



Revised

NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
Council Chambers
333 Broadalbin Street SW
Wednesday, October 14, 2015
7:15 p.m.

AGENDA

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."

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. SPECIAL PRESENTATION

a. Government Financial Officers Association (GFOA) Awards. – Roger Dawes, Oregon GFOA Liaison [Verbal]

Action: _____

5. SCHEDULED BUSINESS

a. Public Hearing

1) Accepting conveyance of City-owned real property to the Trustees of the Frank and Winifred Moore Revocable Living Trust and reserving an easement. [Pages 3-9]

Action: _____ RES. NO. _____

b. Business from the Public

c. First Reading of Ordinance

1) Amending Albany Municipal Code Chapter 2.27, Community Development Commission. [Pages 10-12]

Action: _____ ORD. NO. _____

d. Adoption of Consent Calendar

1) Approval of Minutes

a) August 12, 2015, Regular Session minutes. [Pages 13-15]

b) August 31, 2015, Special Meeting minutes. [Pages 16-17]

2) Accepting a sanitary sewer and storm drain easement from Glorietta Bay, LLC. [Pages 18-23]

RES. NO. _____

3) Executing a quitclaim deed for the release of the western 370 feet of a 420-foot wide sewer easement across tax lot 11S03W18BD-00501. [Pages 24-26]

RES. NO. _____

Action: _____

e. Report

1) Code Enforcement Team annual report for Fiscal Year 2014-2015. [Pages 27-40]

Action: _____

6. BUSINESS FROM THE COUNCIL

7. RECESS TO EXECUTIVE SESSION TO DISCUSS LITIGATION LIKELY TO BE FILED IN ACCORDANCE WITH ORS 192.660 (2)(h)
8. RECONVENE
9. NEXT MEETING DATE: Work Session: October 26, 2015
Regular Session: October 28, 2015
10. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net



TO: Albany City Council

VIA: Wes Hare, City Manager
Stewart Taylor, Finance Director
John Bradner, Fire Chief

FROM: Diane M. Murzynski, Purchasing Coordinator

DATE: October 5, 2015, for the October 14, 2015, City Council Meeting

SUBJECT: Public Hearing for Property Conveyance; Easement Acceptance

RELATES TO STRATEGIC PLAN THEME: ● An Effective Government

Action Requested:

Staff is requesting the City Council to hold a public hearing and to approve the conveyance of an eight-foot strip of property to the Trustees of the Frank and Winifred Moore Revocable Living Trust and to reserve an easement over the "Property" described in the attached Quitclaim Deed, Attachment A.

Discussion:

On May 28, 2015, the City purchased Parcel 2 of Partition Plat 2015-20 from Gary and Patricia Davenport, property at 623 Lyon Street SE and 177 7th Avenue SE, Albany for the construction of the new downtown fire facility. The Davenports retained Parcel 1, containing the Hasty Freeze at 655 Lyon Street. The adjacent property owner at 632 Baker Street SE has a recorded license agreement for encroachment to use an eight-foot by 60.78 foot strip of land on the property described as 177 7th Avenue SE.

The attachment which shows a portion of Partition Plat 2015-20 shows the License Agreement area on the plat map and references the recording MF V. 1163, PG 426. The value of the "Easement Property", based on the Assessor's value of 632 Baker Street SE property, is \$4,094.14, using \$8.42/square feet. The City's intent is to transfer that area of Property, described on Exhibit "A" of the Quitclaim Deed to Frank W. Moore, Jr., Elizabeth M. Rapp, and Wendy G. Jones, the Trustees of the Frank and Winifred Moore Revocable Living Trust.

An easement will be reserved by the City over that portion of Property described on Exhibit "B" of the attached Quitclaim Deed. The area will serve as a vegetated buffer setback area and meet the buffering requirements of Albany Development Code, ADC 9.240. Additional restrictions and requirements are within the Reservation of Easement.

Budget Impact:

The true and actual consideration for the property transfer is \$1.00.

Attachments

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE CONVEYANCE OF CITY-OWNED REAL PROPERTY TO FRANK W MOORE, JR., ELIZABETH M. RAPP, AND WENDY G. JONES, TRUSTEES OF THE FRANK AND WINIFRED MOORE REVOCABLE LIVING TRUST.

WHEREAS, the City of Albany identified the need to replace its downtown fire station at the current site; and

WHEREAS, the acquisition of additional properties surrounding the downtown fire station were required for the construction of the new fire facility; and

WHEREAS, on May 28, 2015, the City purchased property at 623, 655 Lyon Street SE and 177 7th Avenue SE; and

WHEREAS, the adjacent property owner at 632 Baker Street SE, Albany, has a recorded eight-foot license agreement for encroachment on property at 177 7th Avenue SE, and also described as Parcel 2 of Partition Plat 2015-20, Attachment B; and

WHEREAS, the City's intent is to transfer the eight-foot strip of land by Quitclaim Deed to Frank W. Moore, Jr., Elizabeth M. Rapp, and Wendy G. Jones, the Trustees of the Frank and Winifred Moore Revocable Living Trust; and

WHEREAS, the City will reserve a perpetual easement over that portion of property described on Exhibit B of the attached Quitclaim Deed and referenced as the "Easement Parcel" to serve as a vegetated buffer setback area and meet the buffering requirements of Albany Development Code, ADC 9.240.

NOW, THEREFORE, BE IT RESOLVED by the City of Albany Council to hereby accept the conveyance of city-owned property to the Frank and Winifred Moore Revocable Living Trust dated November 18, 1996 and the Quitclaim Deed, Attachments A and B.

BE IT FURTHER RESOLVED by the Albany City Council that it does hereby accept this easement.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 14TH DAY OF OCTOBER 2015.

Mayor

ATTEST:

City Clerk

<p>City of Albany P.O. Box 490 Albany, OR 97321 Grantor</p> <p><i>Frank W. Moore, Jr., Elizabeth M. Rapp, and Wendy G. Jones, Trustees of the Frank and Winifred Moore Revocable Living Trust dated November 18, 1996</i> Grantee</p> <p><u>After Recording Return to:</u> Steven M. Berne Harris Berne Christensen LLP 5000 SW Meadows Road, Suite 400 Lake Oswego, OR 97035</p> <p><u>Until requested otherwise send all tax statements to:</u></p>	<p><u>For Recorder's Use:</u></p>
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QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that *City of Albany*, hereinafter called *Grantor*, for the consideration hereinafter stated, does hereby remise, release and quitclaim unto ***Frank W. Moore, Jr., Elizabeth M. Rapp, and Wendy G. Jones, Trustees of the Frank and Winifred Moore Revocable Living Trust dated November 18, 1996*** hereinafter called *Grantee*, and unto Grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Linn, State of Oregon, hereinafter called "Property", being more particularly described on **Exhibit "A"** attached hereto and by this reference made a part hereof.

