam Club, etc.; the exemption for greater than 30 consecutive days of occupancy; and the exemption for federal employees traveling on federal business; and

WHEREAS, the Council Audit Committee also discussed providing an exemption for temporary emergency housing paid by the Red Cross or any other relief organization.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO HEREBY ORDAIN AS FOLLOWS:

Section 1: AMC 3.14 is amended to read as follows:

3.14.020(8) "Rent" means the consideration charged, whether or not received by the operator, for the occupancy of space in a hotel valued in money, goods, labor, credits, property or other consideration valued in money ~~without any deduction.~~ less discounts for seniors, AAA, Good Sam Club, etc.

3.14.020(12) "Transient" means any individual who exercises occupancy or is entitled to occupancy in a hotel for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. The day a transient checks out of the hotel shall not be included in determining the 30-day period if the transient is not charged rent for that day by the operator. Any such individual so occupying space in a hotel shall be deemed to be a transient until the period of 30 days has expired, unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. Any individual so occupying space in a hotel for consecutive days beyond the 30-day period shall no longer be deemed to be a transient. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of the ordinance codified in this chapter may be considered. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient.

3.14.050(5) Any occupant who is a federal employee traveling on federal business.

3.14.050(6) Any occupant whose rent is being paid by the Red Cross or other relief organization for temporary emergency housing.

Section 2: Inasmuch as this Ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council: \_\_\_\_\_

Approved by the Mayor: \_\_\_\_\_

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

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

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CITY OF ALBANY  
CITY COUNCIL (WORK SESSION)  
Municipal Court Room  
Monday, February 25, 2008  
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Dan Bedore called the meeting to order at 4:03 p.m.

ROLL CALL

Councilors present: Councilors Ralph Reid Jr., Floyd Collins, Jeff Christman, Bessie Johnson, Dick Olsen, and Sharon Konopa.

BUSINESS FROM THE PUBLIC

There was no business from the public.

2007 CRIME REPORT

Police Chief Ed Boyd distributed the Uniform Crime Reporting (UCR) definitions (see agenda file).

Boyd reviewed the staff report. By 2013, seven more officers would be necessary to maintain current levels of service identified on page 3 of the staff report. Boyd said the additional officers would prevent Albany from falling below the Pacific Region averages for officer levels per 1,000 in population. He cited statistics on calls for service per officer from other cities similar in size to Albany: Keizer, 342; Lake Oswego, 110; Tigard, 440; Corvallis, 403; and Bend, 626. Officers in Albany handle an average of 1,165 calls per year, per officer.

Boyd said page 5 shows that Albany is low on violent crime and high on property crime in comparison to other cities in the state, region, and nation.

Boyd will present the Council with an annual report shortly after the first of the year from now on.

City Manager Wes Hare said that a Police Chief once told him that the key to keeping property crime down is through traffic enforcement. Boyd agreed, explaining that traffic stops can produce drugs, guns, and stolen property. By taking one prolific offender off the street, statistics will drop. A prolific burglar, for example, can do ten burglaries in one month. Getting them off the streets does make a difference.

Councilor Jeff Christman noted that on page 2, the gap between calls for service and population has grown. He asked why there is a gap. Boyd said he noticed the same thing and they are not sure yet. They are delving into the data to find out why. Hare pointed out that the gap does not necessarily represent crime, but "calls for service." It makes sense that as the population increases, calls for service would too.

Councilor Ralph Reid asked, could the increase be because of increased Code Squad activity? Boyd said initial calls may be reflected here, but then the case is referred to the Code Squad. He pointed out that calls went up, but the number of cases actually went down. The Police are able to handle more calls without going into full incident investigation. The more Police partners with other departments and work towards resolutions, the less repeats there are.

Councilor Sharon Konopa said, the public safety levy attempted to get funding to meet the level of service based on population. She asked Boyd to address staff levels annually during the budget cycle so they can be increased. She doesn't want to get down to the levels that existed prior to the levy.

Councilor Floyd Collins agreed. He said there is a 91.6 reduction even at the levy level. Chart 3 is eight below the state average, yet our Strategic Plan calls for service levels at the national average. So, either the Strategic Plan is overstated or we need to recognize that we will continue to fall short as the population increases. It is critical to be aware of competing needs in the General Fund. To fall back to where we were after we made gains through the public safety levy, would not be providing service to the community.

Councilor Dick Olsen asked, is the increased call for service levels because folks know they will get a courteous, concerned response? He thinks it reflects well on the Police Department.

TRANSPORTATION SYSTEM PLAN DISCUSSION

Civil Engineer III Jeni Richardson asked if the Council had any concerns after reading through the Memorandums distributed on February 11, 2008. She said the other agencies that received the documents on February 11 did not have any comments at this time. Staff thinks it is time for public input and would recommend the same open house format as before. Open houses are scheduled for March 4, at 7:00 p.m., at Oak Elementary School (in Ward II) and March 11, at City Hall.

Richardson said staff selected eight key intersections and corridors on the project list. The recommended improvements will be sketched onto aerial photos of the intersection or corridor. She passed out an example of one of the intersections (see agenda file). Sketches will be ready for the public format for folks to study. Richardson will get copies of the sketches to the Council prior to the open house. The public can also use the project website to review staff memos to Council, agendas, attachments, public input, handouts, etc.

Richardson asked for Council comments, and confirmation that staff should proceed with the open houses.

Konopa asked, does the blue square (see legend of large map) represent installation of a roundabout or a signal? Richardson said the actual recommendation is in Tables 1, 2, and 3 of the staff memo. Transportation Systems Analyst Ron Irish said there are only three intersections where roundabouts are being considered: Main Street and Salem Avenue, Knox Butte Road and the new road by the future school, and Three Lakes Road and Spicer Drive.

Collins said that on page 5, the intersection mitigation process, staff defined the policy directive for the level of service (LOS) for signalized and unsignalized intersections. It appears that for unsignalized City intersections, we are planning for a LOS "F" as our target, which in the long-term means things will not get a whole lot better. Irish said LOS "F" was used as a cutoff to look at the whole operation of the intersection and not just the worst case movement. Collins said that his observation is that even if we identify all the deficiencies and come up with a reasonable solution this will not be a perfect document or set of solutions that will achieve everything that we might wish.

Olsen said, on 34<sup>th</sup> Avenue and Hill Street, the plan (see Table 1) shows mitigation by installation of north bound left turn lanes and south bound left turn lanes; but we would still end up with the intersection being classified as F. Irish said that all left turns from stop controlled minor street approaches along the corridor are at LOS "F", but it doesn't mean we want to put a signal at every intersection. Richardson said the long-term solution for this intersection is to install a signal. Irish said in 2030 there will be signals on Marion Street and Hill Street.

Collins said those items in Tables 1, 2, and 3 will become critical for discussion at the open houses. The City will be evaluated on how we meet expectations.

Bedore thinks the Memorandums were well done and recognizes the quantity and quality of work achieved by Richardson. He thinks staff is ready to proceed with the open houses.

Christman also thinks they are ready to go to the public. We are at a point where specific projects are pending, so it is important for us to get comments before we approve anything.

Richardson would like to come back once more to review the public's feedback before completing Memorandum #7, the project list.

Council agreed the documents are ready for public review at the open houses and that staff will return to a work session to advise the Council of the public comments received.

#### SIGN CODE REVIEW

Assistant Building Official Melanie Adams said that at the last meeting, Council heard from a business owner complaining about the Sign Code and consequently, the Council expressed interest in the possibility of making changes to the Code. The specific issue that came up was focused on signs in the public right-of-way (ROW). That area of the Code is not where staff planned to make revisions, however now that the ROW issue is at the forefront, staff is asking Council for direction as to whether the current ROW regulations should be changed.

Planning Manager Don Donovan said the Albany Development Code (ADC) prohibits signs in the public street ROW basically for safety and aesthetics. The cities of Eugene, Salem, and Corvallis prohibit them as well. Donovan said, coincidentally, the City got a letter from ODOT about Pacific Boulevard, Santiam Highway, and parts of 9<sup>th</sup> Avenue, advising that ODOT also prohibits signs in the ROW according to an opinion issued by the Attorney General.

Adams explained Community Development's current enforcement process, which is by complaint only due to limited resources. Staff uses a customer friendly approach and tries to help business owners obtain a permit and find an approved permanent or temporary location for their sign but that signs are not approved in the public ROW.

Adams asked, does the Council want to change the code, or staff's enforcement of the current code?

Collins asked what the setback is. Donovan said portable signs have to be 10 feet back from the ROW.

Bedore said he and Hare met with ODOT and they reiterated that no signs are allowed in the ROW, but also said they don't want to be enforcing it.

Hare said, the difficulty is that with signs in hundreds of locations, do we really want staff to go out and measure to make sure they meet the 10 foot setback? It can be a chronic problem, and a difficult rule to enforce. There have already been 100 cases since January 1. It is not easy to regulate.



Christman asked, are there things in the permanent sign code that could be changed to alleviate the need for signs in the ROW? Donovan said yes; staff tries to help business owners find ways to put up their signs legally. Adams explained, for example, lots of people don't know their permanent signs can be made larger. But if all businesses can have bigger and better permanent signs, it would drive competition for signs in areas such as parking lots. Adams is not sure it would necessarily help in this particular case, with the gas station business owner on Pacific Boulevard who made the original complaint to the Council. The City can certainly try to make the Sign Code better, but the businesses will always push for the competitive edge.

Christman said, this is a ROW issue. The compromise is to find ways to allow them to promote their business but keep signs out of the ROW. Donovan said there are things that can be changed pertaining to permanent signs, but the Council needs to consider if the changes would be safe and aesthetically pleasing.

Reid said the issue is unfair regulation. The public is frustrated that one sign gets removed, but others are not. Enforcement needs to be uniform. Adams said, if the Council wants staff to conduct sign sweeps, they can, but that is not typically how staff has been approaching the problem. Hare added that so far, staff has tried to be customer friendly. He explained that often neighboring businesses are in different stages of the process: for example, one may have just been notified about their sign, whereas another is months into the enforcement process and their sign has just been removed. It looks unfair to the public. Some owners will not obey the rule following the first notification, so it sometimes requires a long enforcement process.

Donovan said the Sign Code dates back to 1984. Hare said the temporary sign controversy has been a reoccurring theme for many years.

James Brooks, from Newman's 76 gas station, said that a readerboard is a good idea, but very few businesses are operated by the owner. People may not have that option if they are leasing. He can't attach a sign, because he is locked into a lease. Many small businesses do not own the property or have the option to bolt something else to a sign pole. He noticed that there are different rules for downtown Albany; he would like to see what they are. There are signs all over Pacific Boulevard, some which are permanent and in the ROW. He asked about two such signs five weeks ago, but one is still there and the other one, he has been told, falls under the exceptions made for downtown. Some signs only go out on certain days. Some second-hand stores use yard sale signs, which do not look nice but may fall under yard sale signs. The ROW has changed over the years. He understands that safety is a concern, but he does not see that signs are a huge impact to safety.

Greg Hope, 1550 9<sup>th</sup> Avenue, represents Valley Cruise and Travel, which has been in Albany since 1970. Hope passed out an editorial by Hasso Hering of the *Democrat-Herald* titled "Those signs bother no one" (see agenda file) and pictures of various sign code violations around the City (see agenda file). He said Hering's editorial hit on some important issues, especially what the City is trying to accomplish. Hope said when he drives into the City, he sees a North Pointe sign with balloons attached. He named off several other sign locations. He noticed that a furniture store has people on the corner waving signs, but they are protected under freedom of speech. He said, they can have a sign, but as a business owner, he can't. He also didn't know there was a central business district that allows signs in the downtown area. The pizza place has three reader boards out. So if it is in downtown, a sign on the sidewalk is okay; but otherwise, it is not? Finally, the 60 day permit doesn't help; he wants to advertise year round. He thinks there are too many sign rules. He said, if you want me to increase my business, then the Council should modify the codes so he can stay in business. He would rather not have one sign up and have all other signs down. They should all be up, or all be down.

