



**NOTICE OF PUBLIC MEETING**  
**CITY OF ALBANY**  
**CITY COUNCIL**  
 Council Chambers  
 333 Broadalbin Street SW  
 Wednesday, March 25, 2015  
 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 Meetings

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting.
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 meeting.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. PROCLAMATIONS
  - a. Parkinson's Awareness Month. [Page 2]  
Action: \_\_\_\_\_
  - b. Pedestrian and Bicycle Safety Week. [Page 3]  
Action: \_\_\_\_\_
5. SCHEDULED BUSINESS
  - a. Communication
    - 1) Accepting Oscar Hult's resignation from the Landmarks Advisory Commission. [Page 4]  
Action: \_\_\_\_\_
  - b. Business from the Public
  - c. Adoption of Resolutions
    - 1) Approving an extended property tax abatement agreement between the City of Albany, a cosponsor of the South Santiam Enterprise Zone, and ATI/Pacific Cast Technologies, Inc. [Pages 5-8]  
Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_
    - 2) Approving the updated physical force plan for Linn County. [Pages 9-19]  
Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_
  - d. Adoption of Consent Calendar
    - 1) Approval of Minutes
      - a) January 28, 2015, City Council Regular Session. [Pages 20-23]
    - 2) Authorizing the Parks & Recreation Department to apply for a boating facility grant from the Oregon State Marine Board for the proposed replacement of the Bowman Park restroom building and delegating authority to the Parks & Recreation Director to sign the application. [Pages 24-27] RES. NO. \_\_\_\_\_
 Action: \_\_\_\_\_
6. BUSINESS FROM THE COUNCIL
7. NEXT MEETING DATE: Work Session: April 6, 2015  
Regular Session: April 8, 2015
8. ADJOURNMENT

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

P R O C L A M A T I O N

**PARKINSON'S AWARENESS MONTH**

**April 2015**

WHEREAS, Parkinson's disease is a chronic, progressive, neurological disease and is the second most common neurodegenerative disease in the United States; and

WHEREAS, there is inadequate data on the incidence and prevalence of Parkinson's disease, but it is estimated to affect 500,000 to 1,500,000 people in the United States; and the prevalence will more than double by 2040; and

WHEREAS, Parkinson's disease is the 14<sup>th</sup> leading cause of death in the United States according to the Centers for Disease Control and Prevention; and

WHEREAS, it is estimated that the economic burden of Parkinson's disease is at least \$14.4 billion annually, including indirect costs to patients and family members of \$6.3 billion; and

WHEREAS, research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, but the exact cause and progression of the disease is still unknown and

WHEREAS, there is no objective test or biomarker for Parkinson's disease, and there is no cure or drug to slow or halt the progression of the disease; and

WHEREAS, the symptoms of Parkinson's disease vary from person to person and can include tremors; slowness of movement and rigidity; difficulty with balance, swallowing, chewing, and speaking; cognitive impairment and dementia; mood disorders; and a variety of other non-motor symptoms; and

WHEREAS, volunteers, researchers, caregivers, and medical professionals are working to improve the quality of life of persons living with Parkinson's disease and their families; and

WHEREAS, increased research, education, and community support services are needed to find more effective treatments and to provide access to quality care to those living with the disease today.

NOW, THEREFORE, I, Sharon Konopa, Mayor of the City of Albany, hereby proclaim April 2015 to be

**PARKINSON'S AWARENESS MONTH**

in Albany and encourage all citizens to take part in activities and observances designed to increase awareness and understanding of this disease.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Albany to be affixed this 25<sup>th</sup> day of March 2015.

\_\_\_\_\_  
Sharon Konopa, Mayor

# PROCLAMATION

## PEDESTRIAN AND BICYCLE SAFETY WEEK

April 6 -11, 2015

WHEREAS, walking and bicycling are viable and environmentally sound forms of transportation and excellent forms of recreation; and

WHEREAS, walking and bicycling also helps to improve health and well-being through regular exercise; and

WHEREAS, the City of Albany and has developed an interconnected system of sidewalks, bike lanes, and paths that allows residents to safely and enjoyably walk and bicycle throughout the city; and

WHEREAS, the City of Albany's long standing commitment to providing residents with the opportunity to safely walk and bicycle has earned the city national recognition as a bicycle friendly community; and

WHEREAS, all residents whether driving, walking, or cycling have a responsibility to use and share the transportation system in a manner that ensures the safety and comfort of everyone.

NOW, THEREFORE, I, Sharon Konopa, Mayor of the City of Albany, do hereby proclaim the week of April 6 through 11, 2015, as

## PEDESTRIAN AND BICYCLE SAFETY WEEK

and encourage citizens of Albany to participate in a Albany Fitwalkers memorial walk on April 11<sup>th</sup> for in Honor of former Fitwalker Club president and Albany Planning Commissioner Lolly Gibb.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Albany to be affixed this 25<sup>th</sup> day of March 2015.