Reservation of Easement Grantor hereby reserves, for itself, its successors, heirs and assigns a perpetual easement over that certain portion of the Property more particularly described on Exhibit "B" attached hereto and incorporated by this reference herein ("Easement Parcel"), to serve as a vegetated buffer setback area. The Easement Property shall contain at least one tree, five shrubs and ground cover, consistent with the buffering requirements of the 2015 City of Albany Development Code (ADC) 9.240. The Easement Property may also be occupied by utilities, screening, sidewalks, bikeways, landscaping and/or vegetated post-construction stormwater quality facilities as long as the minimum vegetated buffer is retained. Buildings, access ways or parking areas are prohibited in the Easement Property except where an access way has been approved by the Grantor, per ADC 9.230. Maintenance of the Easement Property is the responsibility of the Grantor which shall be maintained in the Grantor sole discretion. The Grantor shall have access to the Easement Property for landscaping and maintenance purposes at all times.

The easement reserved herein shall be enforceable as a restrictive covenant upon the land affected hereby, shall run with the land affected hereby, and shall be binding upon and inure to the benefit of such land, each person having or acquiring any right, title or interest therein or any part thereof or any improvements thereon, and upon their respective successors, heirs and assigns owning all or a portion of such land.

To Have and to Hold the same unto said Grantee and Grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$1 and other valuable consideration which includes the settlement of a property title dispute.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

Grantee hereby agrees to all of the above stated terms and will cooperate fully to insure the that all terms stated above can be accomplished by Grantor.

IN WITNESS WHEREOF, the Grantor has executed this instrument this _____ day of September, 2015.

<p>BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.</p>	<p>_____ City of Albany - Grantor</p> <p>_____ _____ _____ _____ Trustees of the Trustees of the Frank and Winifred Moore Revocable Living Trust dated November 18, 1996 - Grantee</p>
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STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on the ____ day of September, 2015, by

NOTARY PUBLIC FOR OREGON

EXHIBIT A

The eastern 8 feet, of the southern 60.78 feet, of Parcel 2 of Linn County, Oregon, Partition Plat 2015-20

EXHIBIT B
EASEMENT PROPERTY

The northern 40 feet, of the eastern 8 feet, of the southern 60.78 feet, of Parcel 2 of Linn County, Oregon, Partition Plat 2015-20



TO: Albany City Council

VIA: Wes Hare, City Manager
Jeff Blaine, P.E., Interim Public Works Engineering and Community Development Director *JB*

FROM: Bob Richardson, Planning Manager *BR*
Anne Catlin, Planner III *alc*

DATE: October 7, 2015, for the October 14, 2015, City Council Meeting

SUBJECT: Amendments to the Community Development Commission

RELATES TO STRATEGIC PLAN THEME: ● GREAT NEIGHBORHOODS

Action Requested:

Staff recommends that the City Council adopt the attached ordinance that would amend AMC Chapter 2.27, Community Development Commission (CDC), giving the Mayor the ability to appoint replacement members and fill Commission vacancies with City Council ratification.

Discussion:

The CDC was created by Ordinance 5822 in 2013 to assist with oversight and management of Albany's Community Development Block Grant programs. Currently, AMC 2.27.030 states that the City Council will appoint replacement members and fill vacancies of this ten-member commission.

During the September 21, 2015, Work Session, Mayor Konopa explained the challenges Council would have interviewing CDC applicants and meeting Commission composition requirements with the current procedure. To overcome them, Mayor Konopa recommended that the City Council amend AMC 2.27.030 to allow the Mayor to appoint new members and fill vacancies with Council ratification.

The Council accepted Mayor Konopa's recommendation and directed staff to prepare draft amendments to the AMC Chapter 2.27, Community Development Commission, for Council consideration. Proposed amendments are shown in the attached ordinance.

Budget Impact:

None.

ALC:rk
Attachment

ORDINANCE NO. _____

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 2.27, COMMUNITY DEVELOPMENT COMMISSION.

WHEREAS, the City of Albany created the Community Development Commission on September 11, 2013, by Ordinance No. 5822 to provide recommendations regarding Albany's Community Development Block Grant programs and policies;

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

Section 1: The Albany Municipal Code Chapter 2.27 is hereby amended to read as follows:

2.27.010 Creation of Community Development Commission. The Community Development Commission for the City of Albany is created pursuant to provisions of this chapter.

2.27.020 Purpose. The Community Development Commission is established to review and recommend housing, neighborhood revitalization, and community development policies, actions and programs to the City Council that could be supported primarily with Community Development Block Grant (CDBG) funding provided by HUD.

2.27.030 Terms of Office and ~~Initial~~ Appointments. The initial membership of the Community Development Commission shall be established by the Mayor and approved by the City Council. Four of the initially appointed members shall serve a three-year term, three of the initially appointed members shall serve a two-year term, and three of the initially appointed members shall serve for a one-year term. Initial terms of appointment will be staggered according to the alphabetical order of the appointee's surname, beginning with three-year terms for those closest to the beginning of the alphabet. Thereafter, as the terms expire, the ~~Council~~ Mayor shall appoint replacement members **with City Council ratification. Members shall be appointed** for three-year terms or until their successors are appointed and qualified. All members of the Community Development Commission will serve at the pleasure of the Council and may be removed from their position by the Council at any time without cause. Any vacancies in the Commission shall be filled **by the Mayor and through** ~~ratification~~ ~~by the City Council~~. Members shall serve without compensation.

2.27.040 Community Development Commission Composition. All Community Development Commissioners shall have their principal residence within the jurisdictional limits of the City of Albany. The City Council shall endeavor to ensure low- and moderate-income persons and minorities are represented on the Commission. The Commission shall consist of at least ten (10) members **deemed by the Council to have backgrounds** as follows:

- (a) Three at-large members from the general public
- (b) One representative from the financial industry
- (c) One representative from the housing industry
- (d) One representative with experience in economic development
- (e) One representative from the social services or affordable housing ~~agency~~ industries
- (f) One representative from the Human Relations Commission
- (g) One representative from the Planning Commission
- (h) One representative from the City Council

2.27.050 Duties and Responsibilities. The Community Development Commission shall have the following responsibilities related to the City's CDBG program and other programs as directed by the City Council:

- (a) Review and consider policy, programming and funding recommendations to the City Council regarding the City's needs related to community development and affordable housing that primarily benefit low- and moderate-income, minority, and special needs populations.
- (b) Review and make recommendations regarding City applications for federal, state or other funding sources related to the purpose of the Commission as the Council may direct including the five-year Consolidated Plan, Annual Action Plan and any substantial amendments proposed to those plans.
- (c) Review the Consolidated Annual Performance Evaluation Report (CAPER) each year to examine the performance of the projects funded in whole or in part with CDBG funds.
- (d) Review proposals for funding from CDBG funds, and make recommendations to the Council for final action.
- (e) Serve as the review and appeal body for CDBG housing loan and grant programs.
- (f) Monitor and evaluate planning, programming, and implementation of housing and community development activities related to the City's CDBG programs.

2.27.060 Procedures. The Community Development Commission shall elect a chair and a vice chair **at its first meeting of each year.** A majority of the members shall constitute a quorum. The Commission shall keep minutes of its proceedings which shall be kept on file in the office of the City Recorder. The Commission's meeting shall be open to the public and held within the corporate limits of the city of Albany subject to customary state and City requirements for public access and notice. The Commission shall meet at least quarterly and at such other times as the Commission shall determine useful to the conduct of its business.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, August 12, 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

Konopa led the pledge of allegiance to the flag.

ROLL CALL

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

Councilors absent: None.

SPECIAL PRESENTATIONS

Police Department Lifesaving Award.