Konopa said she heard of a community that monitored the free-speech boards.

City Attorney Jim Delapoe said there must be uniformity. The City can't target just one type of sign, for example allowing movement of the commercial signs but not allowing movement of anything else. Albany does not want to lead the charge on sign regulation, because that will attract litigation. The issues the City already has will be tenfold if we start measuring how much signs have moved.

Collins asked, since signs are a portion of the Albany Development Code (ADC), does the City have to follow a process to include the Planning Commission? Delapoe said yes, amendments would have to go through the land regulation process. But, the Council can give direction to staff about what the Council wants staff to consider. He cautioned that enforcing the code more uniformly will come with a cost.

Collins said, the sign code hasn't been addressed for 24 years, and part of the City's Strategic Plan is to help existing businesses retain their customers. Has the code been working well, or should it be amended in some way? He thinks 24 years is too long to not evaluate the code.

Councilor Johnson thinks it is too time consuming to expect staff to do a sign sweep of the whole City in a few days. The Council needs to find some way to be uniform, but also allow for effective advertisement. The City needs to do something for the business community, as they are growing our economy. We should be able to come up with a compromise.

Reid said, striving for uniformity could be difficult because of variations in the street makeup. Albany has City streets, county roads, and ODOT.

Hare thinks that going through the Planning Commission makes sense, although it is doubtful a solution exists that could possibly make everyone happy. He said that other cities struggle with signs too, and it comes up regularly on the City Manager listserv. If we move to an aggressive sign sweep, there would be public outcry.

Bedore said that the ODOT letter is both instructive and timely. The pictures provided by Brooks shows just how unsightly the signs can be in the ROW. He thinks it is appropriate for the City to prohibit signs in ROW, like ODOT does. He thinks that the Building Department should continue to enforce it in the customer-friendly manner they have been. It should also be made known that if there are violations, it is not because the City is not trying, but because they could be in different stages of notification.

MOTION: Collins moved to have the Planning Commission review the sign code, hold appropriate hearings, review the validity of the code, and to make suggestions for modifications. Christman seconded the motion.

Donovan asked, do you want us to revisit all of the sign code, or just that which pertains to temporary signs? Collins wants all of it to be reviewed. The City needs to establish a sequence in priorities. It may take 2-3 years but should be a systematic approach.

Donovan said it is a huge task and staff needs to know where to begin.

Konopa said that there must be businesses that do comply, if we have had the same code for 24 years. Clearly it is not hindering businesses from thriving, because they are. She is hesitant about reviewing all of it.

Donovan clarified that throughout the 24 years, staff periodically evaluates how Albany compares to other cities and passes on any feedback they get to the Council. On the whole, staff has not heard complaints about the code as it pertains to permanent signs. Adams said, there are lots of businesses that comply with the permanent signs; it is the signboards in the ROW that are the current hot topic. And of those 100 cases, less than a handful needed enforcement. Most comply when we explain to them what the sign regulations are.

Olsen asked, what became of the signs in the pictures provided by Brooks? Adams said, they are all on the list, and one staff person is handling it. They will get to them. Olsen disagrees with that approach, because selectively enforcing it on one person is not fair. Pacific Boulevard and 9<sup>th</sup> Avenue are withering because we are strangling them with our regulations. He thinks we should relax our requirements.

AMENDED MOTION: Collins moved to amend the motion to limit the review to the temporary sign code. Christman agreed to the amendment.

VOTE: A vote was taken on the amended motion and it passed 6-0.

VOTE: A vote was taken on the main motion and it passed 6-0.

#### CONTINUED DISCUSSION OF LIBRARY DISTRICT

Library Director Ed Gallagher said the goal for this work session is for the Council to discuss passing a resolution for a library district, which will be voted on at the Wednesday, February 28, Council meeting. If it goes to the voters and is passed, we will have eight months to hammer out the details. The focus today is to follow up on Councilor questions.

Gallagher said there is no large impact to compression. He thinks this is a good idea and provides a sustained long-term strategy for improving the library for Albany. In respects to the impact of his job as Library Director, he is not ambivalent to the library district. It is a great concept and worthy of being on the ballot. Gallagher said the long-term capital improvements can be debated in the eight-month period following the district's approval by the voters.

Gallagher said, this would do more than solve library operating issues; it would help public safety as well. He thinks it is ineffective to run a major governmental department on a serial levy. If in eight months we could swap the Library's budget with the equivalent dollars from public safety, we would gain some solid permanent funding for public safety, either at the outset or when the district comes into effect. The City could under-levy taxes for three years, then when the district comes up for renewal, give public safety \$2.5 mill and then renew the levy at the lower level.

Christman said, there is a change on the three-year budget on the current memo. Income tax went down significantly, by \$100,000. Finance Director Stewart Taylor said the only numbers he changed on the spreadsheet were the property tax estimates, to show a 4.5 percent growth in property tax revenue for the two years prior to the Library District being implemented. Also in year one there are no previously levied taxes, but in year two and three there are, calculated at three percent.

Christman said he wants to fully understand the whole idea of under-levying. For three years, we would take \$2.1 million from the City and give it to the Linn Library League (LLL) in the form of a tax. At the end of three years, we would continue the levy and then tax the citizens at a higher rate; or, we don't renew the levy and we do without the \$2.1 million. In order to not tax more, we would have to reduce the public safety levy, which will put us even further behind. He asked, how do we keep from falling behind? Hare explained that future Councils could choose not to

under-levy. The question for this Council is the change from the current circumstance. Regarding the police budget, we could gain more certainty for revenue in that we would do away with the need for .68/1,000 of the serial levy, because we would be under-levying your permanent authority. Discussion followed. Hare said the amount of money the City would be losing in revenues would be compensated by the amount the City would not be spending on the Library. There are choices the Council can make to impact the money that can be brought in. Under-levying will actually bring more money in; upon the expiration of the serial levy, the Council will have to decide what to do. Levying a smaller amount is an option because the City would then have permanent authority for that amount.

Bedore said, the issue is to be clear about the fact that under-levying is not a commitment we can make for an ongoing amount of time.

Konopa said, if we under-levy the .68 cents, we are still not recouping other losses from Central Services. Capital improvements and reserves need to be factored in as well. We have to be up front and honest with the voters and say that we cannot guarantee that we will be under-levying, because we don't know what the other losses will be.

Collins said, the philosophical question is, are we to recommend over three years that we will double the services of the library at the detriment of the other departments? We don't know. He would rather not support this Resolution now, until we work out the details. We should not ask voters to approve .68 when we are not sure what the other half will be used for. We don't have all the information. He thinks Konopa is right in saying that we would be supporting a long-term tax increase for this service.

Hare used the white board to summarize the under-levy concept. He concluded that in some ways, it would provide more flexibility than we have now.

Collins said, there will be a proportional decrease in the other central services as a result of reduced Library central service charges. We could require the LLL to contract back with us for some of those services, but we need to tell the voters up front, not figure it out in the eight months that follow the levy passage.

Reid asked, why not just make service districts for every City department, if this is such a good idea?

Hare pointed out that creating special districts fragments the community's ability to set priorities. Would this fragment the community and mean they are competing in the future with others, such as the Fire Department? Already we make decisions about competing dollars, but now those decisions are internal instead of in conflict with special districts. On the other hand, this is a way of getting more people to pay for services that currently are being paid by a small number of people. For example, Millersburg has a lot of assessed value and are probably using our Library services but not paying for them. Hare does not see the proposal as harmful for the City, as it would assuredly improve library services. However, whether it is a good idea for the community is for the Council to decide.

Olsen said, as property value rises we will eventually be limited to a \$10 cap. Would the safety levy and the Library be under that cap? Hare said yes. Discussion followed.

Johnson said, we are short funding for the new Library and so pursued fundraising; how will folks feel about their donations when it will be used by LLL instead of for a City Library? She asked, how will the Library Board be selected? What is a nominal fee? If someone can buy a library card for \$60, why will they want to pay .68/1,000? She doesn't want to know these things after the district passes, she wants to know before it is presented to the voters.

Gallagher said, no one is being purposely vague or soft with the numbers; the law requires that there be a plan for services and structure. When the measure passes, Johnson's questions will be decided by the Board of Directors. Gallagher said he can answer some questions today, but it will be up to the Board to make many of these decisions in the future. It is a five member Board, evenly distributed via the population. For example, Albany would have two Board members based on our population.

Christman asked Delapoe, what if some of the details can't be worked out in the eight months, such as a nominal rental fee; what would happen? Delapoe said, we would still be in the library district; we could levy for our own library and then citizens would be part of both. Discussion followed. Hare pointed out that both parties will be highly motivated to work it out because both parties will want the service to continue. What the Council is considering today is if we should present the plan as proposed to the voters. Presenting the plan does not mean the Council needs to endorse it.

Collins wants to delay discussion of this until we discuss, in two weeks, the Strategic Plan and decide how this fits in. Gallagher said there is a time constraint, as the LLL will need to obtain 10,000 signatures in a short time-frame in order to get it on the ballot.

LLL representative May Garland said, the LLL has been trying to get this Council on board for five years and we are now under the wire. The Council could decide to support it and it could still fail. We just want the opportunity to present this to the people for them to decide. We have put together a plan that will be a great service for people in Albany and others in Linn County.

Christman said that six months ago he asked for someone from LLL to make a presentation to the Council. At that time he made the comment that it is very important that they get the Council's approval. Now tonight, we are told

that we have until the end of the week to decide. We needed this discussion and information a year ago. He said he doesn't think the Council is comfortable making this decision because of the lack of information. Also, if the LLL wants a Resolution that says it will be presented to the voters, than that is what it should say; but the Resolution that has been presented tonight says that the Council approves of it. There is other information that should be included in the Resolution, such as the possibility of under-levying.

Gallagher said the Council received a full presentation in Lebanon and the plan has been around for quite awhile. Christman said, but in the materials we have the numbers keep changing, and things that are in the plan just continue to raise questions such as the ones being raised tonight. We understand that some questions can not be answered until the Board is established, but there is no comfort level.

May said that a statement about under-levying can not be in the Resolution. Discussion followed.

Hare said staff will present a revised Resolution at the February 28 Council meeting.

Christman said the revised Resolution should not say "approved," but rather "submit to the voters". It should also address that the under-levying issue cannot be guaranteed.

Delapoer said they can put whatever they want to in the recitals, but just not in the Resolution.

Collins said, we could develop a fact sheet to go out that would at least match the Resolution.

Johnson said that most folks tell her a library district is not good for Albany. She does not like the idea of under-levying.

Library Aide Mona Farmer said that she realizes the under-levying issue is about trust. Her property value went up \$47,000 in two years. She doesn't think the real market value (RMV) and the assessed value will catch up. She asked the Council, can you trust the future LLL Board as much as you ask your citizens to trust you? The LLL Board is not to glorify themselves but to serve all people, to provide a higher level of service that the City can't provide at the current funding. If the Council wants citizens to have better library service, they should do this. She said she moved to Albany because of the Library. To pass on this opportunity means that the Council is holding the community back.

