

**Revised**



ALBANY CITY COUNCIL

# AGENDA

**Wednesday, February 26, 2020**

7:15 p.m.

Council Chambers, City Hall

333 Broadalbin Street SW

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. PUBLIC HEARINGS
  - a. Increasing FireMed membership fees. [Pages 3-5]  
Action: \_\_\_\_\_ RES NO. \_\_\_\_\_
  - b. ~~Increasing sewer and water in-lieu-of franchise fees from five to seven percent. [Pages 6-7]~~  
Action: \_\_\_\_\_ ORD NO. \_\_\_\_\_
4. REPORTS
  - a. Oregon RAIN. [Pages 6-7]
5. BUSINESS FROM THE PUBLIC
6. FIRST READING OF ORDINANCE(S)
  - a. Increasing sewer and water in-lieu-of franchise fees from five to seven percent. [Pages 8-9]  
Action: \_\_\_\_\_ ORD NO. \_\_\_\_\_
7. ADOPTION OF RESOLUTION
  - a. Applying for Community Oriented Policing Services grant. [Pages 10-11]  
Action: \_\_\_\_\_ RES NO. \_\_\_\_\_
8. AWARD OF CONTRACTS
  - a. Awarding contract for water treatment chemicals. [Pages 12-14]  
Action: \_\_\_\_\_ RES NO. \_\_\_\_\_
9. ADOPTION OF CONSENT CALENDAR
  - a. Accepting Mitch Langjahr's resignation from the TLT advisory committee. [Pages 15-16]
  - b. Appointments to citizen advisory groups. [Pages 17-21]
  - c. Approval of minutes

[cityofalbany.net/council](http://cityofalbany.net/council)



- 1) January 6, 2020, work session. [Pages 22-24]
- 2) February 12, 2020, regular session. [Pages 25-26]

d. Adoption of Resolutions

- 1) Calling for election for public safety operating levy. [Page 27-28] RES NO. \_\_\_\_\_
- 2) Accepting Fiscal Year 2019-20 State Hazardous Materials Emergency Preparedness grant. [Pages 29-30] RES NO. \_\_\_\_\_
- 3) Applying for Fiscal Year 2020-21 State Hazardous Materials Emergency Preparedness grant [Pages 31-32] RES NO. \_\_\_\_\_
- 4) Granting easement to Grand Prairie Water Control District [Pages 33-37] RES NO. \_\_\_\_\_
- 5) Certifying properties exempt from property taxation [Page 38-39]
  - (i) Songbird Village. [Page 40] RES. NO. \_\_\_\_\_
  - (ii) Periwinkle Place. [Page 41] RES. NO. \_\_\_\_\_
  - (iii) ParkRose Properties. [Page 42] RES. NO. \_\_\_\_\_
  - (iv) 1680-1682 Oak Street SE. [Page 43] RES. NO. \_\_\_\_\_
  - (v) 515 Geary Street SE. [Page 44] RES. NO. \_\_\_\_\_

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

9. REPORTS

1000 Friends of Oregon – Sean Kidd and Jeff Blaine [Pages 45 – 48]

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

10. BUSINESS FROM THE COUNCIL

11. NEXT MEETING DATES

Monday, March 23, 2020; 4 p.m. work session

Wednesday, March 25, 2020; 7:15 p.m. regular meeting

12. ADJOURNMENT



Stream this meeting live on YouTube: [cityofalbany.net/livestream](http://cityofalbany.net/livestream)

All City Council meetings are recorded. Audio and video of past meetings are available at [cityofalbany.net/council](http://cityofalbany.net/council).

The location of this meeting is accessible to the disabled. If you have a disability that requires accommodation, please notify the City Clerk's Office at least 48 hours in advance of the meeting: [cityclerk@cityofalbany.net](mailto:cityclerk@cityofalbany.net) | 541-917-7532 or 541-917-7565.



# MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager 

FROM: Shane Wooton, Fire Chief 

DATE: February 18, 2020, for the February 26, 2020, City Council Meeting

**SUBJECT:** FireMed Rate Increase  
 Relates to Strategic Plan theme: A Safe City

**Action Requested:**

Council approval by resolution to increase the FireMed membership fee from \$65 to \$70 beginning in the 2020-21 membership year.