---

Sharon Konopa, Mayor

## Hyde, Laura

---

**From:** Mann, Irene  
**Sent:** Wednesday, March 18, 2015 9:23 AM  
**To:** Hyde, Laura  
**Subject:** FW: My position on LAC

FYI. And he was chair

---

**From:** EXTERNAL - Hult, Oscar  
**Sent:** Wednesday, March 18, 2015 9:15 AM  
**To:** Richardson, Bob  
**Cc:** EXTERNAL - Ryals, Bill; EXTERNAL - Thomson, Jolene; Landmarks Commission; EXTERNAL - Preston, Larry; EXTERNAL - Godwin, Linsey; Adams, Shawna; EXTERNAL - Abarr, David; Konopa, Sharon; EXTERNAL - Bond, Rebecca  
**Subject:** My position on LAC

Bob, Fellow Commissioners, Mayor Konopa,

I have been struggling with this decision for a month or so now, and have finally decided that it would be best for the commission if I step off.

Our business is still less than a year old, and takes up most of my time and effort.

I have thusly not been able to give the Commission the attention that it needs and deserves.

It is interesting what a year can do. I have gone from being involved in 4 non-profit boards, and 3 City Commissions, to zero.

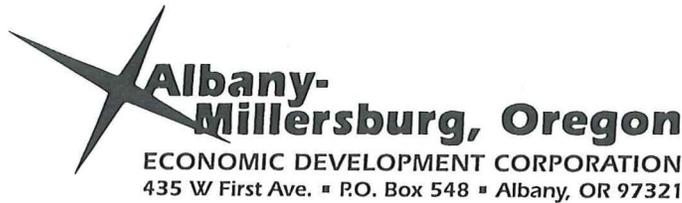
I have truly enjoyed my time on Landmarks and hope to be in a position at sometime in the future to apply for a seat again.

Please consider this my resignation, effective immediately.

Oscar B. Hult  
Haberdasher and,  
Former Chair, LAC

---

DISCLAIMER: This e-mail may be a public record of the City of Albany and may be subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.



## Memo

Date: March 3, 2015

To: South Santiam Enterprise Zone Co-Sponsors  
Roger Nyquist Linn County  
Kate Porche City of Albany  
Gary Marks City of Lebanon  
Barbara Castillo City of Millersburg

From: John Pascone, President

Subject: Pacific Cast Technologies Enterprise Zone Application  
For Extended Abatement Agreement

Pacific Cast Technologies is planning an additional \$6.6 million project at the Albany site. They have completed an Enterprise Zone Authorization Application dated February 26, 2015.

Under regular enterprise zone exemption rules the company is required to add 10% to their workforce, the exemption is 3 years. The company plans on hiring 39 new employees.

For companies that agree to hire and pay wages and benefits in excess of 150% of Linn County's Average Annual Wage, the firm can qualify for an additional 2 years.

Attached is a draft resolution which needs to be passed by each co-sponsor. The zone manager (me) and the county assessor's representative (Gene Johnston) cannot officially approve the company's application until the extended resolution is approved by the co-sponsors.

Please contact me if you have any questions. When you have the matter scheduled let me know and if desired, I can attend to present it on behalf of the company.

Thank you,

John

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

A RESOLUTION APPROVING AN EXTENDED PROPERTY TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF ALBANY, A COSPONSOR OF THE SOUTH SANTIAM ENTERPRISE ZONE, AND ATI/PACIFIC CAST TECHNOLOGIES, INC.

WHEREAS, ATI/Pacific Cast Technologies, Inc., is expanding and investing in plant construction and equipment; and

WHEREAS, ATI/Pacific Cast Technologies, Inc., intends to add 39 new employees; and

WHEREAS, ATI/Pacific Cast Technologies, Inc., anticipates providing average pay and benefits to these employees equal to or greater than 150 percent of the Linn County average, as required under ORS 285C.160; and

WHEREAS, ATI/Pacific Cast Technologies, Inc., which is located in the city of Albany, has applied to extend the property tax abatement for which it qualifies through its inclusion in the South Santiam Enterprise Zone; and

WHEREAS, the City of Albany has requested support of this agreement from the other cosponsors of the South Santiam Enterprise Zone; and

WHEREAS, the City of Albany is a cosponsor of the South Santiam Enterprise Zone.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council, representing the City of Albany, which is a cosponsor of the South Santiam Enterprise Zone, hereby approves the Extended Abatement Agreement attached as Exhibit A.

DATED AND EFFECTIVE THIS 25TH DAY OF MARCH 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

## Agreement for Oregon Enterprise Zone Extended Abatement

## AGREEMENT WITH THE SOUTH SANTIAM ENTERPRISE ZONE SPONSORS TO EXTEND PROPERTY TAX EXEMPTION TO FIVE CONSECUTIVE YEARS IN TOTAL FOR CAPITAL INVESTMENT BY ATI/PACIFIC CAST TECHNOLOGIES, INC.

The sponsors of the South Santiam Enterprise Zone comprising the governing bodies of the Cities of Albany, Lebanon, Millersburg and Linn County (hereinafter "The Zone Sponsor") and ATI/Pacific Cast Technologies, Inc. (hereinafter "The Firm") do hereby enter into an agreement for extending the period of time in which The Firm shall receive an exemption on its investment in qualified property in the South Santiam Enterprise Zone contingent on certain special requirements, under ORS 285C.160 (2003).

The Zone Sponsor and The Firm jointly acknowledge: that subject to submission and approval of an application for authorization and the satisfaction of other requirements under ORS 285C.050 to 285C.250, The Firm is eligible for three years of complete exemption on its qualified property; that nothing in this agreement shall modify or infringe on this three-year exemption or the requirements thereof, and that this agreement becomes null and void if The Firm does not qualify for these three years of the exemption.