#### PUBLIC WORKS ENGINEERING POSITION RECLASSIFICATIONS

Assistant Public Works Director/City Engineer Mark Shepard said that the position reclassification request was precipitated by two retirements: a Clerk and a Design & Construction Manager. Staff found an opportunity to reclassify three positions in order to fill the Design & Construction Manager. The Clerk is one of three administrative positions in Public Works. They want to upgrade it to a Clerk III to take on more duties, so the Administrative Assistants can have more time to support the engineering staff.

#### CITY COLLECTION OF CONSTRUCTION EXCISE TAX

Delapoer said that the last legislative session allowed excise tax for new construction in school districts. The law encourages a mechanism for collection of the new tax through intergovernmental agreements (IGA). This is not the City imposing a tax, rather we are collecting a tax on the district's behalf. By law, we keep one percent for administration costs. One percent does not fully compensate the City, but legally it is all we get. The school district will indemnify the City. The termination clause requires one year's notice. The school district is anxious to proceed.

#### COUNCILOR COMMENTS

Collins explained a community cleanup proposal. In years past as the City worked with spring clean up programs, Collins has seen the opportunity to partner with Allied Waste Services (AWS) and neighborhoods to clean up the community, perhaps one block at a time. As a companion project the City could provide dumpsters. This is an effective way for local government to help citizens help themselves. It could also be a reduction of work for the Code Squad. It would improve the City's appearance. Collins asked for staff to follow-up by developing a program and evaluating the cost. Discussion followed.

Olsen said he had hoped to get the Neuter Scooter to a local church because the Neuter Scooter will neuter male or female cats for \$40. He hopes the Council will offer scholarships for those with a large number of cats. Unfortunately they can only come the Saturday before Easter, and the church was not able to host the event that day. Olsen said he has talked to Linn County Commissioner Wooten about a donation and they are thinking seriously about it. Olsen forwarded an e-mail to Wooten from Jody Harmon about her program, but Wooten said Linn County cannot support her. Olsen wonders who the Council should support: Harmon or Linn County.

Reid would like to see a report on what Linn County has done so far. Olsen will bring a report to the next Council meeting.

Johnson said there is a League of Oregon Cities seminar on special districts in Oregon at the end of April.

Albany City Council Work Session  
Monday, February 25, 2008

Bedore said that a constituent recommended a reward program for private property improvements, similar to what is done with Central Albany Revitalization Area (CARA). For example, the improvements made to the Cottage Courts by Don Ward deserve recognition. Adams noted that as part of Building Safety week in May, they planned to give Ward Council recognition for his property. Bedore would like to see property improvement recognition as an ongoing program.

CITY MANAGER COMMENTS

There were no City Manager comments.

ADJOURNMENT

There being no other business, the Work Session adjourned at 6:36 p.m.

Respectfully submitted,

Mary A. Dibble, CMC  
Deputy City Clerk

Reviewed by,

Stewart Taylor  
Finance Director

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, March 12, 2008  
7:15 p.m.

Minutes

CALL TO ORDER

Mayor Bedore called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Bedore led the pledge of allegiance to the flag.

ROLL CALL

Councilors present: Sharon Konopa, Floyd Collins, Dick Olsen, Bessie Johnson, and Jeff Christman

Councilors absent: Ralph Reid, Jr.

PROCLAMATION

Bedore read the proclamation "We the People" (in agenda file), which encourages good citizenship in Albany.

SCHEDULED BUSINESS

Legislative Public Hearings

DC-01-08, adopting text amendments to the Albany Development Code regarding fence regulations and declaring an emergency.

Bedore explained that this legislative public hearing is about proposed text amendments to the Albany Development Code regarding fence regulations. The applicant is the City of Albany and is designated as Case File DC-01-08.

Bedore opened the public hearing.

Staff Report

Planner II Anne Catlin explained that for the past few years staff has heard concerns from residents and City Councilors about the 3-foot setback required for 6-foot-tall fences along rights-of-way for corner properties. They have also heard concerns from a few historic district residents who want to construct a historically appropriate picket fence in their front yards, but are restricted to two feet in the vision clearance areas at street intersections.

Catlin said the proposed amendments are not more restrictive than the existing regulations and offer a little more flexibility with regard to fence location. Consequently, there was no need to provide mailed notices to all property owners. Changes were published in the paper and mailed to persons believed to have a particular interest in the proposed amendment. There was no testimony at the Planning Commission public hearing on February 11.

Catlin said the standards would do the following: For corner properties, which have two front yards, it would eliminate the 3-foot setback from the property line for fences up to 6-feet tall in the front yard adjacent to the street that does not contain the dwelling's main door entrance, if the adjoining street is improved with sidewalks and a planter strip (Articles 3 and 5). It removes the 2-foot height restriction in clear vision areas in Articles 3 and 5, add language that fences shall meet the clear vision area standards, and define "impede visibility" in ADC 12.180. It allows front yard fences that exceed 4 feet for properties listed on the National Register of Historic Places, which includes all properties in the historic districts, if the fence is appropriate to the building style and scale, and is approved by the Landmarks Advisory Commission (Articles 3 and 5).

Catlin reported the review criteria from the Albany Development Code (ADC) and the Comprehensive Plan policies relevant to the proposed changes. She said the proposed amendments are consistent with the purposes of the Development Code because they will promote the public welfare and safety of Albany's residents and Albany's historic districts, and promote the interest of affected property owners in making land use decisions.

Testimony

Bedore explained that if anyone wishes to enter an exhibit into the record as part of their testimony, they should briefly describe the letter, photo, or map and then present it to the Council.

No one else wished to speak.

Bedore closed the hearing at 7:50 p.m.

Christman asked, is it correct that currently the City has only one site over 50 acres? Hansen said yes, it is 60 acres. She provided examples of other large acre properties.

Councilor Konopa asked about requiring structure parking. Hansen said that usually occurs when an area is densely packed.

Councilor Olsen asked if Hansen had maps of property before and after it is rezoned. Hansen said she didn't. The City doesn't have any actual locations for future commercial zones identified yet.

Collins asked, aren't these just supporting documents? Hansen said yes. Collins said there is no proposal to do anything, these are guiding documents.

Konopa said once it is in the Comprehensive Plan, it is difficult to argue out. Five years ago the Council did regional commercial zoning and those lands have not been built on. Commercial designation isn't always healthy. She would like to have requirements for commercial sites larger than 20 acres. The City needs to think about preserving agriculture. She said most of the property is used for parking and she wants to encourage parking structures. She wants the Council to consider farmland as an industry. She can't support the proposed amendments as written; she would like to have the 50 acre designation taken out.

Christman said this is just a guiding document. When a specific site comes before the Council, they can discuss it then. This allows flexibility.

Johnson said on page 59 of the agenda it says: "By incorporating the updated information, the City is staying current with state requirements, and will be able to make more informed decisions related to commercial and industrial land needs." She is in favor and believes it is planning for the future.

Collins supports farm land preservation and wants to encourage parking structures. He would like to see that come up later. He is going to support this language based on Goal 9 objectives.

Konopa feels that they are still setting this in a policy.

Deputy City Attorney Mathew Jarvis read for the first time in title only "AN ORDINANCE ADOPTING TEXT AMENDMENTS TO ECONOMIC DEVELOPMENT BACKGROUND SUMMARY OF THE ALBANY COMPREHENSIVE PLAN'S CHAPTER 3 AND ADOPTING THE 2007 ECONOMIC OPPORTUNITIES ANALYSIS UPDATE AS A BACKGROUND REPORT TO THE COMPREHENSIVE PLAN AND DECLARING AN EMERGENCY."

MOTION: Johnson moved to have the ordinance read a second time in title only. Christman seconded the motion and it failed 4-1, with Olsen voting no. It takes a unanimous vote of the Councilors present to have an ordinance read two times at the same meeting. This ordinance will be read for a second time at the next regularly scheduled meeting of the City Council.

#### Business from the Public

No one wished to speak.

#### Adoption of Resolutions

Supporting a Microenterprise Assistance Grant submitted by Willamette Neighborhood Housing Services for the Linn-Benton MicroBusiness Program.

Konopa moved to adopt the resolution declaring the support of the City of Albany for a Microenterprise Assistance Grant submitted by Willamette Neighborhood Housing Services for the Linn-Benton Micro Business Program. Christman seconded the motion and it passed 5-0, and was designated Resolution No. 5577.

Authorizing the relinquishment of title to surplus real property to Habitat for Humanity for low-income housing purposes.

Johnson moved to adopt the resolution authorizing the relinquishment of title to surplus real property to Habitat for Humanity for low income housing purposes. Collins seconded the motion and it passed 5-0, and was designated Resolution No. 5578.

BUSINESS FROM THE COUNCIL

Collins mentioned that he wanted to raise the bond issue during the last Capital Improvement Program (CIP) deliberation only for community discussion. He would also like to see the Library League back to a Council Work Session for more discussion.

Christman commented that after reviewing the December 12, 2007, minutes he was reminded of the City Attorney's comment on Land Use Board of Appeals (LUBA) materials. He feels he is often put in an awkward position when an immediate decision is necessary after receiving extensive written material on the same night. He knows that a Council discussion regarding a Hearings Officer is on the schedule and is looking forward to it.

Olsen distributed a Poppa Inc newsletter (in agenda file) to the Council.

Bedore said that he attended both open houses regarding the Transportation Plan and wanted to thank PE Civil Engineer III Jeni Richardson and Transportation Systems Analyst Ron Irish for their professionalism and expertise.

Hodney reported to the Council that staff will be replacing carpeting, including carpeting in the Council Chambers, throughout City Hall. Olsen asked if staff had considered alternatives to carpeting in the public areas. Hodney said they had, but there were some major issues including noise levels.

Konopa would like the carpet concerns to come back to the Council for discussion. She thinks the Council Chambers is fine. She would like to know what the most dire need in City Hall is. It was agreed that this item would be scheduled for the next available work session.

NEXT MEETING DATE

The next City Council Work Session is scheduled for Monday, March 24, 2008, at 4:00 p.m. The next Regular Session is scheduled for Wednesday, March 26, 2008, at 7:15 p.m.

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:44 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, CMC  
City Clerk

Stewart Taylor  
Finance Director



APPROVED:

CITY OF ALBANY  
CITY COUNCIL (WORK SESSION)  
Municipal Court Room  
Monday, April 7, 2008  
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Dan Bedore called the meeting to order at 4:00 p.m.

ROLL CALL

Councilors present: Councilors Ralph Reid Jr., Floyd Collins, Jeff Christman, Bessie Johnson, Dick Olsen, and Sharon Konopa.

BUSINESS FROM THE PUBLIC

There was no business from the public.

LIBRARY RENOVATION UPDATE

Library Director Ed Gallagher provided an update on the Library renovation. He said eight firms responded to the Request For Proposal. The selection team narrowed the field to three strong candidates. Bids from the three firms are expected by next Tuesday. Meanwhile, Coldwell Banker Realtors has been hired to begin the process to sell the current Library building.

Project Manager Paul Frankenberger said he has been working with the architects on construction documents. Plans have been submitted for review by the City Building Division and the Planning Commission. This issue is expected to come to the City Council for bid award on May 14. He said there are some challenges because the building was designed as an office building. Structural upgrades are needed to the floor and roof systems, and there are some electrical complexities. Another issue is the HVAC system. The City expressed a preference for a system that is well-tested and trusted. He said the chosen system is a variable refrigeration system which has been used in Europe and Asia for more than 20 years. It is a highly successful system and was chosen due to its longevity and energy efficiencies.