**Discussion:**

The FireMed program is designed to assist individuals with payment of ambulance transport services. When a patient with FireMed is transported for a medically necessary condition, the Fire Department bills their insurance provider. The balance unpaid by the provider is written off, and the patient receives no invoice for the outstanding balance. Last fiscal year the FireMed program generated \$179,848 in revenue and wrote-off \$159,805 (Attachment 1).

The last rate increase occurred in 2012, raising rates from \$50 to \$65, and before that in 2006 from \$49 to \$50. The proposed increase would make Albany’s rate one of the highest in Oregon. McMinnville also charges \$70, and other comparable cities charge \$50 to \$65 (Attachment 1).

**Budget Impact:**

Additional revenue is expected to be approximately \$13,400.

KR:rb  
 Attachments: 2





## FireMed Program Data - January 2020

Agency Program Comparison				
District/Department	County	Annual Fee	Transports Covered	% of Bill Covered
Sweet Home Fire District	Linn	\$50	All	50%
Redmond Fire District	Deschutes	\$50	All	100%
Bend Fire Department	Deschutes	\$50	All	100%
Lebanon Fire District	Linn	\$60	All	100%
Salem Fire Department	Marion	\$60	All	100%
Marion County Fire District #1	Marion	\$60	All	100%
Keizer Fire District	Marion	\$60	All	100%
Jefferson Fire District	Marion	\$60	All	100%
Polk County Fire District #1	Polk	\$60	All	100%
TVFR Yamhill County	Yamhill	\$65	All	50%
Corvallis Fire Department	Benton	\$65	All	100%
Dallas Fire Department	Polk	\$65	All	100%
Eugene/Springfield Fire	Lane	\$65	All	100%
Lane Fire Authority	Lane	\$65	All	100%
<b>Albany Fire Department</b>	<b>Linn</b>	<b>\$65</b>	<b>All</b>	<b>100%</b>
South Lane Fire and Rescue	Lane	\$65	2 Max	50%
McMinnville Fire Department	Yamhill	\$70	All	100%
<b>Average Annual Fee</b>		<b>\$60.88</b>		

Albany FireMed Program FY 2016-2019				
Year	Members	Revenue	Write-offs	Balance
2015/16	2723	\$181,494	\$136,725	\$44,769
2016/17	2677	\$177,846	\$144,518	\$33,328
2017/18	2637	\$176,431	\$153,389	\$23,042
2018/19	2675	\$179,848	\$159,805	\$20,043



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

A RESOLUTION INCREASING ANNUAL FIREMED MEMBERSHIP FEES.

WHEREAS, through the ambulance service, the Fire Department offers a FireMed membership program to its customers; and

WHEREAS, the City Council reviews and authorizes ambulance service and related fees; and

WHEREAS, a rate increase of \$5 is proposed, changing the annual membership cost from \$65 to \$70.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the annual FireMed membership fee will be \$70.

DATED AND EFFECTIVE THIS 26TH DAY OF FEBRUARY 2020.

\_\_\_\_\_  
Mayor

ATTEST:

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

**Albany County Entrepreneurial Ecosystem Scorecard**  
**Oct 31st, 2019**



**SCORING:**

- 0 = Disagree
- 1 = Don't Know or Too Early to Tell
- 2 = Somewhat Agree
- 3 = Agree

	Enter score to the best of your knowledge			
Regional Characteristics of a Thriving Entrepreneurship & Innovation (E&I) Ecosystem	0	1	2	3
Government buy-in still exists to support a thriving E&I Ecosystem			2.5	
Government leaders are demonstrating a willingness to amend policies to support the ecosystem		1		
Human capital (talent) exists in your region to support the growth of the E&I ecosystem			2	
Workforce training is available in the region			2	
The right education and training exists to support an E&I ecosystem (e.g. higher education, leadership training, accelerators, incubators, workshops, etc.)			2	
People who have "been there, done that" business expertise exist in the region				3
Quality mentors are engaging with local startups				3
The local media covers stories about your local startups and innovation economy		1.5		
There are multiple ecosystem partners engaged in the ecosystem			2	
Entrepreneurs have stepped up to champion the ecosystem				3
Relevant physical assets exist in your community to support a growing E&I ecosystem (e.g. labs, kitchen incubators, co-working spaces, maker spaces, innovation hubs, etc.)		1.5		
High net-worth individuals interested in learning about angel investing have been identified.				3
Capital is being invested into startups in the region.		1		
Service providers exist in the region and are engaging in the ecosystem			2.5	
There are regional and global markets demanding the types of products/innovations being created in your community (market timing)			2	
There are entrepreneurs, inventors, creatives in your community asking for support.				3
<b>TOTALS</b>	<b>0</b>	<b>5</b>	<b>15</b>	<b>15</b>
<b>GRAND TOTAL</b>	<b>35</b>			

Note: If your grand total is under 20, your community/region may not be ready for this work, or the work plan needs to be revisited. Maximum score = 48.

