



NOTICE OF PUBLIC MEETING  
CITY OF ALBANY  
CITY COUNCIL WORK SESSION  
Municipal Court Room  
333 Broadalbin Street SW  
Monday, August 10, 2015  
4:00 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.

- 4:00 p.m. CALL TO ORDER
- 4:00 p.m. ROLL CALL
- 4:05 p.m. BUSINESS FROM THE PUBLIC
- 4:10 p.m. PUBLIC SAFETY FACILITIES PROJECT UPDATE  
*Action Requested: Information.*
- 4:15 p.m. Proposed license to occupy City property near Broadway Reservoir – Gordon Steffensmeier  
*Action Requested: Information, discussion, direction.*
- 4:25 p.m. Marijuana laws – Sean Kidd  
*Action Requested: Information, discussion, direction.*
- 5:50 p.m. COUNCILOR COMMENTS
- 5:55 p.m. CITY MANAGER REPORT
- 6:00 p.m. ADJOURNMENT

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



TO: Albany City Council

VIA: Wes Hare, City Manager  
Chris Bailey, Public Works Director for Operations

FROM: Gordon Steffensmeier, P.E., P.L.S., Civil Engineer III *GS*

DATE: July 28, 2015, for August 10, 2015, Council Work Session

SUBJECT: License to Occupy City Property North of the Broadway Reservoir in North Albany

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods  
• Effective Government

Action Requested:

Staff recommends Council review and provide direction on an encroachment request made by Steven and Patricia Ho'okano.

Discussion:

*Background*

At the February 25, 2013, City Council work session, the council agreed to enter into "License to Occupy Public Property" agreements with two property owners, the Kents and the Butalas, whose properties lie just north of the Broadway water storage reservoir in North Albany. Both of those property owners were already occupying the property with gardens and landscaping. Their use of those areas appeared to be consistent with past agreements between previous owners and the City. The City property subject to the Butala and Kent License Agreements are shown on the map labeled Attachment 1.

City staff recently received a letter from Steven and Rose Ho'okano (Attachment 2). They would also like to have a License to Occupy Public Property for a portion of the same reservoir parcel south of their property and adjacent to the Butala License area as shown on Attachment 1. The Ho'okanos do not intend to place any structures or fences on the City property, but merely to maintain it as additional yard area.

City staff sees a small benefit to the City in having the Ho'okanos maintain this portion of a larger City parcel, but is concerned about setting a precedent where other property owners adjacent to City property will ask to use vacant City property.

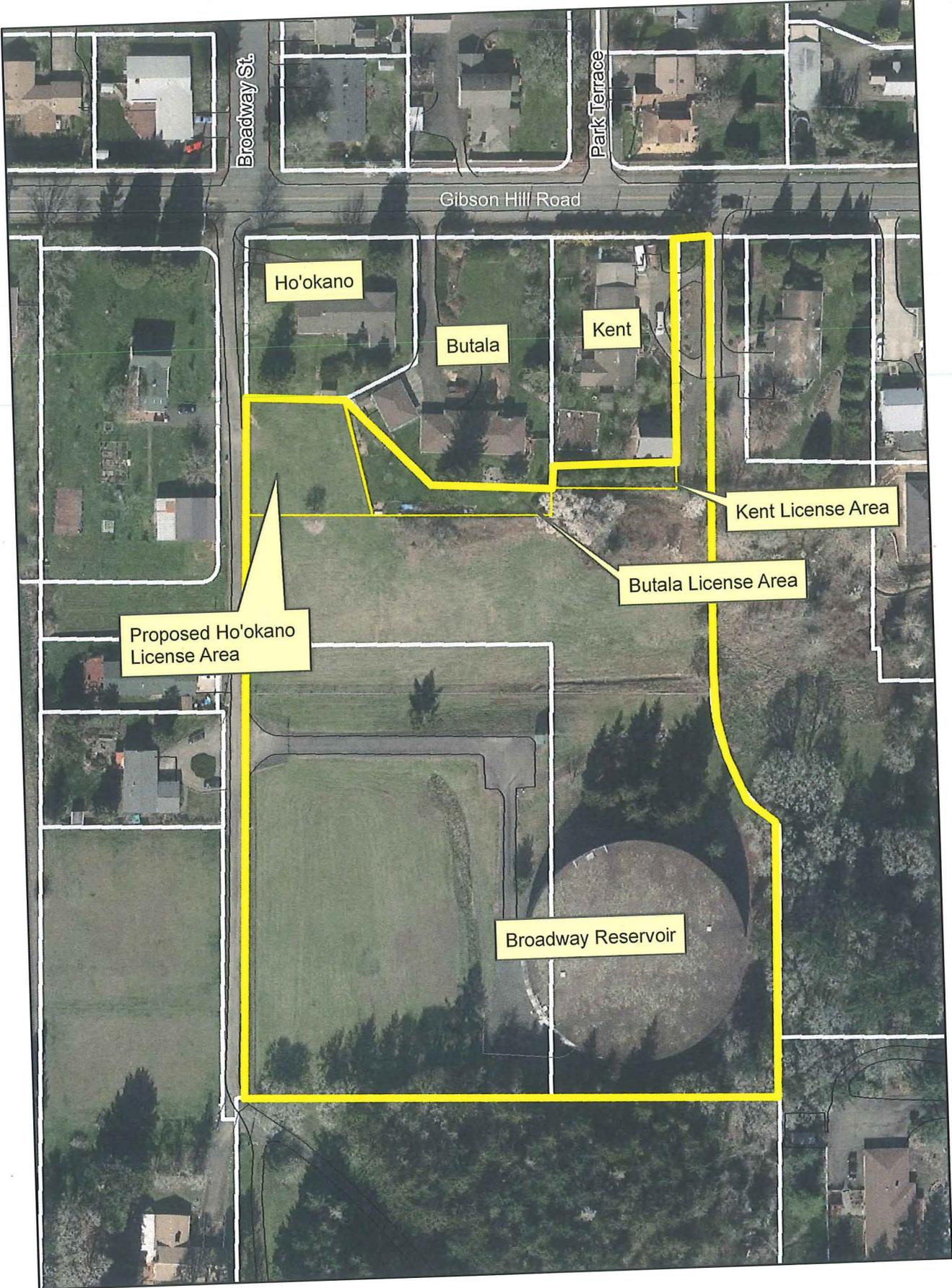
The attached draft "License to Occupy Public Property" (Attachment 3) was reviewed and approved by the City Attorney's office. The License is revocable and terminates upon the sale of the Ho'okano property.