The Zone Sponsor extends The Firm's property tax exemption an additional two years on all property that initially qualifies in the South Santiam Enterprise Zone in the assessment year beginning on January 1, 2016 and, thus, sets a total period of exemption of five consecutive years during which statutory requirements for the standard three-year enterprise zone exemption must also be satisfied and maintained.

## CONFIRMATION OF STATUTORY PROVISIONS

In order to receive the additional two years of enterprise zone exemption granted herein, The Firm agrees herewith under 285C.160(3)(a)(A) that for each year of the entire exemption period, all of The Firm's new employees shall receive an average level of compensation equal to or greater than 150 percent of the county average annual wage, in accordance with the specific definitions and guidelines in Oregon Administrative Rules (OAR), Chapter 123, Division 65 (123-065-41##), which provides that:

1. Such compensation may include non-mandatory benefits that can be monetized;
2. The county average annual wage is set at the time of authorization, except as pursuant to ORS 285C.160(4), according to the 2015\* Linn County average annual wage rate of \$ 37,382 for which 150 percent equals \$ 56,073.

\* Note: 2015 is the year this rate applies; it is published by the Oregon Employment Dept. as Average Annual Wage by County- 2013.

3. Only employees working at jobs filled for the first time after the application for authorization but by December 31 of the first full year of the initial exemption and performed within the current boundaries of the South Santiam Enterprise Zone are counted; and

4. Only full-time, year-round and non-temporary employees engaged a majority of their time in The Firm's eligible operations consistent with ORS 285C.135 & 285C.200(3) are counted, regardless if such employees are leased, contracted for or otherwise obtained through an external agency or are employed directly by The Firm.

LOCAL ADDITIONAL REQUIREMENTS

For The Firm to receive the additional two years of enterprise zone exemption granted herein, The City of Albany, a Zone Sponsor and The Firm agree that no additional requirements in addition to statutory requirements are being requested by The Zone Sponsor under ORS 285C.160(a)(B).

ACCEPTING FOR THE CITY OF ALBANY, A ZONE SPONSOR OF  
THE SOUTH SANTIAM ENTERPRISE ZONE:

---

ACCEPTING FOR AT/PACIFIC CAST TECHNOLOGIES, INC.:

---

The other Zone Sponsors; City of Lebanon, City of Millersburg and Linn County approve this Agreement by passing separate Resolutions. Copies of which are attached.

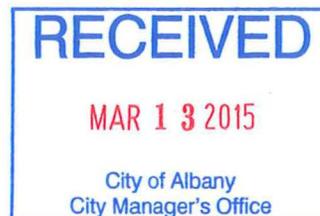


*Doug Marteeny*  
**Linn County District Attorney**

Linn County Courthouse, Fourth & Broadalbin St • PO Box 100  
300 4<sup>th</sup> Ave. SW, Room 100, Albany, OR 97321

**541.967.3836**

March 9, 2015



City of Albany Mayor & City Council Members  
Attention: Wes Hare  
333 Broadalbin St. SW  
Albany, OR 97321

Dear Mayor and City Council,

Oregon law requires that each county develop a deadly physical force plan. The plan outlines the protocol to be followed whenever deadly physical force may be used by a police officer. The plan is developed by a county wide Deadly Force Planning Committee. Procedurally, subsequent to its development, city councils must approve the plan. From time to time this plan must be updated to reflect current policies and best practices. Last year Linn County had two deadly physical force events. Subsequent to those events the Planning Committee met and discussed the events and the application of the plan to those events.

Learning from those events, the Planning Committee has recommended one change to the plan. Currently the plan is ambiguous as to whether protocols apply to a situation where deadly physical force is used but where nobody is actually injured. This update will make clear that such a situation will fall under the protocols of the deadly physical force plan.

Along with civilian representation, the Deadly Force Planning Committee is made up of members from the following agencies: Linn County Sheriff's Office, Albany Police, Lebanon Police, Sweet Home Police, and the Oregon State Police. These changes have been unanimously recommended by the members of the committee. I respectfully now seek the City of Albany's approval of the enclosed plan. I have included a copy of a resolution to effectuate this action.

Sincerely,

Doug Marteeny  
District Attorney – Linn County

Enc: Resolution and Attachment A (Deadly Physical Force Plan)

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

A RESOLUTION TO APPROVE THE UPDATED PHYSICAL FORCE PLAN FOR LINN COUNTY, AND REPEALING RESOLUTION NO. 6299.

WHEREAS, according to Senate Bill (SB) 111, the planning authority for Linn County has developed its deadly force plan that addresses each of the elements required by the bill; and

WHEREAS, the Council, having considered the language of SB 111, and the City of Albany being one of the governing bodies having a law enforcement agency that may vote to approve or disapprove the plans; and

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the deadly force plan for Linn County as set forth in Attachment "A", is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 6299 is hereby repealed.