Police Chief Mario Lattanzio presented a Lifesaving Merit Award to Police Officer Jason Camillo. On May 17, 2015, Camillo performed the Heimlich maneuver on Police Clerk Toni Steward. Steward was choking on a piece of meat. Camillo saved her life.

Lattanzio presented Camillo with a plaque, a certificate, and a medal.

Seeking Council's endorsement for the American Legion Post 10 to pursue a Flag City designation for the City of Albany.

Post 10 Commander Steve Adams, 2131 Three Lakes Drive, handed out a document titled "Proposal to make Albany, Oregon a Flag City USA" (see agenda file). Adams said that according to the County veterans office, there are 1,676 vets in Linn County. According to the census, Linn County has 116,000 residents. The city of Albany makes up 40-42% of county residents. The Congressional Record of July 27, 1999, states that Redmond is a Flag City. Redmond's claim is that they have 697 flags that have flown over the nation's capitol. Adams proposes Albany as a Flag City, based on encouraging businesses, citizens, and organizations to fly the flag on all 10 flag holidays.

Adams said he is in the process of contacting senators and representatives, as well as County Commissioner Will Tucker, to ask for flags that have been flown over the nations' capitol. He will also contact veteran's organizations and civic organizations for support. He has talked to Randy Martinak, the director of the Linn County Veterans Memorial Association, and he supports the effort. Adams' goal is 5,000 flags flying in the city of Albany. The cost to the city is zero. The Legion Post has said they will donate time, material and manpower to veterans or older people who cannot physically put up the means to fly a flag. Adams will contact the Chamber of Commerce to expand their program also. It will take time, and must be a community effort. He is asking for the Council's endorsement.

Konopa said the downtown flags are placed by the Boy Scouts, through the Downtown Association, not the Chamber.

The City Council agreed to ask staff to prepare a resolution supporting the endorsement and bring it back to the next Council meeting.

SCHEDULED BUSINESS

Business from the Public

There was none.

ADOPTION OF RESOLUTIONS

Authorizing the City Manager to sign a property lease agreement with Greater Albany Public Schools for the use of the South Albany High School Community Pool through June 2019.

There was a revised resolution available on the dais (see agenda file).

Councilor Rich Kellum asked how money spent on the Pool compared to revenues. Parks & Recreation Director Ed Hodney said the aquatics program recovers about 50% of costs, which is typical.

Kellum said that according to the agreement, the City is responsible for problems with sidewalks and parking. Hodney clarified that the City is only responsible for seven parking spaces.

MOTION: Councilor Ray Kopczynski moved to adopt the resolution on the dais. Councilor Bessie Johnson seconded the motion, which passed 6-0 and was designated Resolution No. 6447.

Authorizing the City of Albany Parks and Recreation Department to accept a Boating Facility Grant from the Oregon State Marine Board for the replacement of the Bowman Park rest room building and delegating authorizing to the Parks and Recreation Director to sign related documents.

There was a revised resolution available on the dais (see agenda file).

MOTION: Kellum moved to adopt the resolution on the dais. Councilor Floyd Collins seconded the motion, which passed 6-0 and was designated Resolution No. 6448.

ADOPTION OF CONSENT CALENDAR

1) Approval of Minutes

- a) June 24, 2015, Regular Session minutes.
- b) July 6, 2015, Work Session minutes.

2) Extending workers' compensation coverage provided by CityCounty Insurance Services (CIS) to City of Albany volunteers. RES. NO. 6449

MOTION: Kopczynski moved to adopt the Consent Calendar with item 2) removed for discussion. Kellum seconded the motion, which passed 6-0.

Olsen noted that the only public safety people mentioned are police cadets and police volunteers. Firefighters and others were not. City Manager Wes Hare said this policy covers only volunteers, and all of the City's volunteers are covered under it.

MOTION: Olsen moved to adopt item 2) of the Consent Calendar. Councilor Bill Coburn seconded the motion, which passed 6-0.

Appointment

Reappointing Mario Lattanzio to the Linn County Local Public Safety Coordinating Council.

MOTION: Kopczynski moved to approve the requested action. Coburn seconded the motion and it passed 6-0.

Report

Recommending approval of expenditure of up to \$150,000 in Water Economic Development funds to facilitate fire line backflow device compliance.

Assistant Public Works Director/Operations Manager Chris Bailey said the money requested is to facilitate replacement or upgrade of backflow prevention on private fire lines discovered during an audit. At a Work Session, the Council asked Public Works to bring the item back for specific approval by the Council. The money will come from Water Economic Development funds. There is about \$500,000 available.

MOTION: Councilor Floyd Collins moved to approve the expenditure of up to \$150,000 in Water Economic Development funds to facilitate fire line backflow device compliance. Kopczynski seconded the motion.

Olsen said he noticed a complaint about this in the newspaper. He asked if he understood correctly that the City will pay for the backflow devices. Bailey said yes. Hare said the letter-writer was actually complaining about a fee normally charged for a fire line. As part of work done in the last year or so to identify all of the private fire systems in Albany, Public Works found that a number of fire lines did not have backflow prevention devices. The City is covering the cost of the devices.

Collins asked if the backflow prevention devices require annual inspection. Bailey said yes; the inspections are at the cost of property owners.

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

Olsen asked how much the inspections cost. Bailey said inspections are done by a private company and cost about \$25 to \$45 for a residential system. Kellum said he has heard complaints about the charge. Hare said it isn't popular; most people don't know they have a backflow device and they don't like having to pay for an inspection every year. Collins said the requirement for backflow devices is a state law, in the state plumbing code. All cities are required to

have a backflow prevention program. Hare said it isn't new; the City of Oakridge had a backflow prevention program 27 years ago, when Hare started as City Manager there.

BUSINESS FROM THE COUNCIL

Councilor Bessie Johnson said she will not be attending the League of Oregon Cities conference. She offered her spot to the other Councilors.

Collins said paving on North Albany Road will start Monday. The contractor is moving quickly and should finish on time. Bailey praised Civil Engineer III Chris Cerklewski and Engineering Technician III Lindsey Austin, who managed the project.

Kopezynski asked for an update on landscaping regarding the roundabout on Main Street. Bailey said landscaping will be installed in September.

Olsen noticed that Transient Lodging Tax receipts are up since June. He asked if hotel rates went up or if they had more business. Konopa said they are not sure the reason. Discussion followed about events in Albany that draw visitors.

Staff noted that there will be a joint meeting with the Benton County Commissioners on August 18, 2015, at Benton County.

NEXT MEETING DATE: Work Session: August 17, 2015, and August 24, 2015
Regular Session: August 26, 2015

ADJOURNMENT

There being no other business, the meeting was adjourned at 7:48 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
City Clerk

Wes Hare
City Manager

CITY OF ALBANY
CITY COUNCIL SPECIAL MEETING
Council Chambers
Monday, August 31, 2015
4:00 p.m.

MINUTES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

Councilors Present: Councilors Bill Coburn, Bessie Johnson, Rich Kellum, Ray Kopezynski, and Dick Olsen

Councilors Absent: Councilor Floyd Collins (excused)

SCHEDULED BUSINESS

Business from the Public

None.