**Score: 35 out of 48 possible**



# CATALYZE RURAL 2020

**April 30th at Boulder Falls Center in Lebanon, Oregon — 1:30 to 8:30 PM.**

## **RURAL VOICES + FOOD VENDORS + EXPO + PITCHES**

Network with entrepreneurs, investors, mentors, elected officials, and city/county leaders during a day of celebrating rural innovation and big ideas!

### **THIS IS A FREE EVENT. EVERYONE IS WELCOME!**

*We do ask that you consider making a suggested donation of \$20 or more. The money from your donation goes directly into the prize awards for the startups that are competing at this event - and it's tax deductible!  
Let's support our rural entrepreneurs!*

### **REGISTRATION IS REQUIRED TO ATTEND**

Visit: [catalyzerural2020.eventbrite.com](https://catalyzerural2020.eventbrite.com)

Email Corey Wright at [corey@oregonrain.org](mailto:corey@oregonrain.org) for more details.

This event is made possible by funding from Adair Village, Albany, Brownsville, Coburg, Creswell, Florence, Halsey, Harrisburg, Lebanon, Lowell, Monroe, Oakridge, Philomath, Sweet Home, Lane County, Linn County, Benton County, Oregon Community Foundation, and The Ford Family Foundation.



### **AGENDA**

1:30: Registration open

2:30: Kick-off with an engaging keynote presentation

3:00: **Panel Discussion: Building Oregon's rural entrepreneurial economy**

3:30: **Rural Voices: Rural entrepreneurs speak-out**

4:00: **Rural Advocacy: Engaging legislators in reducing barriers**

4:30: **Rural Expo + Dinner: Rural entrepreneurs showcase their products, services, and delicious food and beverages during 1.5 hours of high-impact networking**

6:00: **PitchFest 2020: Local entrepreneurs pitch their startups to a panel of judges from Oregon's largest venture funds. Audience votes and prizes awarded.**



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

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE SECTIONS 10.01.070(5) and 11.01.051 TO INCREASE THE SEWER AND WATER SYSTEM IN-LIEU-OF FRANCHISE FEES FROM FIVE TO SEVEN PERCENT.

WHEREAS, the City of Albany collects franchise fees from franchise utilities for their use of, and impact on, the public right-of-way; and

WHEREAS, on June 9, 1999, the Albany City Council adopted Ordinances 5404 and 5405 establishing sewer and water system in-lieu-of franchise fees (ILFF) of five percent; and

WHEREAS, the ILFF were established in recognition that the City's sewer and water utilities, which are separate, dedicated, enterprise funds, use and impact public right-of-way similar to franchise utilities; and

WHEREAS, the ILFF were set at five percent consistent with the franchise fees paid by franchise utilities; and

WHEREAS, following a recommendation of the Mayor's Task Force on Street Maintenance, the above referenced ordinances require that ILFF revenue be directed to the street fund; and

WHEREAS, over time the City has incrementally raised franchise fees from 5% to 7%, where allowable; and

WHEREAS, the city council has determined it is appropriate to charge the sewer and water utilities the same rate as is charged to franchise utilities and, therefore, provided direction at their February 10, 2020, council work session to bring an implementing ordinance forward for Council action that would raise the ILFF from 5% to 7%.

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

Section 1: The Albany Municipal Code text for Titles 10 and 11 is hereby amended as shown in bold type for additions and strikethrough text for deletions, in the following Sections 2 and 3 respectively.