Councilor Dick Olsen asked if consideration will be given to using geothermal equipment for increased energy efficiency. Frankenberger said the system does not include geothermal equipment and it would cause a significant delay to go back and look at other systems at this point in the project. He said he thinks the Council will be happy with the energy efficiency of the chosen system.

Councilor Floyd Collins asked if anyone in the Northwest uses this HVAC system and if there are local installers. Frankenberger said there are a number of installers in the area and the system is installed in a number of significant buildings, including a 15-story hotel in Portland and a couple of Oregon schools. Everyone he has spoken with has said they are happy with the system.

Councilor Bessie Johnson asked if there are any installers in Albany. Frankenberger said he is not sure, but the contract requests that contractors consider local installers whenever possible.

In response to an inquiry from Councilor Ralph Reid, Jr., Frankenberger said this system is significantly less expensive than other HVAC options that were considered.

Frankenberger said the building will be fully sprinkled. Exterior modifications will include canopies and paint. He reviewed the roofing types included in the specifications, and he circulated a manufacturer's flyer on a TPO roofing system which, he said, is increasing in use due to its durability and 20-year warranty.

In response to an inquiry from Collins, Frankenberger said the specifications are set up with a list of approved products and the method by which one can apply for a substitution.

Councilor Sharon Konopa noted that the Council received several comments about the exterior color scheme and she asked if there has been any public process around that issue. Gallagher said the final color scheme has not been chosen. The community feedback was shared with the architects and it is expected that the colors will be significantly muted.

In response to an inquiry from Johnson, Gallagher said the current Library building is expected to be listed at the appraised price of \$1,830,000.

URBAN FORESTRY MANAGEMENT PLAN UPDATE

Parks and Facilities Manager/City Forester Craig Carnagey drew attention to the updated Urban Forestry Management Plan (UFMP), distributed in packets. He said the Tree Commission has been working on the UFMP for several years. Primary areas include tree preservation and protection, tree planting, tree maintenance, and tree removal. There are several appendices, including the Tree Inventory, Recommended Street Trees, and Tree Codes.

The UFMP is intended to be a resource for the public, help staff with priorities, and inform developers regarding expectations. He said the UFMP is presented for the Council's approval and he invited any questions.

Bedore asked if there was any public involvement in creating the UFMP. Carnagey said all Tree Commission meetings are public meetings and public comments are encouraged. This issue was on the Tree Commission agenda for seven or eight meetings, but he does not recall that there was significant public input. The finalized UFMP will be made available to the public.

Collins drew attention to page 8, item 2, which he feels includes buzz words that will have different meanings to different people.

Collins referred to 2.3.4. He suggested that there be a resolution process specified in the event that there are conflicts between the City Engineer and the City Forester. City Manager Wes Hare said any issues would generally be brought to the City Manager and that could be added here.

Collins noted a typographical error in 4.4.9 - it should read (30').

Collins referred to 4.6, which restricts tree planting times. Carnagey said these are the optimal tree planting times. If street trees are planted outside of these times, the City would like the opportunity to advise and to ensure that there is a supplemental system in place so that trees do not suffer drought stress.

Olsen drew attention to a minor typographical error in 5.2.3.5.

Reid referred to the third paragraph under Background on Page 4. He suggested that *environmental services* be changed to *environmental benefits*.

Reid referred to 1.2. He asked why there is no reference to public education in this section. Carnagey said he thinks education is the point of the document in general, but he agreed that it would be good to point that out in this section. Reid referred to 1.3.4. He said a mass removal of trees would occur with any future development of the southwest corner of Valley View and Crocker Lane, and he does not know of an area where that number of trees could be replanted. Carnagey reviewed the intent of the proposed Albany Development Code revisions that address mitigation. He advised that, in the event that there was a lack of places to plant trees, mitigation money would go into the urban forestry account.

Reid referred to 1.3.5. He asked if establishment of a Tree Fund would necessitate the establishment of a foundation to keep monies separate from the Parks & Recreation general fund. City Manager Hare advised that the City may receive private funds that are designated for a specific purpose. In response to an inquiry from Johnson, Carnagey advised that the City may receive these funds, but cannot spend them without City Council authorization.

Councilor Jeff Christman said he is concerned about the way the recommendations on pages 6 and 7 are worded. He would like it to be emphasized that these are not part of the adopted plan, but are recommendations that the Tree Commission will make to the City Council.

Reid initiated discussion about 1.3.6. Carnagey reviewed discussions on this issue with City Attorney Jim Delapoe and noted that the item will drop off of the list of recommendations once the Code changes have been adopted.

Reid referred to 2.2. He asked if the City has personnel available to do all of the redesign work as outlined. Carnagey said this item is intended to advise developers about the City's priorities. Reid suggested that it be reworded for clarity.

Reid said many of the sub-items under 2.3 are covered in 2.3.2. Bedore said he thinks it is better to be specific than to be vague.

In response to an inquiry from Collins, Carnagey clarified that restrictions related to the dripline of trees are only for trees that are specified for protection. Collins suggested that be rewritten for clarity.

Reid referred to 4.3.2. In response to his inquiry, Carnagey said juniper is not currently on the City's recommended street tree list.

Olsen asked if the tree protection standards prohibit planting trees in barrels. Carnagey said they do. He said planting in barrels can restrict stability and is not recommended.

Reid referred to 4.3.2.6. Carnagey said this item refers to both tree pruning and root pruning and is meant to prevent materials from being shaped by the nursery to eliminate defects just before planting.

Collins noted that planting on industrial property is not covered.

Collins said he appreciates the work of the Tree Commission and staff. He asked that the Council see the document with the requested edits prior to approving it.

## WATER POLICY AND SUPPLY PLAN

Public Works Director Diane Taniguchi-Dennis discussed with the Council the proposal presented by Benton County Commissioner Linda Modrell previously for the City of Albany and Benton County to enter into a Memorandum of Cooperation to promote collaboration for the purpose of creating a cross-jurisdictional and cross-watershed water policy and supply plan. A draft Memorandum of Cooperation is attached to the staff report. Taniguchi-Dennis said she thinks it is important that Albany actually participates in water supply planning to make sure our community issues are considered in the process.

Konopa referred to the issue of septic tanks and how they might affect future water quality. She said she would like consideration on water quality to be part of the discussion. Hare said this illustrates the importance that Albany has a representative at the table.

Reid expressed concern about proposals related to Adair water rights and about opening up all of Benton County for development. Bedore said having a seat at the table will allow Albany to weigh in on those discussions.

MOTION: Johnson moved to enter into the Memorandum of Cooperation and to appoint Public Works Director Diane Taniguchi-Dennis or her designee to serve as the principal representative. Reid seconded the motion, and it passed 6-0.

## STRATEGIC PLAN UPDATE

Hare drew attention to the updated Strategic Plan, distributed in packets. He said Public Information Officer Marilyn Smith has incorporated comments from the last Council work session and remarks sent to her since that time. He asked for any additional input.

Collins referred to page 9, #5, and asked what is meant by *inventory of residential occupancies*. Hare said he thinks there is a desire to know the numbers and types of residential uses throughout the City. This can be reworded for clarification.

Collins drew attention to a typographical error on page 10, item 3.

Collins drew attention to page 11, item 2 under Effective Government Strategies and Actions. He said citizen involvement should be continued on all boards and commissions and he sees no reason to specify CARA and Albany Municipal Airport.

Collins drew attention to page 12, item 11. He said he does not disagree with the idea of establishing a commission on sustainability, but he feels there should be a clear definition of sustainability so the commission is clear of its mission. Hare said there is a staff committee that has been dealing with this issue and he feels there is a good understanding of the definition of sustainability.

Collins initiated discussion about the trends listed on page 13. He said there may be reasons why Albany does not meet statewide averages and the City cannot control all of these trends. Hare agreed that a couple of the trends could be removed. Bedore said some of the trends can be influenced by job creation and other measures.

Konopa referred to the new text on page 8, item 1. She suggested that wording be added as follows: *Advocate at the state level for alternative funding sources for expansion of our police and fire facilities*. She said her intent is to advocate for use of system development charges (SDCs) for police, fire, and libraries. There was general agreement to add the language as suggested, but to not make it specific to SDCs.

Christman said page 8, item 1.b. does a good job of stipulating a timeframe, but other sections in the document do not. He noted that subsections d., e., and f. refer to 200\*. He would like to either replace that with a date or eliminate it completely. Brief discussion followed. Hare said staff will try to address the desire for a higher degree of specificity on scheduling in the Plan. He noted that part of implementation is tied to the budget.

Konopa referred to page 10, item 1.g., and the word *barrier*. She said some consider wetlands to be barriers, but she considers them to be water quality features. She would like to discuss how much commercial property is desired for the City. She would like to encourage building vertically in commercial zones. Christman said he thinks the item referred to is a good statement to address those concerns. He said there are places where designated wetlands are a barrier and those issues need to be resolved in some manner. Konopa said she would like to see references to building vertically included in this document or in some way plugged into the City's policies. She expressed concern that opening the door for 50-acre commercial sites also opens the door for sprawl.

Planning Manager Don Donovan said past projections assumed quite dense commercial development. He said he understands that Konopa would like to know if the current projections are assuming dense development and staff will get that answer. Hare added that the City has already made some decisions that restrict how the City will grow and what it will look like and that state regulations make expansion of the Urban Growth Boundary difficult. He said he understands Konopa's point, but it would be difficult for Albany to sprawl without dramatic changes in state land use laws. Brief discussion followed.

Reid noted a typographical error on page 8, item 1.a.: 2007 should be changed or deleted.

Albany City Council Work Session  
Monday, April 7, 2008

Reid requested a change on page 8, item 8: change *drainage* to *storm drainage*.

Reid requested a change on page 6, item 9.d.: add *Third Street*. It was agreed to also add a date of 08-09.

Reid requested an addition on page 6, item 8: add a new subitem f, *bicycle and pedestrian ferry between Albany and Corvallis*.

Johnson suggested the addition of a reference to sewer on Springhill Drive. It was agreed to add a new item on page 9, item 3.b.: *Develop conceptual plan and funding option for Springhill basin, with timeframe of 2009*.

Reid asked for a change on page 5, item 1: Utilize the CARA district to *assist in cleanup*.

Staff will make the requested changes.

#### COUNCILOR COMMENTS

Reid said Washington, DC was beautiful. It was the consensus of the legislators that this is not a year that there will be very many earmarks and he did not receive the funding he sought. Bedore expressed appreciation for Reid's efforts.

Collins said a citizen approached him to ask why Albany does not have a tagging ordinance. Marilyn Smith said she spoke with the Police Department about this issue. The volunteer graffiti program that was previously in place had lapsed because there had been no serious problem for some time. Tagging has been increasing again, however, and the Community Resource Unit is pushing to have the program reinstated. She said there are communities which have tagging ordinances, but Albany felt its volunteer program was very effective. Hare added that the existing ordinances regarding vandalism provide the means to address tagging.

Bedore said he had the opportunity last week to read a proclamation designating April as National Child Abuse Prevention Month.

Bedore read a letter from the Council of Governments thanking the City for its contribution to the Meals on Wheels program. He also expressed his personal appreciation, noting that his father-in-law benefits from the social interaction provided by the program.

#### CITY MANAGER REPORT

Hare said City Attorney Delapoer will be available to answer any questions regarding the Oxford House at the Council meeting on Wednesday. Councilors are invited to submit questions in advance.

Hare said he will show a PowerPoint presentation of his recent work in Beirut, Lebanon after the work session for those Councilors who would like to stay and watch it.