Approval of Agreement

Infrastructure funding agreement with MBBH Development LLC. for ST-16-02. Crocker Lane LID (from Valley View Drive to Meadow Wood Drive)

Assistant Public Works Director/City Engineer Jeff Blaine said that, in March and April, Council discussed a potential Local Improvement District (LID) for Crocker Lane, part of which was associated with a proposed development at the intersection of Valley View Drive and Crocker Lane. At the end of the discussion, Benton County, the City of Albany, and the developer came to an agreement that represented a lot of hard work and compromise on the part of each of the parties, and a lot of graciousness on the part of the developer, Myles Breadner of MBBH Development, LLC, who proposed that he would pay the \$1,000 assessments for 58 lots south of the property he is developing that were part of the original development. The funding package also included the need for an agreement, the basic premise of which was that the City would limit the assessment for the proposed development to the dollar amount the developer estimated to privately construct their frontage improvements and the wooded parcel at the north end of the property would be donated to Benton County Parks. Blaine briefly reviewed the draft agreement included in Council packets which secures the obligations made by each party through the previous process. He reviewed associated timing issues and thanked the City Council for holding a special Work Session to consider the request.

City Attorney Jim Delapoer said this agreement documents the deal that was part of the subdivision approval and the LID approval. The agreement caps the assessment for the developer which allows him to move forward in giving the park property to Benton County and fulfilling his obligations to his neighbors and to the City. Brief discussion followed.

MOTION: Councilor Bill Coburn moved to authorize the City Manager to enter into an agreement with MBBH Development and Councilor Bessie Johnson seconded it.

Councilor Dick Olsen asked if the development was approved by the Planning Commission. Delapoer said yes, there was subdivision approval.

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

BUSINESS FROM THE COUNCIL

Coburn said he will not be able to attend Monday meetings in September as he has state-required continuing education on those evenings.

Konopa said she welcomed 98 visitors from San Francisco who stayed in Albany last night after coming in on two tour buses coordinated by the Albany Downtown Association.

City Manager Wes Hare advised that the City has been approached by the City of Sodaville. They are having issues with their wells and may reach a point where they need to replenish their reservoir with about 8,000 gallons of water.

Albany City Council
August 31, 2015

Because this is an emergency purpose for one of our neighbors, staff agreed to provide water, if needed. They are also looking at closer water sources.

Myles Breadner, MBBH Development, LLC, expressed appreciation to the Council and said that working with City of Albany staff has been a pleasure. He would like to be on record saying that he has always envisioned that the property being donated to Benton County would be park property, and he is glad all of this came together. He purchased the entire parcel with no intention of converting that part to lot inventory. He also identified that the piece that will be donated as park property was held out as a capital asset, as he believed it was unsuitable and undesirable as development property, primarily because of the abundance of timber. He also expressed appreciation to Jeff Powers from Benton County Parks Department.

NEXT MEETING DATE

September 9, 2015, Regular Session and September 21, 2015, Work Session.

ADJOURNMENT

There being no other business, the meeting was adjourned at 4:17 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix
Administrative Assistant

Wes Hare
City Manager

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Glorietta Bay, LLC

A variable-width sanitary sewer and storm drainage easement over existing sewer and storm drainage lines. In conjunction with the release of 370 feet of a 420 foot wide sewer easement.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 14TH DAY OF OCTOBER 2015.

Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC SANITARY SEWER AND STORM DRAINAGE

THIS AGREEMENT, made and entered into this ____ day of _____, 2015, by and between Glorietta Bay, LLC, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement, including the right to enter upon the real property hereinafter described, and to construct, maintain, and repair public sanitary sewer and storm drainage lines for the purpose of providing sanitary sewer and storm drainage lines over, across, and through the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public sewer and storm drainage and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public sewer and storm drainage lines.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

A variable-width sanitary sewer and storm drainage easement over existing sewer and storm drainage lines. In conjunction with the release of 370 feet of a 420 foot wide sewer easement..

See legal description on attached Exhibit A and maps on attached Exhibit B and Exhibit C.

2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTOR:

Glorietta Bay, LLC



Scott Lepman, Managing Member

STATE OF OREGON)
County of Linn) ss.
City of Albany)

The foregoing instrument was acknowledged before me this 30th day of September, 2015, by Scott Lepman, Managing Member, as a representative of Glorietta Bay, LLC, as his voluntary act and deed.



Tonia Nellaine McDaniel
Notary Public for Oregon
My Commission Expires: June 17, 2019

CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2015.

City Manager

ATTEST:

City Clerk

Exhibit A

PUBLIC UTILITY EASEMENT

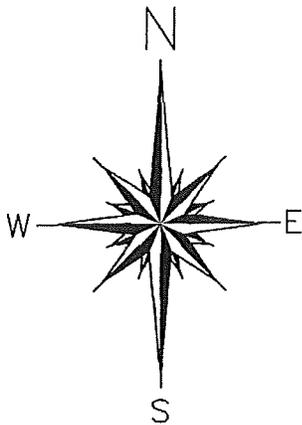
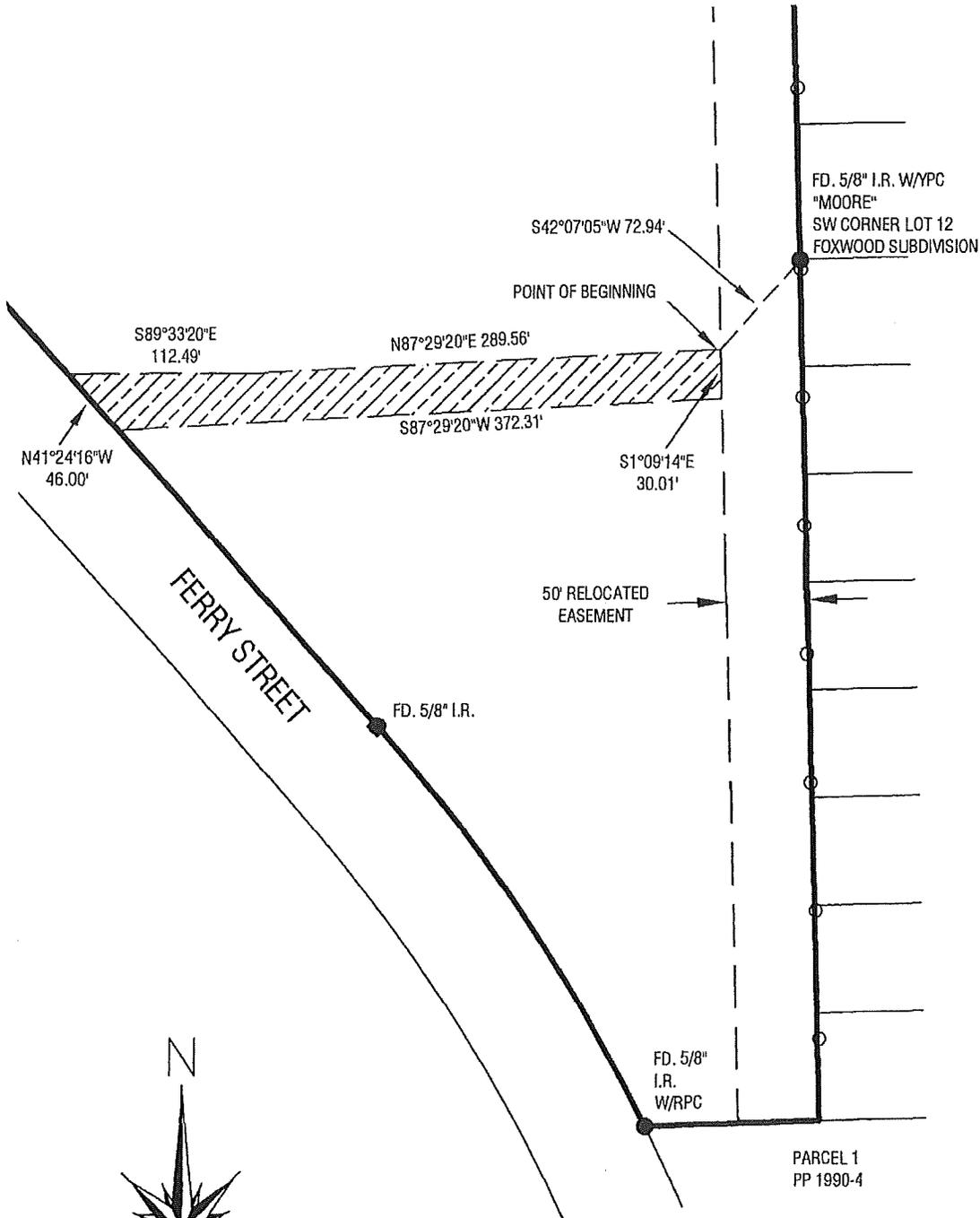
An area of land in the Northwest 1/4 of Section 18, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon being more particularly described as follows;