DATED AND EFFECTIVE THIS 25<sup>TH</sup> DAY OF MARCH 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

# DEADLY PHYSICAL FORCE

**Policies and procedures relating to the use of deadly  
physical force by law enforcement personnel**

**Linn County Use of Deadly Physical Force Planning Authority**

## Table of Contents

MEMBERS OF THE PLANNING AUTHORITY .....	3
APPROVAL HISTORY .....	3
PREAMBLE .....	3
SECTION 1: ADMINISTRATION .....	3
SECTION 2: APPLICABILITY OF THE PLAN .....	4
SECTION 3: DEFINITIONS .....	4
SECTION 4: IMMEDIATE AFTERMATH .....	5
SECTION 5: SERIOUS PHYSICAL INJURY/DEATH .....	5
SECTION 6: PRIMARY INVESTIGATIVE AGENCY .....	6
SECTION 7: INVESTIGATION PROTOCOLS .....	7
SECTION 8: DISTRICT ATTORNEY .....	7
SECTION 9: DEBRIEFING AND REPORTING .....	8
SECTION 10: TRAINING, OUTREACH .....	8
SECTION 11: FISCAL IMPACT .....	8
SECTION 12: PLAN REVISION .....	8
SIGNATURE PAGE .....	9
Agency Policies Attached .....	Appendix I
Public Meeting Documentation .....	Appendix II
Government Approval Resolution .....	Appendix III

## Members of the Planning Authority

Linn County District Attorney, Doug Marteeny, co-chair  
Linn County Sheriff, Bruce Riley, co-chair  
Oregon State Police, Lt. Von Schleicher  
Police Department, Chief Mario Lattanzio, Albany Police Department  
Labor Union Representative, Det. Cindy Pichardo, Sweet Home P.D.  
Public Member, Andy Trower  
Non Voting Member, Sgt. Travis Luttmmer, Lebanon P.D

## Approval History

On August 8, 2013, this Plan was presented and approved in a Public Meeting at the Linn County Sheriff's office.

Later, this Plan was submitted for approval by the governing bodies of the following jurisdictions:

Linn County.....	Approved March 8, 2014
City of Albany.....	Approved February 26, 2014
City of Lebanon.....	Approved March 12, 2014
City of Sweet Home.....	Approved February 25, 2014

Upon receiving a vote of approval from 2/3 of the above jurisdictions, this Plan was submitted to the Attorney General, who approved the Plan on or about June 17, 2014. Recoding of these dates made part of the document upon approval from respective bodies;

## Preamble

The use of deadly physical force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. The purpose of this Plan is not to set the standards for the use of such force, or to be a substitute for agency policy regarding use of force, but rather to provide a framework for a consistent response to an officer's use of deadly physical force that treats the law enforcement officer fairly, and promotes public confidence in the criminal justice system.

## Section 1: Administration

- (1) In the event that a member of the planning authority is unable to continue to serve, a replacement shall be appointed as provided in Section 2(1) of Senate Bill 111, Oregon Laws 2007.

- (2) There shall be six voting members of the Planning Authority. The approval of the Plan, elements or revisions thereof, shall be by majority vote.
- (3) The presence of 2/3 of the voting members shall be required in order to hold any vote.
- (4) When this document becomes effective any meeting of a quorum of the voting members of the Planning Authority is subject to Oregon's open meeting law.

## **Section 2: Applicability of the Plan**

- (1) This plan shall be applicable, as set forth herein, to any use of deadly physical force by a peace officer acting in the course of and in furtherance of his/her official duties, occurring within Linn County.

## **Section 3: Definitions**

**Agency:** The law enforcement organization employing the officer who used deadly physical force.

**Plan:** Means the final document approved by the Planning Authority, adopted by two-thirds of the governing bodies employing law enforcement agencies, and approved by the Attorney General. Any approved revisions shall become a part of the Plan. Issues related to the revision of this plan are addressed in Section 12 of this plan.

**Deadly Physical Force:** Means physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury.

**Serious Physical Injury:** Has the same meaning as "serious physical injury" as defined in ORS 161.015(8).

**Physical Injury:** Means impairment of physical condition or substantial pain that does not amount to "serious physical injury."

**Involved Officer:** Means the person whose official conduct, or official order, was the cause in fact of the death of a person. "Involved Officer" also means an officer whose conduct was not the cause in fact of the death, but who was involved in the incident before or during the use of deadly physical force, and this involvement was reasonably likely to expose the officer to a heightened level of stress or trauma.

**Preliminary Statements:** Those statements provided by involved Officers to supervisors or investigators immediately after a deadly force incident related to officer safety, public safety and necessary information to secure the scene, apprehend others that may be of concern to the investigation, and provide a framework for the investigation.

## **Section 4: Immediate Aftermath**

- (1) When an officer uses deadly physical force, the officer shall immediately take whatever steps are reasonable and necessary to protect the safety of the officer and any member of the public.
  - (a) The officer shall take reasonable measures to preserve life.
  - (b) Immediately after taking such steps, notify his or her agency of the use of deadly physical force.
  - (c) Thereafter, the officer, if able, shall take such steps as are reasonably necessary to preserve the integrity of the scene and to preserve evidence.
  - (d) Upon request, the officer may provide preliminary statements.