#### ADJOURNMENT

There being no other business, the Work Session adjourned at 6:00 p.m.

Respectfully submitted,

Teresa Nix  
Administrative Assistant

Reviewed by,

Stewart Taylor  
Finance Director

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TO: Albany City Council  
VIA: Wes Hare, City Manager *WH*  
FROM: Kevin Kreitman, Fire Chief *KK*  
Mark Bambach, EMS Division Chief

DATE: April 15, 2008, for the April 23, 2008, City Council Meeting

SUBJECT: Position Reclassification

RELATES TO: • A Safety City

Action Requested:

City Council approval to reclassify Kimberly Wigle from the Ambulance Billing Specialist II position to Ambulance Billing Specialist III effective May 1, 2008.

Discussion:

The Fire Department has two Ambulance Billing Specialist II positions. One of these positions was an Ambulance Billing Specialist III until December 2005 when the employee in that position resigned. The vacancy was filled as an Ambulance Billing Specialist II.

The Specialist III is a lead worker and generally requires time as a Specialist II in order to become proficient in ambulance billing operations and procedures, and applicable software programs.

Kimberly Wigle was hired in October 2002 as an Ambulance Billing Specialist II. She has gained the skills and knowledge since then to be qualified for the Ambulance Billing Specialist III position. She has demonstrated the ability to act as the lead worker and assume more responsibilities related to ambulance billing and software management.

Budget Impact:

\$760 in wages and benefits for fiscal year 2007-08.

KK:ljh



TO: Albany City Council

VIA: Wes Hare, City Manager  
Ed Hodney, Director of Parks and Recreation

FROM: Dick Connolly, Parks and Facilities Manager

DATE: April 11, 2008 for the April 23, 2008 City Council Meeting

SUBJECT: Reclassification of Park Maintenance Aide position in Parks and Recreation Department

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Staff requests City Council authorization to reclassify one currently vacant Park Maintenance Aide position to a Park Maintenance II effective May 1, 2008. This item is scheduled for the April 23, 2008, council agenda for formal approval.

Discussion:

The FY 2007-08 Parks and Recreation Fund budget includes a fully funded Park Aide position (1.0 FTE, Park Maintenance program). This Aide position was vacated last fall with the incumbent's promotion. The Parks and Recreation Department has reviewed the short-term and future staffing needs in Park Maintenance and concluded that a reclassification of the Aide position to a Park Maintenance II would best meet the needs of the division.

Two factors influenced this decision. First, the Aide position does not require the higher-level skills and experience necessary to meet the needs of Park Maintenance, including the operation of powered equipment and possession of an Oregon State Pesticide Applicators certificate. Rather, the Aide position is better suited as a seasonal or temporary position. Another factor in the department's analysis is the expected retirement (fall 2008) of a long-term employee in a Park Maintenance II position.

The Human Resources Director has agreed that these duties and requirements best reflect a Park Maintenance II position and has recommended the reclassification.

Budget Impact:

There is no budget impact this fiscal year. The savings from the vacant Aide position are sufficient to offset the costs to fill the position through the remainder of this fiscal year. The annualized cost of this reclassification is estimated at \$11,400 for FY 2008-2009. However, the expected retirement mentioned above will produce enough savings to cover this increase, as well.

EH/th

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TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Marilyn Smith, Management Assistant/Public Information Officer *MMS*  
DATE: April 16, 2008, for the April 23, 2008, City Council Meeting  
SUBJECT: Code Enforcement Team Third Quarter Report, Fiscal Year 2007-2008

RELATES TO STRATEGIC PLAN THEME:

- Great Neighborhoods
- A Safe City
- An Effective Government

The Code Enforcement Team soldiers on into the fourth quarter of the year.

Highlights from the third quarter include:

- Pending completion of the addition to Albany Helping Hands homeless shelter, expected in mid-May.
- Continued obvious progress in the remodeling of 532 Baker Street SE.
- Removal of the ham radio tower from the roof of the old City Hall on March 21, 2008.
- Removal of the tent city flea market at 550 Main Street SE after three years on our case list.
- Completed remodeling of the house at 1505 Jackson Street SE. The house first appeared in this report in January 2004.

Several staff members are working with the Hackleman Neighborhood Watch group and Allied Waste to conduct a neighborhood cleanup in the neighborhood around Swanson Park on Saturday, May 10, 2008. We hope this effort will show other neighborhoods what they can do with half a day, some gloves, trash bags, lawn tools, and strategically located dumpsters to make a difference in the place where they live. Our goal is for the cleanup to spread citywide and occur again in the spring of 2009 as part of Keep America Beautiful's Great American Cleanup program.

Here is the summary of activity the third quarter of the year:

1. 2910 Three Lakes Road SE (new complaint, January 25, 2008) – An auctioneer from Lane County conducted a heavy equipment auction on this property in August 2007 in violation of the Albany Development Code, was cited into Municipal Court, pleaded no contest, and paid a fine. The same party advertised another auction at the site for Thursday, April 17, 2008. Following correspondence with the property owner, the advertisement was pulled in mid-April. Staff prepared citations just in case. **Status: Monitor.**
2. 1540 Harder Lane NW (January 9, 2008) – Two neighbors reported assorted junk, inoperable vehicles, and rats on this property. Occupant cited for keeping junk and trash. **Status: Open.**
3. 1095 16<sup>th</sup> Avenue SW (January 16, 2008; March 24, 2008) – Inoperable van stuffed with belongings, old refrigerator in yard. Occupant cited for keeping junk, pleaded no contest, fined \$300, which was worked off on work crew. Junk remains. **Status: Open.**
4. 315 Ermine Street SE (February 11, 2008) – Junk and trash at vacant house. Unable to locate owner or the mortgage company listed on the deed. City Attorney is continuing to search. **Status: Open.**
5. 330 Marilyn Street NE (February 29, 2008) – Decades of junk, household garbage, rats, piles of yard debris. Sent a 30-day letter to owner-occupant on March 3 ordering cleanup. Second letter hand-delivered when 30 days elapsed with no progress, and owner said he had not received the first letter. Without substantial ongoing progress, will pursue enforcement of AMC 7.84.070 (clean and lien). **Status: Open.**

6. Pussycats Private Adult Entertainment, 919 Ninth Avenue SE (January 2, 2008; March 10, 2008) – This business moved into retail space over the New Year holiday. Some remodeling done without permits. Fire and Building did inspections and issued correction notices. Other building tenants complained to their landlord, who is taking Pussycats to court on April 17, 2008, for alleged violations of the lease. **Status: Open.**
7. 614/618 Madison Street SE (January 14, 2008) – Report of homeless camping in brush on the property. Debris removed. Property owner has been asked to clear the property of brush to make it less attractive to would-be campers. **Status: Open.**
8. Jackson Street under the overpass (January 14, 2008) – Fence erected along railroad tracks to stop trespassing has been partially knocked down. City Attorney continues to try to contact the railroad to have it put back in place. **Status: Open.**
9. 505 Lyon Street S (January 14) – Dumpster stored in the right-of-way. Property is for sale; Fire and Public Works have different opinions about where said dumpster should eventually be placed. **Status: Open.**
10. 725 Main Street SE – Junk in the driveway. Occupant cited into Municipal Court; failed to appear, warrant issued. Pretrial conference scheduled for April 15, 2008; case has been continued. **Status: Open.**
11. 135 Onyx Street NE (received September 14, 2007) – Report of “sky-high” piles of trash and household garbage, derelict vehicles, and people living in an RV. **Status: Open.**
12. 1555 Oak Street SE/1605 Oak Street SE (received October 18, 2007) – Report of junk left behind in abandoned homeless camp in brush on adjacent vacant parcels. Brush removed from north parcel; cleanup attempted but incomplete on south parcel. **Status: Open.**
13. 3083 Highway 20 NW (received January 4, 2007) – Assorted derelict vehicles, blown down fence, major appliances. The property was abandoned following a drug raid. Initial actions to seize the property through federal forfeiture laws have been dropped. Property is in the hands of a bank, which may soon foreclose. Will be contacting the bank to demand cleanup. **Status: Open.**
14. 2225 Oak Street SE (received December 22, 2006) – House damaged by fire and abandoned; unsecured. Numerous early attempts to contact owner unsuccessful. Building determined that the house is a dangerous building and posted a notice and order for it to be repaired or demolished. Deadline: March 7, 2008. Owner contacted Assistant Building Official Melanie Adams on January 11 after receiving the notice and order via certified mail. She reports he said that he hadn't been living there for the past two years, expressed considerable surprise, and had no idea that the house had burned. He thought the City or the County or a mortgage company had taken over ownership of the property long ago. Attempts to contact two mortgage holders have been fruitless. City will be filing an injunction against the owner. **Status: Open.**
15. 1250 Shortridge Street SE (original complaint in 2004; reopened complaint February 28, 2007) – Property owner living in a storage building without sanitation or other utilities; accumulated junk and trash. Building Division has issued a notice and order under the property maintenance/dangerous buildings code; inspector is working closely with the property owner. Property owner continues cleanup. **Status: Open.**
16. 3476 Bernard Avenue NE (received November 14, 2006) – Property owner has been cited for keeping junk and trash. **Status: Ongoing.**
17. 629 Fulton Street SE (received August 10, 2006) – Yard full of cars. Letter sent with dates for compliance. **Status: Open.**



18. 2030 Geary Street SE (received September 12, 2006; new complaint March 26, 2008) – Chronic case of junk and trash and possibly dangerous residence in disrepair and perpetual state of remodeling. Property owner-occupant has been reluctant to grant access; we will continue to try. **Status: Open.**
19. 1834 Fourth Avenue SE (received March 14, 2007) – Trash, inoperable cars, car full of trash on the lawn. Referred to Police. Property was the site of narcotics raid in the spring. Has been cleaned up. **Status: Closed.**
20. 1843 Queen Avenue SE (received October 20, 2006) – Continuing problem with occupant storing household garbage outside. Referred to Police. **Status: Closed.**
21. 2270 17<sup>th</sup> Avenue SW (received November 2, 2007) – Report of junk and trash and someone living in a motor home. Junk cleaned up and occupant has moved. **Status: Closed.**
22. 1839 Queen Avenue SE (received October 16, 2006) – Household garbage being stored in a shed. **Status: Closed.**
23. 1217 Sherwood Place NW (received April 24, 2007) – Junk vehicles, derelict motor home, boat being stored on the street. Motor home has been licensed; boat has been moved. **Status: Closed.**
24. 240 Second Avenue SW (ham radio tower installed without permits on top of old City Hall) (received December 2005) – Property owner's request for the tower was denied by Landmarks Advisory Commission on October 3, 2007. Tower removed on March 21, 2008. **Status: Closed.**
25. 507 Fourth Avenue SE (January 11, January 13, 2008) – Assorted indoor furniture in backyard. Occupant evicted and junk removed. **Status: Closed.**
26. 2211 Salem Avenue SE (January 3, 2008) – Report of ongoing car sales in violation of Development Code. Unfounded. **Status: Closed.**
27. 1980 53<sup>rd</sup> Avenue SW (March 10) – Very old singlewide trailer parked beside residence. No violation found, but owner will be removing it anyway. **Status: Closed.**
28. 1410 Maple Street SW (February 14) – Report of yard full of assorted junk, car parts, and encroachment into City right-of-way. Property has been cleaned up. **Status: Closed.**
29. 1545 Patrick Court NW (January 2, 2008) – Report of someone living in a motor home. Not anymore. **Status: Closed.**
30. 2040 Broadway Street SW (January 31, 2008) – Stockpiling garbage in the backyard. Property has been cleaned up, and house is now vacant. **Status: Closed.**
31. Clover Ridge tree cutting – Twenty-seven trees removed without permits, 14 of which were in a conservation easement on Hayden Homes property known as Clover Ridge Station Phase 5. Hayden Homes paid \$8,000 in a civil compromise. **Status: Closed.**
32. 2105 Hill Street SE (received September 11, 2007) – Report of excessive vehicles, parking on the lawn. No current violations. **Status: Closed.**
33. 1515 Lafayette Street SE (received October 2, 2007; March 10, 2008) – Neighbors reported this abandoned house as “falling down,” attracting transients, unkempt lawn, piles of junk. No violations found. Owner contacted City Attorney and Code Enforcement Team in March; property owners need to remove damage from prior drug using renters; will be spruced up and re-rented this spring. **Status: Closed.**