Beginning at a point bearing South 42°07'05" West 72.94 feet from the Southwest corner of Foxwood Subdivision in the Northwest 1/4 of Section 18, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence South 01°09'14" East 30.01 feet; thence South 87°29'20" West 372.31 feet to the East right-of-way of Ferry Street; thence along said right-of-way North 41°24'16" West 46.00 feet; thence South 89°33'20" East 112.49 feet; thence North 87°29'20" East 289.56 feet to the point of beginning.



EXHIBIT "B"

SANITARY SEWER & STORM DRAIN EASEMENT



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN. 9, 2007
DERON M. CRAWFORD
#76980 LS

EXPIRES: 12-31-2015



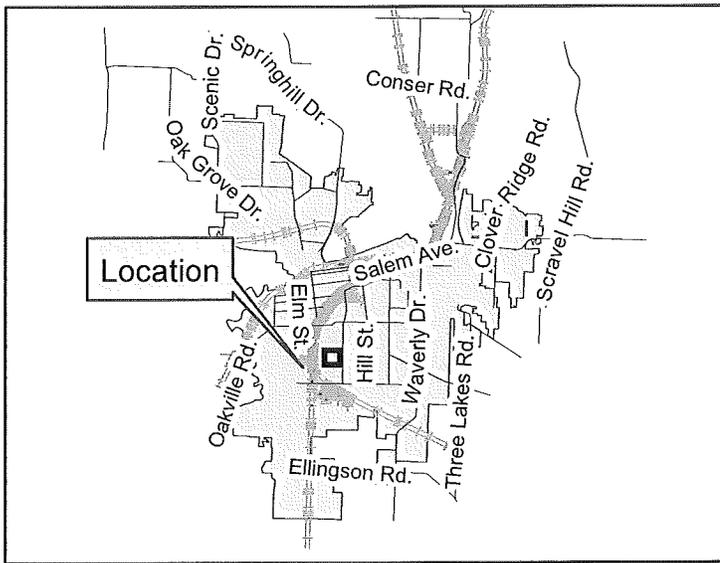
Crawford
LAND SURVEYING

1055 AIRWAY ROAD, BLDG B
PO BOX 2385, LEBANON, OREGON 97355
PH: (541) 258-8833 FAX: (541) 258-8834

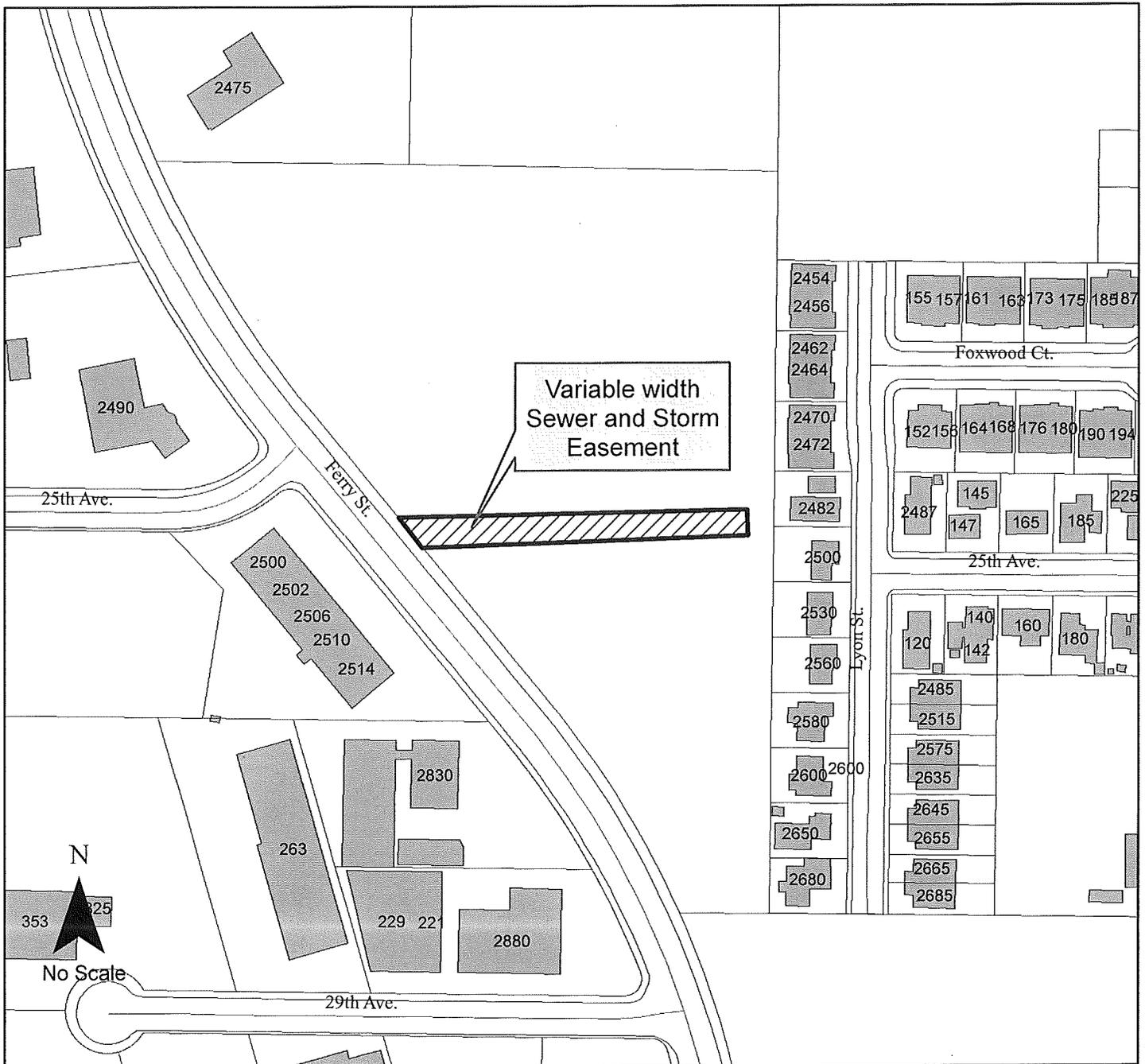
EXHIBIT C

11S03W18BD-00501

A variable width sanitary sewer and storm drainage easement over existing sewer and storm drainage lines.