Section 2: Amending Title 10 Section 10.01.070(5):

~~Effective July 1, 1999, as~~ As compensation for the use of City-owned rights-of-way, the sewer fund shall pay to the street fund an in-lieu-of franchise fee in the amount of ~~five~~ **seven** percent of the sewer user receipts. **Revenue required to meet debt service payments for projects associated with the construction of the 2008 Albany-Millersburg Water Reclamation Facility and 2010 Talking Water Gardens shall be exempt from the fee.**

Section 3: Amending Title 11 Section 11.01.051:

~~Effective July 1, 1999, as~~ As compensation for the use of City-owned rights-of-way, the water fund shall pay the street fund an in-lieu-of franchise fee in the amount of ~~five~~ **seven** percent. This fee shall be applied to water system rate revenues. Revenues received from the City of Millersburg, or from customers located within the City of Millersburg, shall be exempt from the fee. Revenues required to meet debt service payments for projects associated with the **original construction of the Albany-Millersburg Joint Water Treatment Plant** ~~2003 water revenue bond~~ shall also be exempted from the ~~five~~ **seven** percent fee.

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Section 4: This Ordinance shall be effective April 1, 2020.

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

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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



# MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT 2/19*

FROM: Marcia Harnden, Police Chief

DATE: February 18, 2020, for the February 26, 2020, Regular Session

**SUBJECT:** U.S. Department of Justice Fiscal Year 2020 COPS Hiring Program Application

Relates to Strategic Plan theme: A Safe City

**Action Requested:**

Staff recommends Council approval to apply for a U.S. Department of Justice Community Oriented Policing Services (COPS) Hiring Program grant to hire three sworn officers.

**Discussion:**

The U.S. Department of Justice Fiscal Year 2020 COPS Hiring Program is an open solicitation that provides funding for hiring new police officers for a three-year period. This program is intended to create and preserve jobs and increase public safety through community policing efforts. The funding will cover 75 percent of salaries and benefits, up to \$125,000 per position, for newly hired full-time police officers for the three-year grant period. Approximately \$400 million in funding is available nationwide through the COPS Hiring Program.

The program requires a 25 percent funding match of the costs and a commitment to retain the positions for 12 months after the three years of federal funding has ended. Grantees must maintain staffing at the level that existed at the time of award as well as the COPS-funded positions. The application period for this grant ends March 11, 2020.

The Albany Police Department will use this funding, if awarded, to hire three police officers. This will help mitigate the negative effects of freezing three police officer positions during the current budget cycle as well as to help lessen the impact of possible budget reductions in FY2021-2023.

**Budget Impact:**

If awarded, the city match will be met through the Police Department’s operating budget.

Estimated Costs and Grant Funding for Three Police Officers					
	Year 1 FY2020-21	Year 2 FY2021-22	Year 3 FY2022-23	Total for Three Years	Year 4 FY2023-24
Total Costs	\$360,600	\$385,800	\$412,800	\$1,159,200	\$441,900
Max. Grant Funding	\$270,450	\$289,350	\$309,600	\$869,400	
City Contribution	\$90,150	\$96,450	\$103,200	\$289,800	\$441,900

MH:de  
Attachment





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

A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO APPLY FOR GRANT FUNDS TO HIRE THREE SWORN OFFICERS THROUGH THE U.S. DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES (COPS) HIRING PROGRAM

WHEREAS, the U.S. Department of Justice COPS Hiring Program provides funding for hiring new police officers for a three-year period; and

WHEREAS, the program is intended to create and preserve jobs and increase public safety through community policing efforts; and

WHEREAS, the program will fund 75 percent of salaries and benefits for three years with a maximum of \$125,000 per officer; and

WHEREAS, the program requires a 25 percent match and continued funding for a period of 12 months after the grant period ends; and

WHEREAS, the application period for this grant ends March 11, 2020.

NOW, THEREFORE, BE IT RESOLVED the Albany City Council authorizes the Police Department to apply for the funding of three new police officer positions from the U.S. Department of Justice Fiscal Year 2020 COPS Hiring Program.

DATED AND EFFECTIVE THIS 26<sup>TH</sup> DAY OF FEBRUARY 2020.

\_\_\_\_\_  
Mayor

ATTEST:

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



# MEMO

TO: Albany City Council

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

FROM: Chuck Leffler, Acting Water Treatment Plant Supervisor  
Diane Murzynski, Purchasing Coordinator *DMA*

DATE: February 18, 2020, for the February 26, 2020, City Council Meeting

**SUBJECT:** Award of Contracts for Water Treatment Chemicals  
Relates to Strategic Plan theme: An Effective Government

### Action Requested:

By resolution (Attachment A), staff recommends City Council award two contracts for the purchase of water treatment chemicals to the low bidders per chemical category of the Water Treatment Chemicals Invitation to Bid (ITB). Staff also recommends Council authorize the Public Works Operations Director to sign contracts with Univar and Cascade Columbia Distribution for water treatment chemicals for two years, beginning March 2020, with an option to extend the contract up to three additional, one-year terms.