## **Section 5: Serious Physical Injury/Death**

When an officer becomes an "involved officer" as defined in §3 of this plan, in addition to the requirements of Section 4 (1) of this plan, and notwithstanding agency policy, the following provisions apply:

- (1) Upon the arrival of additional officers, sufficient to manage the scene, each Involved Peace Officer shall be relieved of the above duties set forth in Section 4 (1) of the Plan, and the duties shall be re-assigned to uninvolved police personnel.
- (2) As soon as practicable, each Involved Peace Officer shall leave the scene, as directed by his or her supervisor, and be offered an opportunity for a medical examination. If the officer is not in need of medical treatment, the officer shall be taken to the Agency's office. If requested by the Involved Peace Officer, the officer's union representative shall be notified.
- (3) As soon as practicable, the duty weapon of any peace officer who fired their weapon shall be seized by investigators, and replaced with a substitute weapon, if appropriate.
- (4) Interview of an "Involved Peace Officer":

As used in this section "interview" refers to formal interview of the officer by assigned investigative personnel that occurs within a reasonable time period after the incident and after the officer has had an opportunity to consult with counsel, if so desired.

- (a) The interview of an involved officer, shall occur after a reasonable period of time to prepare for the interview and taking into account the emotional and physical state of the officer(s). The interview shall occur no sooner than 48 hours after the incident, unless this waiting period is waived by the officer.

- (b) The waiting period does not preclude an initial on-scene preliminary statement with the officer to assess and make an initial evaluation of the incident.
- (5) For at least 72 hours immediately following an incident in which the use of deadly physical force by a peace officer resulted in the death of a person, a law enforcement agency may not return an Involved Peace Officer to duties that might place the officer in a situation in which the officer has to use deadly force.
  - (a) Officer(s) involved in discharging his or her firearm that results in death or serious physical injury shall immediately be placed on paid administrative leave until such time as sufficient information exists to determine the justification in the use of deadly physical force and that the officer(s) have had an opportunity for mental health counseling.
- (6) In the 6 months following a use of deadly physical force incident that results in a death, the Agency shall offer each Involved Peace Officer a minimum of two opportunities for mental health counseling. The officer shall be required to attend at least one session of mental health counseling.
- (7) As soon as practicable after the arrival of a supervisor, notification shall be made to the District Attorney as provided in Section 8 (I) of this Plan.
  - (a) This provision does not prevent the Agency from requiring additional notification requirements within their respective agency policies.
- (8) The Agency shall designate a representative to make an initial public statement about the incident. Such statement shall include:
  - (a) The time and place of the incident.
  - (b) The condition of any suspect.
  - (c) The nature of the use of deadly physical force.
- (9) Prior to a final determination being made by the District Attorney, the District Attorney and the primary investigative agency shall consult with each other and make a public release of information as is deemed appropriate.

## **Section 6: Primary Investigative Agency**

After consulting with the District Attorney, the Agency shall decide what law enforcement agency will be the primary investigating agency. In the event that the involved officer's own agency will be the primary investigating agency, and the incident resulted in a death, the Agency will promptly make arrangements for at least one investigator from outside the Agency to participate in the investigation.

(a) In the event that a use of deadly physical force resulting in death or serious physical injury involves officers from multiple jurisdictions, the District Attorney and each involved agency shall consult and agree upon a primary investigative agency.

## **Section 7: Investigation Protocols**

- (1) The investigation, at a minimum, shall consist of:
  - (a) Eyewitness interviews.
  - (b) Evidence collection.
  - (c) Scene documentation.
  - (d) Involved Officer interview(s)
- (2) The investigation shall be documented in written reports.
  - (a) All written reports shall be filed with the investigator's agency, and copies provided to the lead investigative agency, and the Involved Officer's agency.
  - (b) All police reports shall be promptly provided to the District Attorney.

## **Section 8: District Attorney**

- (1) When an incident of the use of deadly physical force by a peace officer occurs, and death or serious physical injury results, the agency shall, as soon as practicable, notify the District Attorney's Office.
  - (a) Notification shall be made to the District Attorney, Chief Deputy, or other senior member of the District Attorney's staff.
- (2) When a use of deadly physical force by an officer occurs, and death or serious physical injury results, the District Attorney, and/or a senior member of his staff will consult with the agency regarding the investigation and implementation of the elements of this plan.
- (3) The District Attorney has the sole statutory and constitutional duty to make the decision on whether to present a matter to a Grand Jury.
  - (a) Preliminary Hearings will not be used as a method of reviewing an officer's use of deadly force.
  - (b) The District Attorney will consult with the investigating agency and make the decision on whether to present the case to a Grand Jury.
  - (c) If the District Attorney decides to present a case to the Grand Jury, the District Attorney shall promptly notify the investigating agency, the involved officer's agency, and the involved officer's representative.

(1) The timing of the decision will be made by the District Attorney at such time as he has determined that sufficient information is available to competently make the decision.

(d) If the District Attorney decides that the investigation reveals that the officer's use of deadly force was justified under Oregon law, and that Grand Jury review is unnecessary; the District Attorney shall so notify the Agency, the involved officer, the involved officer's representative, and the public.

(4) If the use of deadly physical force results in physical injury to someone other than a police officer, upon completion of the investigation all investigative information shall be forwarded to the District Attorney for review.

### **Section 9: Debriefing and Reporting**

(1) Upon a final determination by the District Attorney, the Agency shall conduct an internal review of the matter according to Agency policy. Such review, at a minimum, shall include a review of the incident by the involved officer.