Geographic Information Services



N

No Scale

RESOLUTION NO. _____

A RESOLUTION DIRECTING STAFF TO EXECUTE THE ATTACHED QUITCLAIM DEED:

Grantor: **City of Albany**

Purpose

Grantee: **Glorietta Bay, LLC**

Releasing the western 370 feet of a 420 foot wide sewer easement across tax lot 11S03W18BD-00501. In conjunction with acquiring a variable width sewer and storm drainage easement on the same property.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby direct staff to execute the attached Quitclaim Deed.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 14TH DAY OF OCTOBER, 2015.

Mayor

ATTEST:

City Clerk

CITY OF ALBANY Grantor	After Recording Return to: City of Albany
Glorietta Bay, LLC Grantee	Until requested otherwise send <u>All tax statements to:</u>

Glorietta Bay, LLC 100 NW Ferry Street Albany, OR 97321

QUITCLAIM DEED

KNOW ALL PEOPLE BY THESE PRESENTS, that THE CITY OF ALBANY, a municipal corporation, hereinafter called Grantor, for the consideration hereinafter stated, does hereby remise, release and quitclaim unto **Glorietta Bay, LLC**, hereinafter called Grantee, and unto Grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenance thereunto belonging or in anywise appertaining, situated in the County of Linn, State of Oregon, described as follows, to wit:

Legal Description

The western 370 feet of a 420 foot wide sewer easement across that property described in Linn County Deed Records 2015-6842. The sewer easement was recorded in 1957 in Linn County Deed Records Book 253, Page 690. The City of Albany expressly retains the sewer easement over the eastern 50 feet of the 420 foot wide easement. As shown on attached map Labeled Exhibit A.

To Have and to Hold the same unto said Grantee and Grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollar, is \$-0-. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

IN WITNESS WHEREOF, the Grantor has executed this instrument pursuant to Resolution _____ this _____ day of _____, 2015.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

Wes Hare, City Manager

Stewart Taylor, Finance Director

STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on _____, 2015, by Wes Hare, City Manager for the City of Albany.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

This instrument was acknowledged before me on _____, 2015, by Stewart Taylor, Finance Director for the City of Albany.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

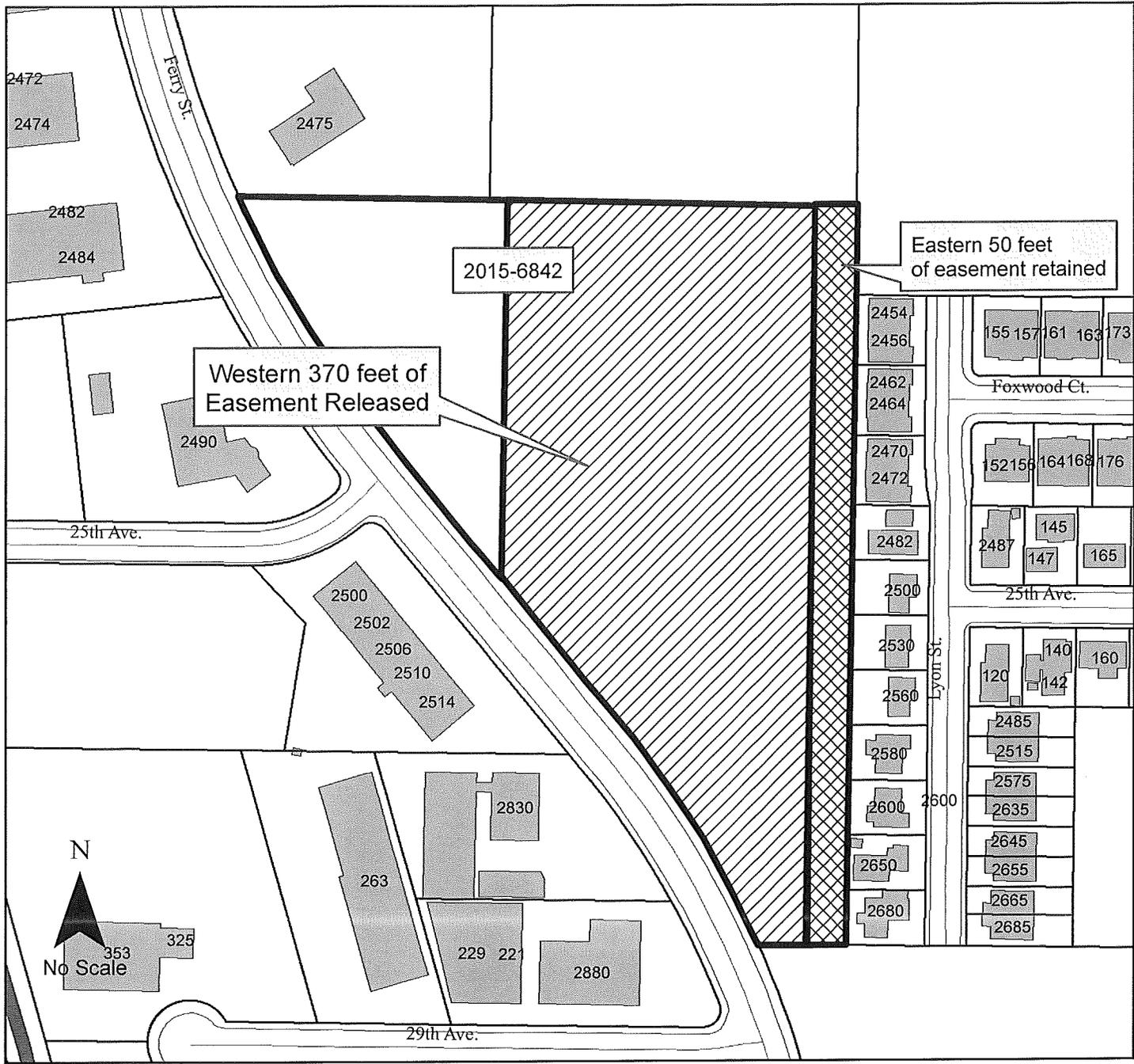
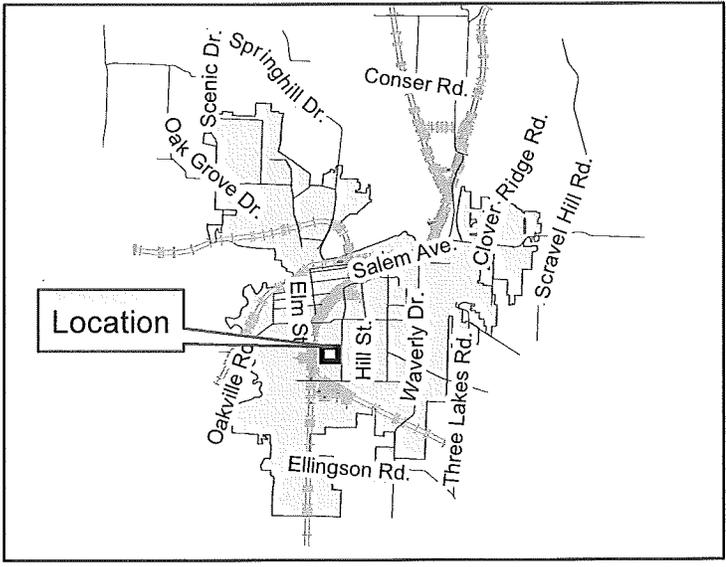
EXHIBIT A

11S03W18BD- 00501

Releasing the western 370 feet of a 420 foot wide sewer easement. The City shall retain the eastern 50 feet of the easement over the City's existing sewer and storm drainage lines.