### Discussion:

In December 2017, the City issued an invitation to bid for water treatment chemicals and awarded multiple vendor contracts for nine different chemicals for two years. The contracts provided each vendor the option to extend the existing contract with a price increase, based on the CPI at the end of year two, of 1.6 percent. The results were five chemical contracts were extended and four chemicals were rebid.

The City of Albany issued an ITB for the required water treatment chemicals on January 20, 2020. The contract term is for two years, beginning March 2020, with the option to renew the contract for up to three additional, one-year terms. The water treatment chemicals required in the ITB will supply chemicals for two water treatment plant (WTP) facilities: Vine Street WTP and Albany-Millersburg Joint WTP. Some orders are split between the facilities. The ITB closed on February 18, 2020 and received bids from four responsive bidders.

The formal bid solicitation process streamlines chemical ordering procedures and establishes contracts that provide department cost savings and administrative time to conduct a request for quotes every time a chemical purchase is needed, secures a competitive price, and provides vendor consistency for a minimum of two years.

The chemicals bid must adhere to the product specifications described in the ITB. Suppliers could bid on one or more chemicals, defined by item number. The award of bid is made on a per item basis to the lowest responsive, responsible bidder, per chemical category. The bids received resulted in contract awards to Univar and Cascade Columbia Distribution.

February 18, 2020, for the February 26, 2020, City Council Meeting

See bid tab below:

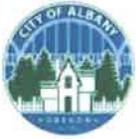
Water Treatment Chemicals				NorthStar Chemical Sherwood, OR		Univar Kent, WA		Brenntag Pacific Santa Fe Springs, CA		Cascade Columbia Distribution Sherwood, OR	
	Chemical Description	Est Quantity	UOM	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Sodium Hypochlorite at Vine	15,000	Gal			\$2.50	\$37,500	\$1.75	\$26,250	\$1.58	\$23,700
2	Sodium Fluorosilicate at Vine	6,300	Lbs.					\$0.99	\$6,237	\$0.96	\$6,048
3	Sodium Fluorosilicate at AM	27,000	Lbs.					\$0.99	\$26,730	\$0.96	\$25,920
4	Sodium Bisulfite at AM	3,500	Gal	\$2.35	\$8,225	\$1.85	\$6,475	\$2.78	\$9,730		

**Budget Impact:**

Water treatment chemicals are funded from: Vine Street WTP - 61540415 610065 and Albany-Millersburg WTP - 61540410 610065.

DM:ss

Attachment



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

A RESOLUTION AWARDING CONTRACTS FOR THE PURCHASE OF WATER TREATMENT CHEMICALS AND AUTHORIZING THE PUBLIC WORKS OPERATIONS DIRECTOR TO SIGN CONTRACTS RESULTING FROM THE INVITATION TO BID FOR WATER TREATMENT CHEMICALS.

WHEREAS, the City issued a solicitation for water treatment chemicals on January 20, 2020, through a formal competitive invitation to bid (ITB) process; and

WHEREAS, the ITB requested bids for four different chemicals required at the Vine Street Water Treatment Plant (WTP) or the Albany-Millersburg Joint WTP; and

WHEREAS, the ITB closed on February 18, 2020, and the award of bid will be made to the lowest, responsive, responsible bidder in each chemical category; and

WHEREAS, the bid resulted in four bidders and the award is being made to two chemical vendors as described in the bid tab; and

WHEREAS, the City desires to enter into contracts with the low bidders, Univar and Cascade Columbia Distribution, for approximately two years, commencing in March, 2020, with an option to extend the contract up to three additional one-year terms; and

WHEREAS, it is in the best interest of the City to enter into a multi-year contract with two chemical vendors to streamline the procurement and payment process, establish a consistent vendor per chemical category, and establish pricing that will result in cost savings and department efficiencies.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby accept the bids as presented and awards contracts to the low bidders on a per chemical category to Univar and Cascade Columbia Distribution for water treatment chemicals; and

BE IT FURTHER RESOLVED that the public works operations director is hereby authorized to sign contracts between the City of Albany and Univar and Cascade Columbia Distribution for water treatment chemicals beginning in March, 2020.

DATED AND EFFECTIVE THIS 26TH DAY OF FEBRUARY 2020.