34. 1094, 1099 16<sup>th</sup> Avenue SW (January 16, 2008) – Report of two occupied motor homes on the property. Removed. **Status: Closed.**
35. 1680 Oak Street SE (January 20, 2008) – Empty duplex with pile of junk in the front yard. After some effort to locate the property owners, who live on the east coast, the property has been cleaned up. **Status: Closed.**
36. 3206 North Shore Drive SE (March 20) – Complaint of storing various trucks and other vehicles on the street, junk vehicle in driveway, building materials stored on the property in various places. No violations found. **Status: Closed.**
37. 740 Ellingson Road SE (January 16) – Rental property swamped with household furniture and appliances, junk vehicles, and other trash. House has been torn down and property cleared. **Status: Closed.**
38. 3010 Lansing Avenue SE (received July 31, 2007) – Junk and trash. Cleaned up. **Status: Closed.**
39. 550 Main Street SE (received October 2005) – Assorted temporary sheds being used as a variety store in violation of building and development codes. Tents were removed in February and site cleaned up. **Status: Closed.**


Budget Impact:

Beginning Budget	\$32,000.00
Expenditures as of 3-31-08	<u>\$10,920.00</u>
<b>Balance</b>	<b>\$21,080.00</b>

MMS:de

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TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Diane Taniguchi-Dennis, Public Works Director   
DATE: April 17, 2008, for the April 23, 2008, City Council Meeting  
SUBJECT: Update for the Contract Sale of the Archibald Property

RELATES TO: • An Effective Government

Action Requested:

For information only, no action required

Discussion:

This is a status report to update the Council on the sale of the Archibald property. At the January 23, 2008, City Council meeting, staff presented two offers for the Archibald property. Offer one was from Ralph and Diane Nauman in the amount of \$1,100,000. Offer two was from George and Cory Koos in the amount of \$1,101,000. The offer made by Mr. and Mrs. Koos was to be cash, or cash plus easements along the Santiam-Albany Canal and Burkhart Creek to meet Albany's needs. At the January 23, 2008, meeting, City Council directed staff to negotiate with Mr. and Mrs. Koos for the sale of the Archibald property and to get an appraisal for the value of the canal easements.

The appraisal for the canal easements was completed in the first week of March 2008 and transmitted to the City of Albany shortly thereafter. The appraised value of the easements is \$12,000. Attachment 1 is a map of the canal easements that are in addition to the existing easement on the canal. There are a total of three additional easements on the Koos property.

- The first easement is 10-foot wide permanent easement located along the south side of the existing canal easement and also includes a vehicle turnaround area. The purpose of this easement is to accommodate vehicle and equipment traffic adjacent to the canal so that maintenance tasks can be accomplished.
- The second easement is a temporary 20-foot wide easement with an equipment turnaround area construction easement through the farm field just east of Burkhart Creek. This easement will be used to deliver equipment and materials as well as workers to build the flow augmentation water diversion structure into Burkhart Creek on the north side of the canal. When the construction is completed, this easement would sunset.
- The third easement is a 10-foot wide permanent easement located on the east side of Burkhart Creek. The purpose of this easement is to provide a path of ingress and egress for maintenance and operation of the diversion structure.

Staff began negotiations with Mr. and Mrs. Koos on April 11, 2008, and further discussions on April 14, 2008. The Koos's total offer for the Archibald property is \$1,101,000 (Attachment 2). This will be paid in the form of the canal easements and cash. The canal easements will be for the appraised price value of \$12,000. The City also has \$5,000 in earnest money from the Koos's. The remaining cash due is \$1,084,000. For the Archibald property, the Koos's have agreed to a

noise easement from the activities associated with the intake and pumping station, a no clear-cutting forest clause, and a 100-foot environmental easement for the length of the property along the Santiam River. The 100-foot environmental easement would be from the edge of the river to a point 100 feet to the west.

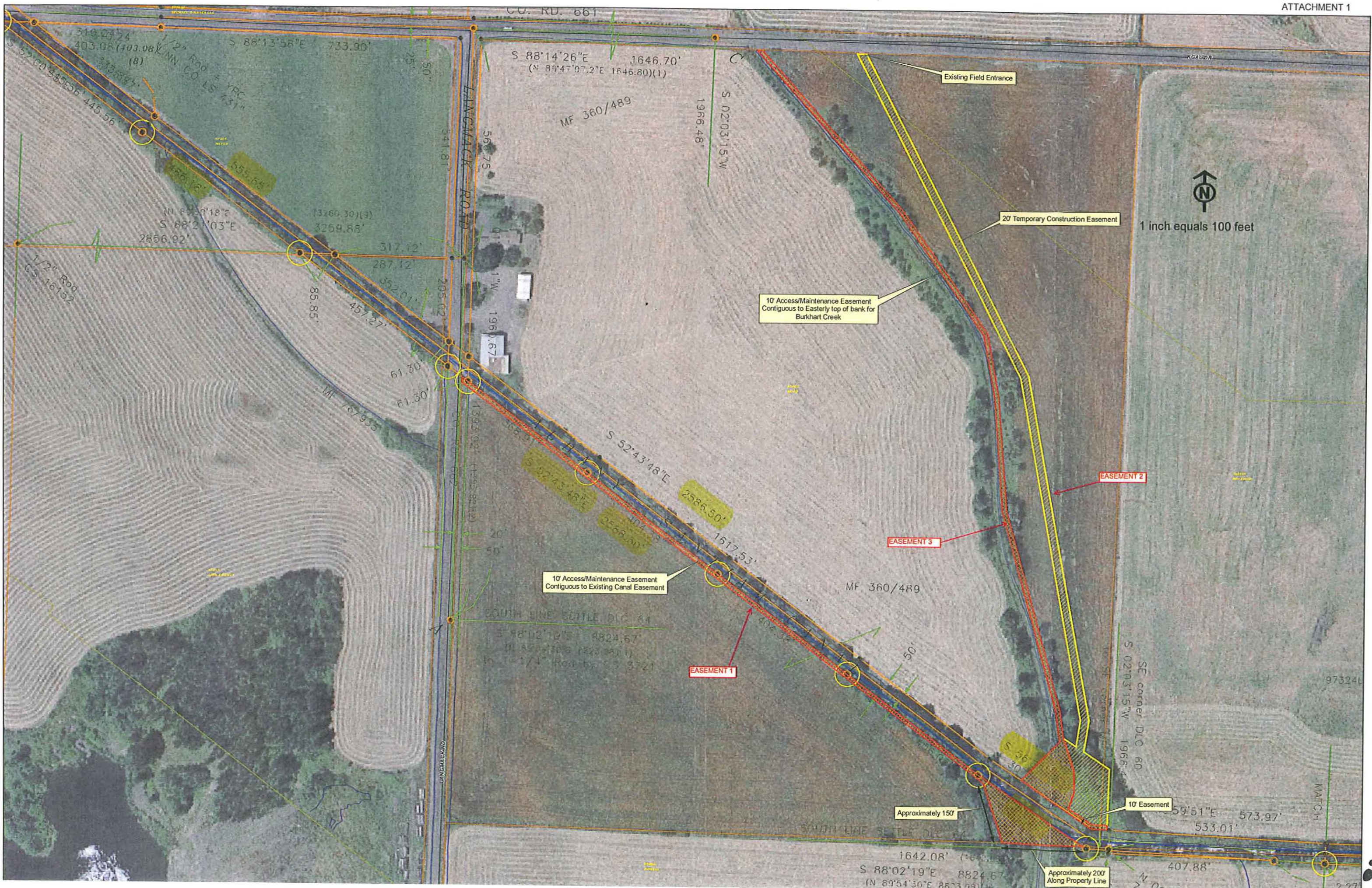
Staff is working with the City Attorney's office to prepare contract documents and easements to conclude the sale of the property.

Budget Impact:

None.

MW:kw:prj

Attachments (2)



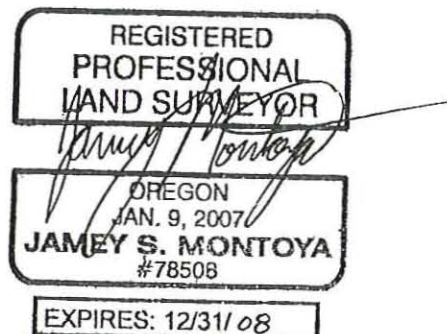
**Exhibit "A"**  
(Easement South of Canal)

A tract of land lying in the East 1/2 of Section 32, Township 11 South, Range 2 West, Willamette Meridian, Linn County, Oregon, said tract being a portion of that property conveyed to George K. Koos and Cory H. Koos by deed recorded in Vol. 360, Pg. 489, Linn County Deed Records, said tract being more particularly described as follows:

Commencing at the Southeast corner of said Koos property, said corner being coincident with the South line of the John Settle Donation Land Claim No. 64; thence North 88°02'47" West, on said South line, a distance of 41.83 feet to the **TRUE POINT OF BEGINNING**; thence leaving said South line, North 56°36'32" West 15.48 feet to the South line of the Albany-Santiam canal right of way as recorded in Book L, Page 499, Linn County Deed Records, and located on the ground by County Survey No. 22134 and also by County Survey No. 24536; thence continuing on said South right of way line the following courses: North 56°36'32" West 322.89 feet; thence North 52°43'34" West 1583.61 feet to a point coincident with the East right of way line of Langmack Road (County Rd. No. 662); thence leaving said South line, South 01°55'25" West, on said East right of way line, a distance of 12.26 feet to a point 10.00 feet distant, when measured at right angles, to the previously described South line of the Albany-Santiam canal right of way; thence running parallel and 10.00 feet distant therefrom said right of way line the following two courses: 1) South 52°43'34" East 1576.36 feet; 2) thence South 56°34'18" East 51.93 feet; thence discontinuing said parallelism, South 17°39'01" East, a distance of 150.00 feet to a point on the South line of said Koos property; thence South 88°02'47" East, a distance of 200.00 feet to the Point of Beginning.