Geographic Information Services





TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Marilyn Smith, Management Assistant/Public Information Officer
DATE: September 2, 2015, for the October 14, 2015, City Council Meeting
SUBJECT: Code Enforcement Team Annual Report, Fiscal Year 2014-2015
RELATES TO STRATEGIC PLAN THEME:

- Great Neighborhoods
- A Safe City
- An Effective Government

The Code Enforcement Team has completed its 16th year. According to system records in City Hall, the Team received 253 new complaints during the year and closed 140 cases. Police records are kept in a separate database, which would include additional reports of keeping junk and trash, abandoned and junk vehicles, animal complaints, and using vehicles for housekeeping, among assorted Municipal Code violations.

Since the semi-annual report in January, the Team remained focused on properties that create problems for neighborhoods or the entire community. Our goal and intent is to make neighborhoods safe and improve livability. That proves increasingly challenging with the ongoing lingering effect of the mortgage-lending crisis leaving vacant residential properties in nearly every neighborhood. Houses and occasionally commercial buildings stand empty with overgrown lawns and landscaping, becoming havens for squatters while banks and other lenders dispute ownership of loans and responsibility for upkeep and ignore notices that the properties are in violation of local codes and state law requiring that they be kept safe, secure, and tidy. Sometimes we are contacted by property maintenance contractors who want confirmation of on-site violations in writing (in addition to the same notices which we have provided to the lenders, often several times) before evaluating the site to give an estimate for clean up. If they do any work, it's often only to the portion of property visible from the street; backyard neighbors still face jungles that encroach into their yards.

Cases in point:

- 2215-2217 Jefferson Court SE – This is the twin of a duplex at 2209-2211 Jefferson Court that was damaged during the 2010 arsons and ultimately demolished. Both buildings were owned by the same couple, who lost the buildings to foreclosure. This place has been abandoned at least since the other duplex burned. While the mortgage was tossed back and forth among lenders, the grounds were neglected and became a dumping ground for furniture and other trash from unknown sources. Doors and windows have been repeatedly broken, and people of all ages and motives have used the place as a flophouse, setting fires in bathtubs, littering the floors with used hypodermic needles, and punching holes in drywall. Children's homework has been found among the needles and other trash. Police have made several arrests there. Violation notices went to lenders; if staff got any response at all, it was usually that that lender wasn't responsible for the place. Earlier this year, the property reverted to the original owners, who learned about it from our staff. After boarding the place up twice and setting up a security fence, which has been repeatedly broken down, the City declared the property dangerous and has sought quotes for demolition.
- 1207 Ninth Avenue SE (former KRKT offices) – This commercial building at the northwest corner of Ninth Avenue and Oak Street SE has been empty for some time. Late in fiscal year 2015, it came to the attention of police with numerous reports of squatters, broken windows, and vegetation taking over. Police found several ways for people to get inside through unsecured doors and discovered trash and human waste inside and out. The building was sold and closed on July 20, 2015.

- 611 Bain Street SE – This house is tucked away at the end of a cul-de-sac adjacent to the Costco parking lot near Cox Creek. Squatters have regularly set up camp in the front door breezeway, on the back patio, or in the garden shed. Human feces have been found inside the house, throughout the back yard, and in the garden shed. Vegetation, which used to be landscaping, has been overgrown throughout the property, more than eight feet tall in places. Police contacted the lender repeatedly, trying to get written authorization to cite squatters for trespassing, get the electric power shut off, the landscaping cleaned up, and both the house and shed secured. Yard work was underway the day this report was written, the shed was locked and secure and the property is listed for sale.
- 4030 Shortridge Street SE – Vacant for more than three years, the house is supposed to be on a landscape maintenance schedule but the grounds have not been touched for more than a year. Grass and weeds are more than three feet tall, most dead and dry, others growing up and over gutters and decks. Paint is peeling. Fencing has been breached numerous times by possible squatters. Neighborhood Watch members are especially concerned and call City Hall frequently. We will be bringing in a contractor and billing the lender.

The annual Big Pickup happened on Saturday, May 16, 2015, in the Willamette Neighborhood near the Water Reclamation Facility. This year's clean up was much smaller than those in the recent past but here are the highlights:

- We took in \$202 from residents who dropped off loads of junk, tires, and electronics.
- We filled three 40-yard dumpsters.
- Even with limited advertising and volunteer outreach, we had 25 volunteers which included: 15 students from South Albany High School who helped with trash cleanup and weed removal in and along lower Cox Creek near Talking Water Gardens; 7 volunteers, medical students from the College of Osteopathic Medicine of the Pacific Northwest in Lebanon; and Councilor Kopczynski, who helped with trash unloading at the Ops dumpsite.
- City staff and Mayor Konopa helped with volunteer registration, collecting fees, directing people, and helping volunteers. Two Police Community Resource Officers helped with debris pickup/transport from a few nearby homes.

The fiscal year ended at the height of one of our most frightening seasons for dry overgrown vegetation. As reported in the past, we cannot force property owners or managers to cut tall grass and weeds until the Fire Chief has declared fire season and the property has been assessed to be a true fire hazard. That is what the Municipal Code allows. Savvy Albany residents report overgrown yards and vacant lots as potential fire hazards while describing underlying complaints – weed seeds blowing into pristine neighboring landscaping, perceived negative effects on property values, general unsightliness, or neighbor-to-neighbor disharmony. Staff evaluates each complaint and, in a step not described in the code, issues warning letters before fire season begins, following up with notices of violation later, giving 10 days to cut. Those who don't comply are re-assessed for position on a "worst of the worst" priority list, then assigned to one of several mowing contractors. Code Enforcement pays those invoices while billing the property owners as well. By the end of fiscal year 2015, Mary Gaeta had sent more than 100 grass and weed letters.