\_\_\_\_\_  
Mayor

ATTEST:

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

## Grove, Allison

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**From:** Dykast, Sophie  
**Sent:** Friday, February 7, 2020 9:04 AM  
**To:** Grove, Allison  
**Subject:** FW: RESCHEDULED: February TLT Advisory Committee Meeting

**From:** Mitch Langjahr <  
**Sent:** Friday, February 7, 2020 6:08 AM  
**To:** Dykast, Sophie <Sophie.Dykast@cityofalbany.net>  
**Subject:** RE: RESCHEDULED: February TLT Advisory Committee Meeting

[External Email Notice: Avoid unknown attachments or links, especially from unexpected mail.]

Hi Sophie

I need to resign from the committee due to lack of time available

Mitch Langjahr



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**From:** Dykast, Sophie [mailto:Sophie.Dykast@cityofalbany.net]  
**Sent:** Thursday, February 6, 2020 3:47 PM  
**To:** Camron Settlemier; Dykast, Sophie; Grove, Allison; James Dufour; Michael Braibish; EXTERNAL - Langjahr, Mitch; Pam Silbernagel; Peggy Burris; Roten, Holly; Salinas, Jorge; Sherry, Seth  
**Subject:** RESCHEDULED: February TLT Advisory Committee Meeting

Good afternoon,

The TLT Advisory Committee Meeting scheduled for yesterday at 3:00pm was  **canceled**  due to lack of a quorum.

Please respond to this Doodle Poll: [Poll Here](#) to show which day(s) you can attend.

We need responses no later than **tomorrow, Friday, February 7.**

Thanks,



**Sophie Dykast**

Economic Development Coordinator  
541-917-7654 desk

**City Managers Office**

City of Albany, Oregon  
333 Broadalbin St SW, Albany, Oregon 97321

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# MEMO

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**TO:** Albany City Council

**FROM:** Allison Grove, Administrative Assistant I (Confidential)

**DATE:** February 18, 2020, for the February 26, 2020, City Council Meeting

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

**Action Requested:**

Council ratification of the following appointments:

**Parks & Recreation Commission**

- Matt Wadlington (Bill Coburn's appointment; application attached)

**Traffic Safety Commission**

- Peter DeCarteret (Bill Coburn's appointment; application attached)

**Discussion:**

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

**Budget Impact:**

None.

AG

Attachments 2



# Citizen Advisory Group Application

**Applying To** Parks & Recreation Commission

**Received** November 7, 2019

**Name** Matt Wadlington

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

**Are you  
currently  
employed  
outside the  
home?**

Yes (Civil West Engineering Services, Inc.)

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

Civil Engineering

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

As a Civil Engineer, I have significant experience with the physical attributes of parks and recreation facilities. I have designed park improvements (general grading, parking lots, sidewalks, utility infrastructure) for neighborhood parks, taking into account ADA accessibility, aesthetics, and capital and maintenance costs. I also have experience working with golf course development which required a team based approach to ensuring that all aspects of the design were compatible (golf course designers rarely concern themselves with drainage or utility concerns). I believe that having a civil engineering background with experience with park design will ensure a technical voice on the Parks and Recreation Commission.

As an outdoor enthusiast, parent, and community member, I have visited most of the park facilities within the City and have made use of a few of the recreation programs. As a resident in North Albany, most of my usage has been north of the river, although as a business owner in the downtown area, I also am familiar with the parks and recreation resources in the downtown area.

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

Downtown Association Design Committee since summer 2019. Albany Chamber of Commerce member since 2017.

**How many Parks & Recreation Commission meetings have you attended?**

None

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

It is my understanding that the Parks and Recreation Commission provides a advisory role to the City's Park and Recreation Department. The Commission, consisting of community residents, provides a "civilian" voice to help guide Department goals and policies.

I hope to be able to offer a technical voice to the commission and one that appreciates the budget and regulatory hurdles associated with recreation infrastructure.

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

My favorite programs are the River Rhythms and Summer Sounds. I also very much appreciate the walking paths around the City.

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

I would love to see more connectivity between parks and trails. The Dave Clark Trail along the river is great, but it would be wonderful if there were trails connecting it to areas into the City, not just along the water. I'd also like to see more pedestrian and bicycle access to major parks such as Monteith and Takena Landing parks. As it is now, the primary access for pedestrians is along the vehicle access road.