Budget Impact:

An unknown but minor amount of savings due to not mowing approximately a quarter acre of grass.

GPS:kw  
Attachments 3

# Attachment 1 - Vicinity Map



# Attachment 2

Date: May 12, 2015

To: The City of Albany, Oregon  
Members of the City Council; Gordon Steffensmeier

From: Steven & Rose Ho'okano  
1480 NW Gibson Hill Road  
Albany, Oregon 97321

Dear Members of the Albany City of Oregon,

We are the Ho'okano's and we live at the corner of Gibson Hill Road and Broadway. Behind our property, the city has a very large acreage of open space that needs to be mowed from time to time to control the weeds and bushes that grow in this area. It is our request for a license to occupy a portion of said land. (*Specific Boundaries to be determined with Mr. Steffensmeier.*) We can strongly assure you that it is not our intention to change what is currently there. No fences will be erected, and it will not be used as a parking area by said party. We enjoy the property just the way it is. The only thing that would change would be how often it would get mowed. We realize that the city has lots of areas that they are responsible for and cannot mow this specific area as often as we would be able to do. To this end, we could have a better control of the weeds that blow unto our property and our yard. The better the field looks, the better our property looks.

Thank you for taking the time and effort to review our request.

Respectfully yours,  
Steve & Rose Ho'okano

Signed:

  
\_\_\_\_\_  
Steven K Ho'okano

  
\_\_\_\_\_  
Patricia Rose Ho'okano

## LICENSE TO OCCUPY PUBLIC PROPERTY

(Encroachment Permit # \_\_\_\_\_)

Steven and Patricia Ho'okano

The City of Albany ("Licensor") hereby authorizes Steven and Patricia Ho'okano, the property owners of Benton County Assessor tax lot 10S04W-36-DB-00501 located at 1450 Gibson Hill Road NW and their successors to encroach upon the public property under the terms and specifications set forth herein.

1. Location and Nature of Encroachment: This License is intended to allow use of the City property for lawns within the City property to the south, Benton County Assessor tax lot 10S04W-36-DB-00506. The location of the License segment of this property is as shown on the attached drawing.
2. Conditions of License:
  - a. The licensee agrees to indemnify and hold harmless the City of Albany, its agents, officers, and employees from all damages, claims, or liability arising from their use of the public property pursuant to the terms of this license.
  - b. The licensee agrees to maintain the grass lawn within the public property. No permanent structures may be constructed with the license area.
  - c. This license shall be subject to revocation without cause after 90 days written notice by the City of Albany as provided by AMC 14.04.010.
  - d. This license may be revoked, at any time, for failure of the licensee to comply with the terms of this license after 10 days notice of revocation.
3. Notices. Notices shall be given as provided in AMC 14.04.030.
4. Liens. The City shall have the authority to impose a lien upon the property as provided for in AMC 14.04.040.
5. Not Binding Upon Heirs and Assigns. The terms of this license shall apply to the Licensees personally and are not transferable. This License shall automatically terminate upon the transfer of this property to a new owner.

**LICENSEE:**

**Steven K. Ho'okano**

\_\_\_\_\_

STATE OF OREGON

County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2015

By Steven K. Ho'okano as his voluntary act and deed.

\_\_\_\_\_  
Notary Public – State of Oregon

**LICENSEE:**

**Patricia Rose Ho'okano**

\_\_\_\_\_

Acknowledgement

STATE OF OREGON

County of \_\_\_\_\_

The instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Patricia Rose Ho'okano, as her voluntary act and deed.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

**CITY OF ALBANY:**  
**STATE OF OREGON**  
County of Linn

I, Wes Hare, as City Manager of the City of Albany, Oregon, 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

# Ho'okano - License to Occupy City Property