Here are summaries and updates for other notable cases from the second half of the year:

- 1420 Water Avenue E – The roof on the front half of this house collapsed, rendering the property unsafe to occupy. After many conversations with the property owner and his son, who has since become the owner, the collapsed portion of the house was removed. Code Enforcement provided a dumpster on site to help with timely debris removal. The owner has plans to rebuild. **Status: Open.**

- 440 Alco Street NE – This property has been a landmark in the Willamette neighborhood for years due to the property owner’s extensive display of yard art and ongoing collection of other used or useful items. Neighbors reported a large hole in the roof during a cleanup at a nearby property in the spring, as well as derelict vehicles and other junk throughout this double lot. 440 Alco and 1420 Water Avenue had/have the same owner. Police cited him for keeping junk and trash at both addresses but prosecution has been suspended as the new owner continues to make progress toward rebuilding at Water Avenue and clearing the Alco lot for redevelopment. Mayor Konopa was instrumental in working with the son/new owner to get the two properties cleaned up. Code Enforcement also provided a dumpster at Alco Street. **Status: Open.**
- Valu Inn Motel, 3125 Santiam Highway SE – Neighbors have complained for years about the neglected and potentially dangerous swimming pool here. The manager has taken out a permit to fill in the pool. **Status: Open.**
- 704 Fourth Avenue SE – This house was damaged by fire and required extensive repairs. Personal belongings emptied into the front yard resulted in a citation for keeping junk and trash. The property owner lived in a travel trailer in the backyard for more than a year; and neighbors reported as many as ten other individuals camping there as well, with loud, aggressive, threatening behavior there at night and construction activity that may have made the house more unsafe than it already was. The house was foreclosed and is now owned by FNMA. It is posted as unsafe to occupy and a realtor is keeping it secure. **Status: Monitor.**
- 526/602 Geary Street SE – Property owners divided this site into two lots, intending to place a manufactured home on the westernmost parcel and to remodel the existing stick-built house. The manufactured home was delivered before a foundation slab was poured, leaving it blocking the sidewalk for more than a year. Work stalled on the existing house and vandals stripped it of wiring and fixtures before it was boarded up and secured. Various people used the unattached halves of the manufactured house as a hideout and drug den; police made multiple contacts there. The manufactured home was moved into place in late summer. No additional work has been done on the stick-built house. **Status: Monitor.**
- 181 34th Avenue SW – Neighbors complained of accumulations of junk and reported people allegedly living in a collection of travel trailers, motor homes, and shipping containers. Property became the focal point of multiple investigations by Albany Police Patrol and Detectives and Code Enforcement. A search warrant served there in early January resulted in drug and theft charges and further evidence of violations of the Development Code. The property was sold in the spring. The grounds were cleaned up, the building repainted and remodeled, and a medical marijuana dispensary is operating there. **Status: Closed.**
- 3418 Adah Avenue NE – This house generated dozens of calls for police response in the last year due to noise, drug activity, junk, and trash. Ongoing drug activity and arrests led to a court injunction declaring this a specified crime property (Albany Municipal Code 7.96), giving the City the authority to order the house vacated for a year. The building was boarded up in mid-June. The owner was in the Linn County Jail when this report was written and neighbors who are keeping the property mowed are interested in buying it for redevelopment. **Status: Monitor.**

The budget for Code Enforcement does not reflect the actual costs of staff time spent on investigations, inspections, court filings, phone calls, and frequent correspondence – repeated letters, violation notices, and emails – in attempts to find responsible parties and provoke action to resolve complaints. The documented expenditures are for the City Attorney’s time, renting dumpsters, and an occasional invoice from Republic Services related to pickup and disposal of large pieces of furniture that have been dumped on City rights-of-way.

Albany City Council
Page 4
September 2, 2015

Budget	\$17,000
Expended	<u>\$ 7,856</u>
Balance	\$ 9,144

MMS:hr

2215-2217 Jefferson Court SE



31

2215-2217 Jefferson Ct. SE

32



2215-2217 Jefferson Court SE

33

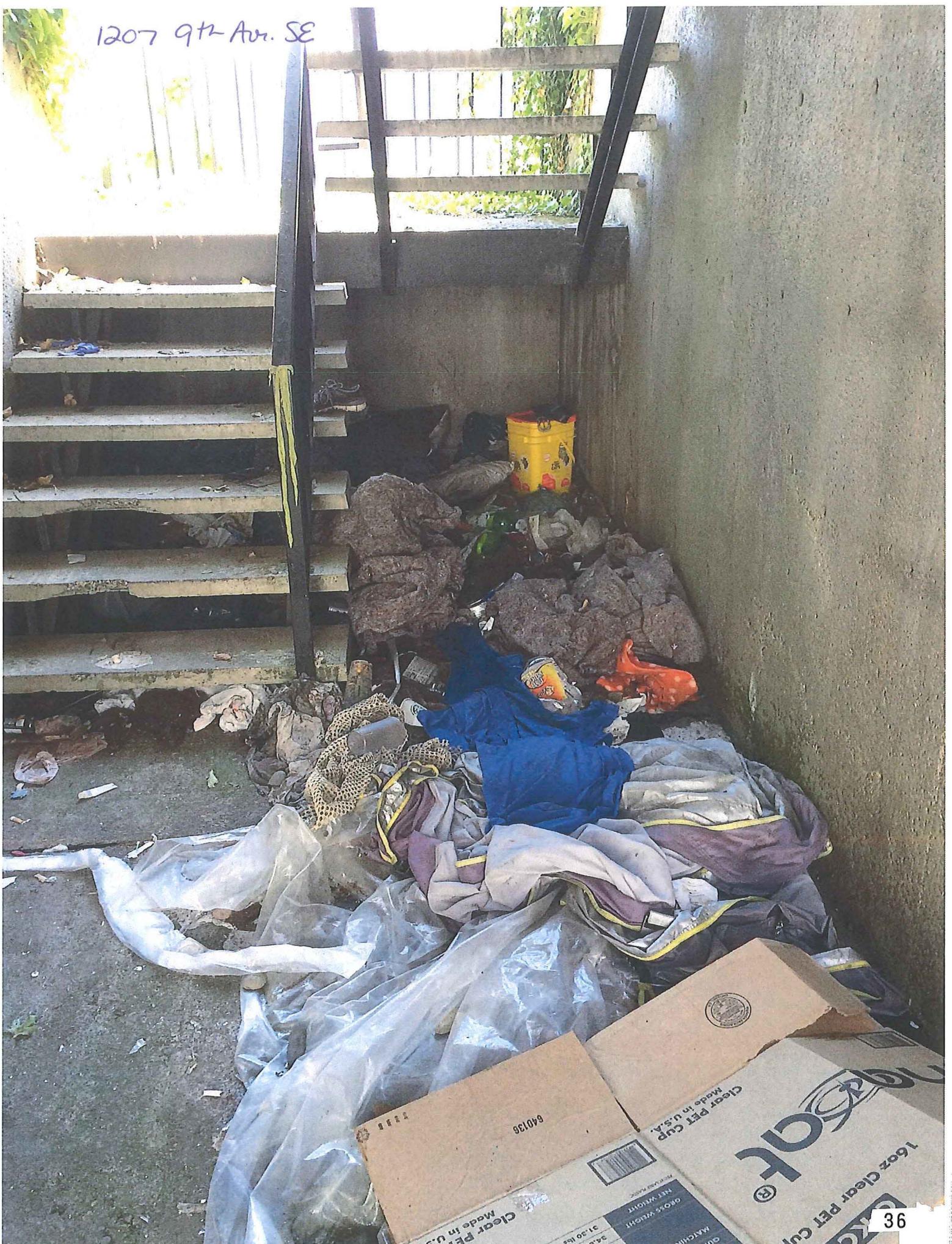


1207 9th Ave. SE

35



1207 9th Ave. SE



1207 9th Av SE



4357 Columbus SE



LONG-VAULT, OWNER-SERVICED"
NOW REVERTED TO OWNER

4030 Shore Road



4030 Shotridge St. SE