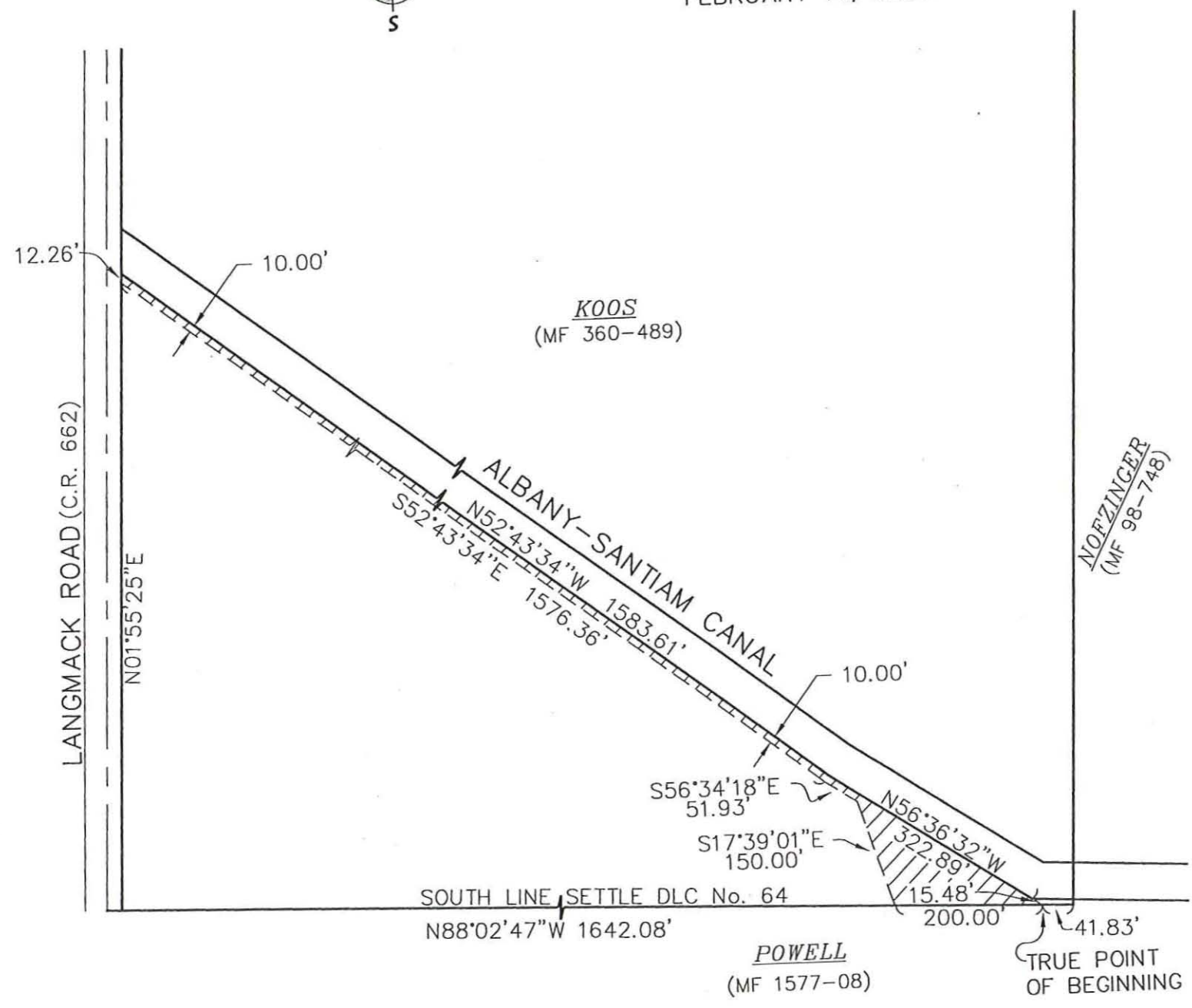
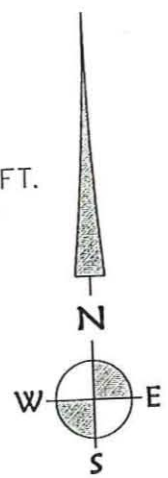
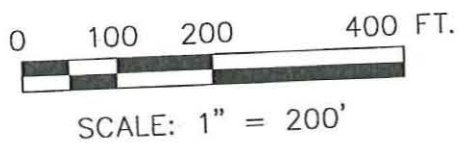
The bearings used for this description were based on County Survey No. 24536.

February 11, 2008  
EXHIBIT "A"  
EASEMENT SOUTH OF CANAL  
(08-27-A) JSM:nm  
File: nm\shared\legal\08-27-a ease south of canal.doc



**DRAFT**

**EXHIBIT "B"**  
**ACCESS/MAINTENANCE EASEMENT**  
**FOR**  
**CITY OF ALBANY**  
**LOCATED IN**  
**E 1/2 SEC. 32, T. 11 S., R. 2. W., W.M.,**  
**LINN COUNTY, OREGON**  
**FEBRUARY 14, 2008**



Date: 2/14/2008      Time: 16:16  
 Scale: 1=200(PS)  
 File: dwg\2008\08-27-A\27-a exh.dwg (Jeff D)



**K & D ENGINEERING, Inc.**  
 276 N.W. Hickory Street P.O. Box 725  
 Albany, Oregon 97321  
 (541) 928-2583

**Exhibit "C"**

(Easement along Burkhart Creek)

A tract of land lying in the East 1/2 of Section 32, Township 11 South, Range 2 West, Willamette Meridian, Linn County, Oregon, said tract being a portion of that property conveyed to George K. Koos and Cory H. Koos by deed recorded in Vol. 360, Pg. 489, Linn County Deed Records, said tract being a strip of land 10 feet wide, lying Easterly and Northeasterly of the East bank of Burkhart creek, said East bank being generally described as follows:

Beginning at a point where the East bank of Burkhart Creek intersects the Southerly right of way line of KGAL Drive (County Rd. No. 661), said point being North 88°14'26" West 976.69 feet, and South 01°45'34" West 25.00 feet, from the Southeast corner of the Gideon Backus Donation Land Claim No. 60; thence South 39°55'38" East 724.14 feet; thence 380.22 feet on the arc of a 600.00 foot radius curve to the right;(chord bears South 21°46'23" East 373.89 feet); thence South 03°37'07" East 238.57 feet; thence 188.06 feet on the arc of a 600 foot radius curve to the left (chord bears South 12°35'52" East 187.29 feet); thence South 21°34'38" East 125.87 feet; thence South 12°02'42" East 185.40 feet; thence South 07°13'58" East 91.21 feet; thence South 28°50'07" East 11.53 feet; thence South 23°54'03" East 50.58 feet; thence South 05°07'58" East 36.12 feet; thence South 13°02'08" West 46.26 feet to a point on the North line of the Albany-Santiam canal right of way as recorded in Book L, Page 499, Linn County Deed Records, and located on the ground by County Survey No. 22134 and also by County Survey No. 24536, said point being the Southerly terminus of this description, the sideline of which to be shortened or lengthened to terminate at respective boundaries.

It is the intent of this description for the 10 foot wide strip to move if Burkhart Creek moves, and for this strip to be contiguous with the East bank of Burkhart Creek.

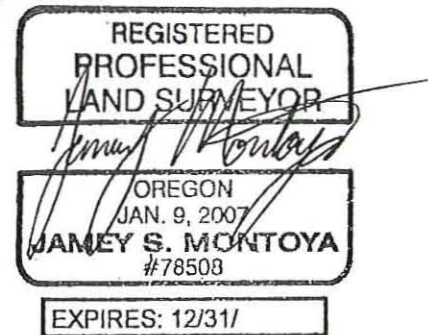
**TOGETHER WITH:** Commencing at the Southeast corner of said Koos property; thence North 02°03'30" East, on the East line of said property, a distance of 57.09 feet to a point on the North line of said Albany-Santiam canal,



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said point being the **TRUE POINT OF BEGINNING** of this description; thence North 87°00'45" West, on said North line, a distance of 40.66 feet; thence continuing on said line, North 56°36'32" West 252.13 feet; thence leaving said line, North 57°47'15" East 116.16 feet; thence North 82°46'02" East 10.00 feet; thence South 28°50'07" East 10.05 feet; thence South 23°54'03" East 52.66 feet; thence South 05°07'58" East 39.38 feet; thence South 13°02'08" West 40.90 feet to a point 10.00 feet distant, when measured at right angles, to the North line of the previously described Albany-Santiam canal right of way; thence South 56°36'32" East, parallel with said right of way, a distance of 101.88 feet; thence continuing parallel, South 87°00'45" East 37.78 feet to a point on the East line of said Koos property; thence South 02°03'30" West, on said East line, a distance of 10.00 feet to the Point of Beginning.

The bearings used for this description were based on County Survey No. 24536.

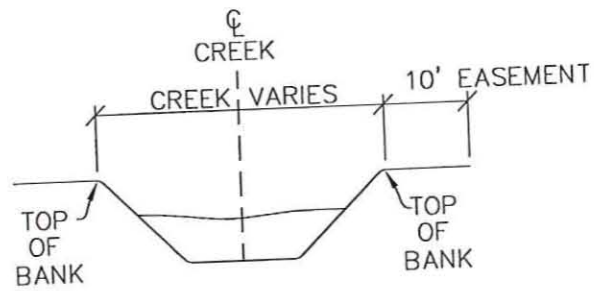
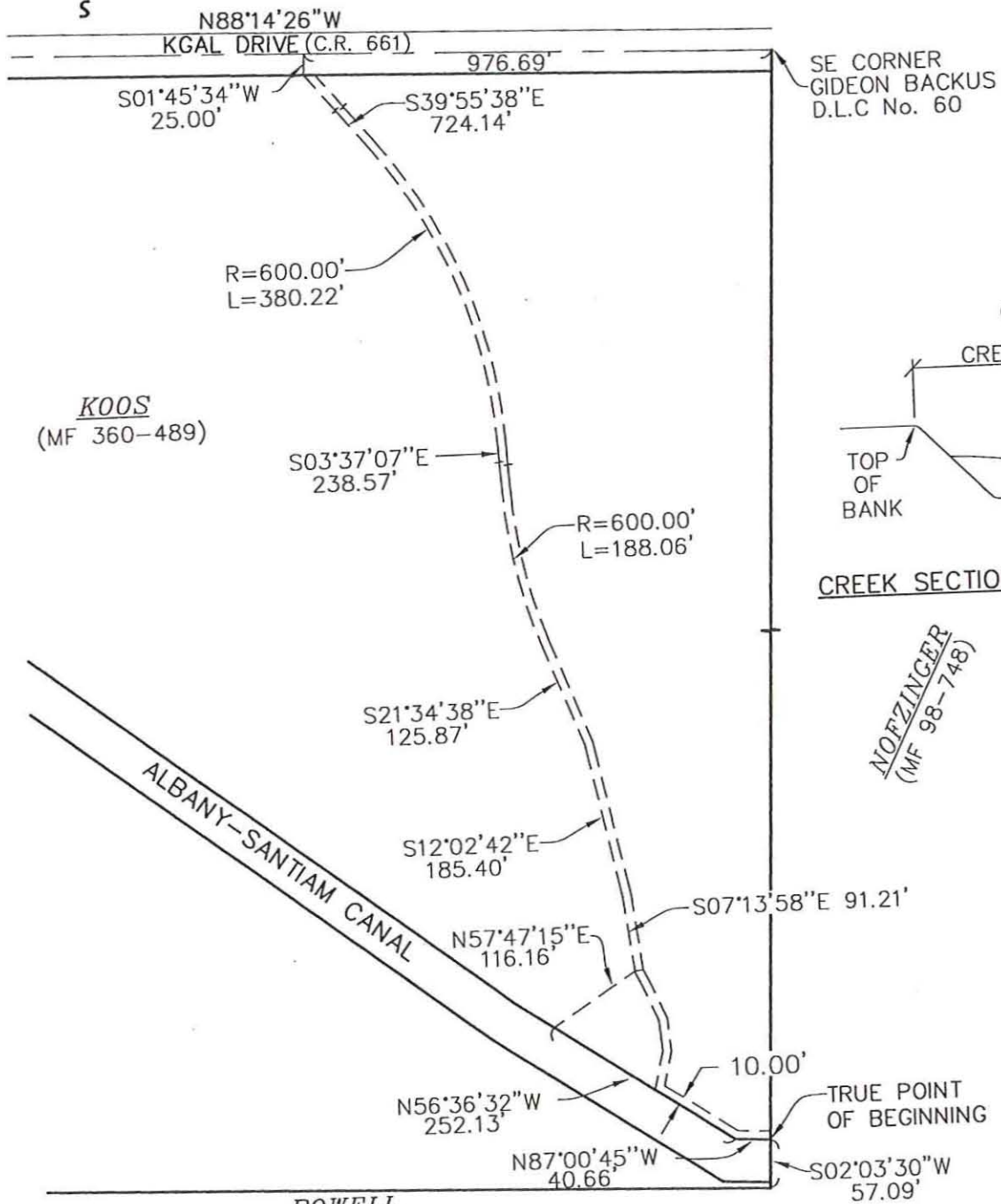
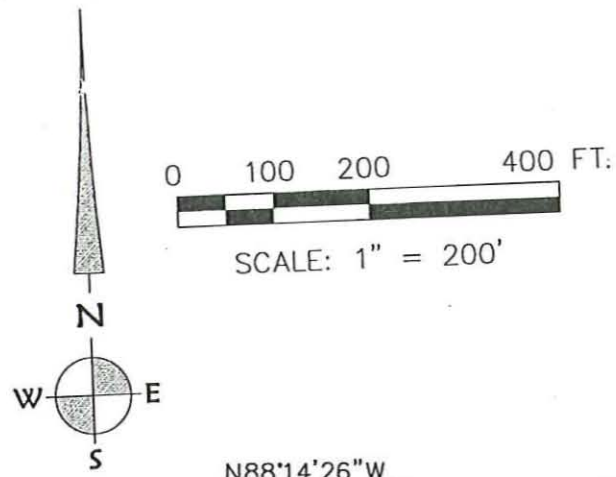