(2) Upon the conclusion of the investigation, the announcement by the District Attorney pursuant to Section 8 (3), and the debriefing, the Agency shall complete and submit a report to the Attorney General's Office regarding the use of force.

### **Section 10: Training, Outreach**

(1) Each law enforcement agency within Linn County shall include in its policy regarding the use of deadly force, a provision regarding engaging members of the community in a discussion regarding the Agency's policies on the use of deadly force, as well as discussions regarding the use of deadly force by the Agency's personnel.

(2) Each law enforcement agency within Linn County shall provide a copy of this plan to every officer, and provide training to officers on the implementation of the plan.

### **Section 11: Fiscal Impact**

(1) At the conclusion of each fiscal year following the adoption of the Plan, each agency shall submit to the administrator of the Plan, a report outlining the fiscal impact of each element of the Plan as described in section (a) to (e) of Section 2 (4) of Senate Bill III, Oregon Laws 2007.

### **Section 12: Plan Revision**

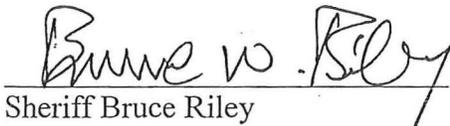
(1) Beginning January 1, 2014, and each year thereafter, the Planning Authority shall meet at least once to review and discuss the operation of the Plan.

- (2) If a revision of the Plan becomes advisable, the Planning Authority shall meet and discuss such a revision. If the Planning Authority adopts a revision such revision shall be submitted for approval as provided by statute.

I have reviewed this document and agree to the conditions contained therein. My signature confirms my agency's commitment to participation in these policies and procedures relating to the use of deadly physical force by law enforcement personnel.

  
District Attorney Doug Marteeny

2-17-15  
Date

  
Sheriff Bruce Riley

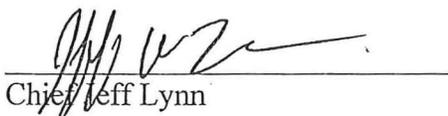
02-18-15  
Date

  
Lt. Von Schleicher

2/20/2015  
Date

  
Chief Frank Stevenson

03/04/2015  
Date

  
Chief Jeff Lynn

3/4/15  
Date

  
Chief Mario Lattanzio

2-17-15  
Date

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, January 28, 2015  
7:15 p.m.

MINUTES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

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

Councilors Absent: None

SCHEDULED BUSINESS

Business from the Public

Dan Miltenberger, 2825 Jackson SE, said he is a tenant at the Albany Municipal Airport and has built four hangars there. He keeps the buildings in good shape and abides by the rules in his contract. He has gone to meetings of the Airport Advisory Commission (AAC) to try and persuade them to sweep the asphalt and spray the weeds, but it seems those things are never done well. A rock can damage a propeller and cost thousands of dollars. He thinks the AAC has been a benefit to the airport, especially related to the budget; he thinks it would make sense if they held their meetings at the Airport.

Adoption of Resolution

Authorizing use of Sewer Economic Development Funds for completion of elevation certificates and technical assistance for North Albany residents facing potential negative financial consequences as a result of the Federal Emergency Management Agency's (FEMA) new floodplain maps

Assistant Public Works Director/City Engineer Jeff Blaine said staff previously provided Council with an update on the North Albany Floodplain Study and FEMA's plans to release updated flood insurance rate maps which show a previously unmapped floodway through North Albany and significant differences in both depths and extents of the floodway. This action will have flood insurance implications for some North Albany residents. Elevation certificates are tools that property owners can use to control their flood insurance costs. Staff had requested that Council consider providing a grant-style program using up to \$100,000 of Sewer Economic Development money to fund elevation certificates for people facing potential negative impacts as a result of FEMA's new maps. Council had expressed some concerns and asked that staff bring back a resolution to formalize the request and also to allow Council more time for consideration. A draft resolution is in the agenda packet.

Blaine said there were pros and cons to approving the proposed program. City funding of elevation certificates for some residents would be a good way to help people through the complex world of FEMA's insurance rating process, shift some of that burden to City staff, provide financial support, and demonstrate compassion on the part of the City. On the other hand, flood insurance and flood plain maps are FEMA's responsibility and the City's participation might blur the lines in an already confusing process. Even if Council chooses not to fund this grant style program, there is still an opportunity for staff to provide a significant amount of valuable information and nonmonetary assistance through the process.

In response to an inquiry from Councilor Bessie Johnson, Blaine reviewed a map distributed at the Council work session comparing the 2010 FEMA maps and the 2015 FEMA maps, and he briefly discussed the effects to specific properties.

Councilor Rich Kellum asked if the City has given assistance in similar situations in the past. City Manager Wes Hare said there have been cases when Council has opted to pay for property damage that was not caused by City negligence and the City has assistance programs such as the sewer lateral replacement program.

Kellum said he would like to see the City help the people involved and that might involve things like organizing multiple properties in a single survey. Blaine said staff would attempt to combine surveying

activity to recognize some cost savings; however, it wouldn't be possible to do just one activity because of inconsistencies in how the banks respond to the release of the FEMA maps.

Councilor Ray Kopczynski asked if some of the precedent for City assistance has been for properties that have already incurred material damage whereas this is trying to anticipate damage that might occur in the future. Hare said this is different from some other assistance programs in that the City is only indirectly involved in the flood plain issue. Council has generally provided reimbursement for property damage on a case-by-case basis.

City Attorney Jim Delapoer said there is no legal precedent that is troublesome here and he urged the Council to make the decision based on whether this is an appropriate and suitable expenditure of public funds. This is strictly a policy judgment.

Councilor Floyd Collins said he likes that the proposal provides a systematic way to approach a problem that was neither the creation of the property owners nor the creation of the City. He feels that a systematic approach can help to ensure that everyone is being treated equitably.

Councilor Bill Coburn said some residents might be more concerned about procedure and others might need financial help. He would like the City to take the lead and become an asset to these folks in helping them through the process.

MOTION: Collins moved to adopt the resolution and Coburn seconded it. The motion passed 6-0 and was designated Resolution No. 6380.

#### Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) November 12, 2014, City Council Regular Session
  - b) December 8, 2014 City Council Regular Session
  - c) December 15, 2014, City Council Work Session
- 2) Accepting a dedication deed from Grace Point – A Church of the Nazarene
- 3) Accepting a street and utility right-of-way dedication from the City of Albany

Kellum requested that Item 2 be removed for discussion.

MOTION: Coburn moved to adopt the Consent Calendar with the exception of Item 2 and Kellum seconded it. The motion passed 6-0 and was designated Resolution No. 6381.

Kellum referred to the dedication deed from Grace Point and he asked if there is anything else holding that project up. Assistant City Manager/Public Works and Community Development Director Mark Shepard said not to staff's knowledge.

MOTION: Kellum moved to adopt Item 2 on the Consent Calendar. Collins seconded. The motion passed 6-0 and was designated Resolution No. 6382.

#### Award of Bid

##### SS-15-03, Century Drive lift station improvements

Coburn said the company he works for will be performing the electrical work on this project and he will recuse himself from any discussion or voting on this issue.

Shepard reviewed the project to update the lift station which should cut down on the required maintenance. The bids came in well and the project is under budget.

MOTION: Collins moved to award the contract to the low bidder and Kellum seconded it. The motion passed 5-0 with Coburn abstaining.

#### Reports

##### Code Enforcement Team Semiannual Report for Fiscal Year 2014-2015

Konopa drew attention to the report in meeting packets and brief discussion followed.

Management Assistant/Public Information Officer Marilyn Smith said this weekend will be the beginning of a huge cleanup effort at the Waverly Masonic Cemetery. The LBCC Horticulture Club is taking the lead and will be cleaning up a wooded natural area at the back of the cemetery. This will

address a problem area for the Police Department and the hope is that we will end up with a nice open area that is an amenity rather than a problem.

Smith announced that the neighborhood around the Wastewater Treatment Plant has been chosen for the Big Pick Up this year on Saturday, May 16.

Albany Municipal Airport Fixed Base Operator (FBO) Contract

Assistant Public Works Director/Operations Manager Chris Bailey said the Albany Municipal Airport has been without an FBO for about five years and it has been an ongoing goal to attract a new FBO. With input from the AAC, a Request for Proposal for FBO services was issued twice in 2011 but no responses were received that were worthy of consideration. The City has been responsible for managing fuel sales at the Airport and has worked with volunteers to keep the FBO building a welcoming place. The City has been in discussions with Tony Hahn who has proposed to operate an FBO under the business name "Infinite Air Center." She reviewed the services the FBO would provide, specifics of the proposed contract, and budget implications as detailed in the written staff report.

Johnson said the proposed FBO operator has been advertising this on his website as a done deal. She expressed concern that Council didn't know anything about this previously.

Shepard said he recalls giving Council an update that there was a potential FBO and that staff was working through the process. He said the gentleman running the FBO may have advertised in an effort to generate interest and excitement. He acknowledged that staff could have done more to inform Council through the process.

Johnson said an FBO is needed, and it sounds like the applicant has good ideas.

Collins asked staff to share more about the applicant's background. Bailey said the business is a new corporation formed by a partnership, and Hahn is the managing partner for the Albany Airport site. Hahn is a pilot with a background in information technology management. This is a new business for him.

Collins asked if one of the partners would be in the community and able to respond to the Airport, given the 24-hour access. Bailey said that 24-hour availability is not currently part of the contract. Unless it is added to the contract, that would be a business decision for the FBO.

Kellum asked who would be responsible for ongoing maintenance at the Airport. Bailey said the FBO agreement is only for services provided as a tenant in the FBO building and the City would remain responsible for maintaining the Airport property.

MOTION: Kopczyński moved to authorize the City Manager to enter into an agreement with Infinite Air Center as the Airport Fixed Base Operator. Coburn seconded.

Johnson said she would like to see the agreement. Delapoe said it has been staff's general practice to give Council an overview of financial impacts and broad outlines of agreements; however, if Council would like to request additional information or ask that specific things be added to the contract, they have every right to do so.

Konopa said there hasn't been a solid FBO at the Airport for many years. She appreciates the business investing in Albany and wishes them well.

Collins said he supports the motion. He clarified that this is an agreement for a business at the Airport and not for an Airport Manager who is responsible for the entirety of the Airport.

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

**BUSINESS FROM THE COUNCIL**

Kellum said that Innovative Housing, Inc., has invited Council to take a tour of the new housing project. Economic Development Director Kate Porsche said she will be setting up a tour for the Central Albany Revitalization Agency Advisory Board, which includes Council.