# EXHIBIT "D" DRAFT ACCESS/MAINTENANCE EASEMENT FOR

CITY OF ALBANY

LOCATED IN  
E 1/2 SEC. 32, T. 11 S., R. 2. W., W.M.,  
LINN COUNTY, OREGON

FEBRUARY 14, 2008



CREEK SECTION AND EASEMENT DETAIL  
N.T.S.

NOFZINGER  
(MF 98-748)

Date: 2/14/2008 Time: 16:16  
Scale: 1=200(PS)  
File: dwq\2008\08-27-A\27-a exh.dwg (Jeff D)

K & D

K & D ENGINEERING, Inc.  
276 N.W. Hickory Street P.O. Box 725  
Albany, Oregon 97321  
(541) 928-2583

**Exhibit "A"**  
(Temporary Easement)

A tract of land lying in the East 1/2 of Section 32, Township 11 South, Range 2 West, Willamette Meridian, Linn County Oregon, said tract being a portion of that property conveyed to George K. Koos and Cory H. Koos by deed recorded in Vol. 360, Pg. 489, Linn County Deed Records, said tract being a strip of land 20 feet in width, lying 10 feet on each side of the following described centerline:

Commencing at the Southeast corner of the Gideon Backus Donation Land Claim No. 60 in said Township and Range; thence North 88°14'26" West, on the South line of said land claim, a distance of 706.53 feet; thence leaving said line, South 01°45'34" West 25.00 feet, to the South right of way line of KGAL Drive (County Rd. No. 661), and the **TRUE POINT OF BEGINNING** for this description; thence leaving said right of way, South 00°52'07" West 162.51 feet; thence South 29°22'17" East 118.79 feet; thence South 34°04'57" East 319.61 feet; thence South 33°53'39" East 276.64 feet; thence South 07°07'54" East 284.08 feet; thence South 01°45'57" East 168.73 feet; thence South 15°58'55" East 339.88 feet; thence South 31°43'54" East 84.27 feet; thence South 14°10'41" West 101.56 feet to a point designated as Point "A" for the purpose of this description, said point bears North 02°03'30" East 250.62 feet, and North 87°56'30" West 102.74 feet, from the Southeast corner of the previously described Koos property, said Point "A" also being the southerly terminus of described centerline, the sidelines of which to be lengthened or shortened on the North end to terminate at the South right of way line of KGAL Drive.

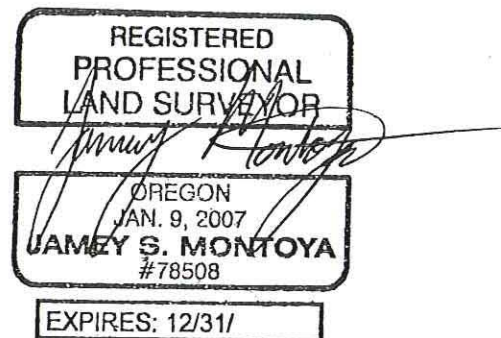
**TOGETHER WITH:**

Beginning at Point "A", as previously described above; thence South 75°49'19" East 10.00 feet; thence South 63°17'25" East 102.28 feet to the East boundary line of said Koos property; thence South 02°03'30" West, on said East line, a distance of 138.77 feet to a point 10.00 feet distant, when measured at right angles, to the Northerly line of the Albany-Santiam canal right of way as recorded in Book L, Page 499, Linn County Deed Records, and located on the ground by County Survey No. 22134 and also by County Survey No. 24536; thence North

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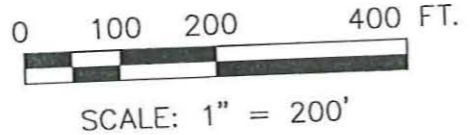
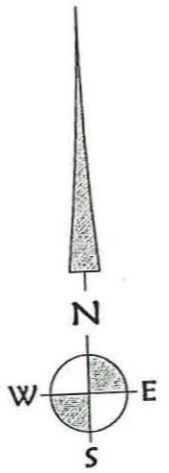
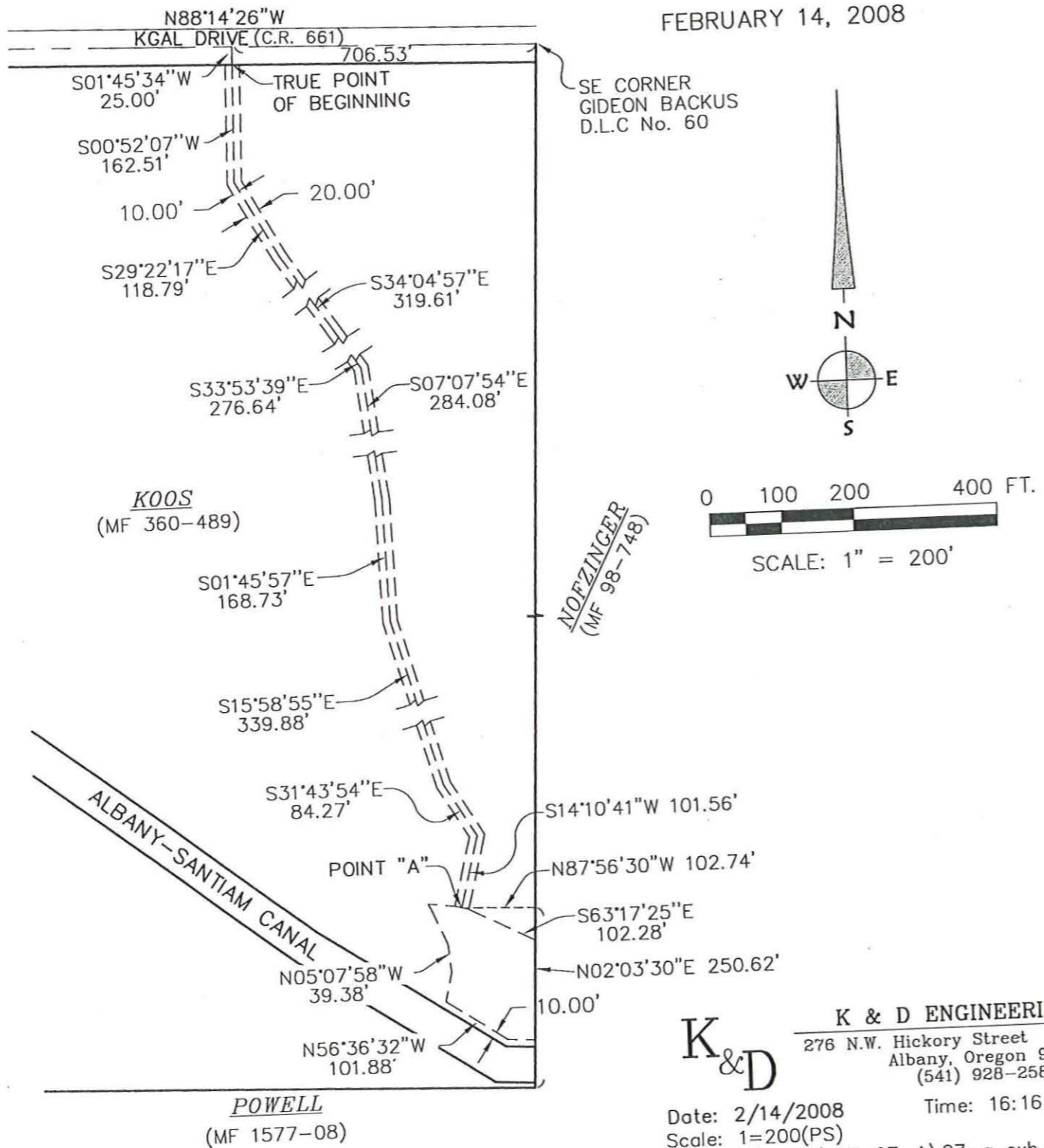
87°00'45" West, parallel with said right of way, a distance of 37.78 feet; thence continuing parallel, North 56°36'32" West 101.88 feet; thence North 13°02'08" East 40.90 feet; thence North 05°07'58" West 39.38 feet; thence North 23°54'03" West 52.66 feet; thence North 28°50'07" West 10.05 feet; thence South 83°08'51" East 37.77 feet; thence South 75°49'19" East 10.00 feet to the Point of beginning.

The bearings used for this description were based on County Survey No. 24536.



**EXHIBIT "B" DRAFT**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**FOR**  
**CITY OF ALBANY**  
 LOCATED IN  
 E 1/2 SEC. 32, T. 11 S., R. 2. W., W.M.,  
 LINN COUNTY, OREGON

FEBRUARY 14, 2008



**K & D ENGINEERING, Inc.**  
 276 N.W. Hickory Street P.O. Box 725  
 Albany, Oregon 97321  
 (541) 928-2583

**K&D**

Date: 2/14/2008      Time: 16:16  
 Scale: 1=200(PS)  
 File: dwg\2008\08-27-A\27-a exh.dwg (Jeff D)

December 4, 2007

City of Albany  
333 Broadalbin SW  
Albany, OR 97321-0014

DEC 07 2007

4:55 PM YLB

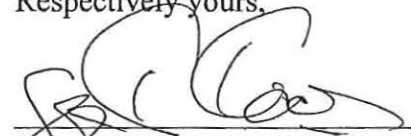
Re: Archibald Property


Dear Mayor Killin and Albany City Councilors:

Due to the nature of the bid process remaining open and the unknown determination of the right-of-way issues and appraisals of the Langmack easement we are amending our offer.

We reserve the option to offer the cash value of up to \$ 151,000 in addition to or in lieu of the Langmack easements value. Total value is the sum of cash price and or easement value equaling \$ 1,101,000.

Respectively yours,

  
George K. Koos

  
Cory Koos