Kellum expressed concern that the Human Relations Commission recently put out public information about an initiative prior to it coming to the City Council. Hare said that was actually a staff initiative to develop an English Language Proficiency plan in response to a requirement for federal funds. It was staff's thought that it would go through a process similar to the Planning Commission process, whereby there is an opportunity for

public review prior to coming to Council. That process is not mandated and a process could be used which involves the Council at an earlier stage. Brief discussion followed.

Konopa drew attention to a draft letter to Oregon Congress members related to transportation funding (see agenda file). Shepard said the Consortium of Oregon Metropolitan Planning Organization's has voted to endorse the letter; its Council's choice if they want to endorse it as well. There was brief discussion.

MOTION: Koczynski moved that Council send a letter to Oregon Congress members related to transportation funding issues. Johnson seconded. The motion passed 6-0.

Hare said that Lowe's has signed the modified agreement and is expected to have the work completed by the end of 2015. Collins asked that staff issue a press release. Hare commended Delapoer on working through some of the details with Lowe's.

Hare referenced a letter signed by hotel owners expressing concerns about the use of transient lodging tax dollars. He recommended that the letter be forwarded to the group that is working on TLT review to see if some of the concerns can be addressed prior to that issue being brought back to a Council work session.

#### NEXT MEETING DATE

Work Session: February 9, 2015  
Regular Session: February 11, 2015

#### ADJOURNMENT

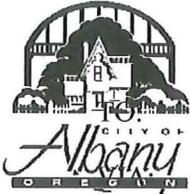
There being no other business, the meeting was adjourned at 8:33 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix  
Administrative Assistant

Wes Hare  
City Manager



Albany City Council

Wes Hare, City Manager

FROM: Ed Hodney, Director of Parks and Recreation 

DATE: March 18, 2015 for the March 25, 2015 City Council Meeting

SUBJECT: Authorization to submit grant application for proposed replacement of the Bowman Park restroom building

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods

Action Requested:

Consider a resolution authorizing the City of Albany Parks and Recreation Department to apply for a Boating Facility Grant from the Oregon State Marine Board for the proposed replacement of the Bowman Park restroom building and delegating authority to the Parks and Recreation Director to sign the application.

Discussion:

The existing public restroom building in Bowman Park is more than 35 years old. It is located in a poorly accessible spot in the park (see attached pictures), not connected to the parking lot with a paved path, and is not ADA-compliant. Its current location encourages the growth of mold and mildew, and vandalism is a significant problem.

The Oregon State Marine Board (OMB) offers grant funds to build new and or replace existing facilities to benefit the boating community. The original restroom was funded by the OMB. The replacement of this facility has been in the plans of both the OMB and the City for several years. If the grant is awarded, the OMB will fund 75% of the total project cost estimated at \$115,825. The grant program requires a minimum 25% match from the City. Our local match would include the value of force account labor, equipment, and materials. Parks and Recreation staff will manage the project.

The application deadline is March 31, 2015. If awarded, grant funding would be available in July and construction will be completed during the summer of 2015.

Budget Impact:

If the grant is awarded, the FY 2015-2016 budget will have to be amended through a supplemental appropriation to receive and spend the funds.

Attachments: Resolution, picture of Bowman Park restroom building

Bowman Park Restroom Building Replacement Project



From parking lot in Bowman Park (existing RR behind trees left of path)



Front of existing Bowman Park RR

Bowman Park Restroom Building Replacement Project



Entry on back side



Back side of RR building

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

A RESOLUTION AUTHORIZING THE CITY OF ALBANY PARKS AND RECREATION DEPARTMENT TO APPLY FOR A BOATING FACILITY GRANT FROM THE OREGON STATE MARINE BOARD FOR THE PROPOSED REPLACEMENT OF THE BOWMAN PARK RESTROOM BUILDING AND DELEGATING AUTHORITY TO THE PARKS AND RECREATION DIRECTOR TO SIGN THE APPLICATION.

WHEREAS, the Oregon State Marine Board is accepting applications for the Boating Facility Grant program; and

WHEREAS, the City of Albany desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation improvements and enhancements; and

WHEREAS, the existing restroom building in Bowman Park is more than 35 years old, is not compliant with the Americans with Disabilities Act, is costly to maintain, and is not conveniently located for boaters and other park visitors; and

WHEREAS, the City of Albany has identified the replacement of the public restroom building in Bowman Park as a high-priority need in the City of Albany; and

WHEREAS, the project will replace the existing restroom building with a new ADA-compliant, more efficient building in a visible and accessible location; and

WHEREAS, the grant, if awarded, will cover 75% of the estimated project costs of \$115,825; and

WHEREAS, the applicant hereby certifies that its matching share of 25% is readily available at this time in the Parks and Recreation Fund in the form of force account labor, materials and equipment.

NOW THEREFORE LET IT BE RESOLVED that the City of Albany City Council authorizes the Parks and Recreation Director to apply for a Boating Facility Grant from the Oregon State Marine Board for the proposed replacement of the Bowman Park restroom building and that the Parks and Recreation Director is delegated the authority to sign the application.

DATED AND EFFECTIVE THIS 25<sup>th</sup> DAY OF MARCH, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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