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

Yes

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

Yes

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

Flyer in the Albany Chamber of Commerce newsletter.





# Citizen Advisory Group Application

**Applying To** Traffic Safety Commission

**Received** January 1, 2020

**Name** Peter de Carteret

**In City Limits?** No, not in city limits.

**Are you currently employed outside the home?** Yes (Comcast Cable)

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

Business Technician

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

I have currently been on the Traffic Safety Commission for 6 months, and as a field technician for Comcast, I can see first hand the traffic issues that affect our city.

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

Traffic Safety Commission (May 2019 - December 2019)  
Cubmaster/Pack Committee Chair for Pack 7322 of the Boy Scouts of America (May 2018-Present)  
South Shore Elementary Parent Teacher Committee (PTC)

**How many Traffic Safety Commission meetings have you attended?**

1-3

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

My understanding is that the Traffic Safety Commission takes input from the City of Albany and the community general about Traffic concerns. They take relevant action to address those concerns, whether recommending action or not. They also can make recommendations to the City Council if an issue requires their attention.

**Please describe how your knowledge and experience qualify you to evaluate traffic issues?**

As a field tech for Comcast. I can see first hand how a well established traffic network can create a safe placé where collisions/accidents are minimized. I have also seen where a lack of a traffic plan can create confusion for drivers, which increases the likeliness of an accident.

**What are the biggest issues with traffic in Albany?**

One of the biggest issues that I see in future is all the vehicles that are coming from Millersburg to North Albany. It becoming an ever increasing load that is already taxing our transit system; especially when they have to go through downtown.

**How can traffic safety be improved in Albany?**

I see having a direct bridge from North Albany (Springhill Rd) to Millersburg (Conser Blvd), could be a be relief to the ever increasing traffic load to the city. This will create a secondary route to between North Albany and Millersburg. Also, with the upcoming Intermodal Transit Station, this help large vehicles get directly to their from North Albany without having to drive through downtown.

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

Yes

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

Yes

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

I've been on the Commission for 6 months filling in a vacant seat.





**MINUTES**

Monday, January 6, 2020  
Work Session  
Council Chambers, City Hall

Approved: DRAFT

CALL TO ORDER

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

ROLL CALL

Councilors present: Mayor Sharon Konopa and Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Alex Johnson II, Dick Olsen, and Mike Sykes

Councilors absent: None

BUSINESS FROM THE PUBLIC

**4:00 p.m.**

None.

CRIMINAL JUSTICE SYSTEM IMPROVEMENTS PROJECT

**4:00 p.m.**

Benton County Project Manager Ari Basil-Wagner shared a presentation (see agenda file). Councilor Rich Kellum recommended that Basil-Wagner seek further information about Linn County criminal justice processes from Linn County staff.

Councilor Alex Johnson II asked if Benton County is having issues finding counselors. Basil-Wagner said she does not have that information.

Councilor Dick Olsen asked about who would qualify for aid from the state hospital. Basil-Wagner said she can get the specific data, but treatment is not very effective without community resources once patients return home. Olsen asked how much criminal justice system improvements will cost. Basil-Wagner said the cost will be available once the predesign work begins.

Olsen asked how many people involved in the system are convicted of a non-violent crime related to possession of a controlled substance. Basil-Wagner said many of those incarcerated have substance abuse issues and understanding and treating substance abuse is a high priority. Olsen asked if that relates to homelessness. Basil-Wagner said research suggests housing helps people avoid drug relapse.

Johnson II asked how people are connected to resources once they leave jail. Johnson II said there should be a continuity of care. Basil-Wagner said the current process is counter-productive.

COLUMBUS STREET FUNDING DISCUSSION

**4:30 p.m.**

Transportation Systems Analyst Ron Irish said staff is proposing a City partnership with the developers of the Henshaw Farms subdivision using Transportation System Development Charge improvement (TSDCi) funds. Irish detailed the eligibility requirements (see agenda file). He noted the costs of the right-of-way, the number of lots, and the TSDCi fees for the subdivision.

Irish shared about the impacts of not funding the project. Staff recommends a development agreement where the City offers \$500,000 of TSDCi funding up front, in return for forgoing reimbursement for street connection fees.

Kellum asked about the distance between current water and sewer and where they are developing. Irish said the water and sewer mains are on the south side; they would extend two-thirds of the length of Columbus. Development Services Manager Matthew Ruettgers said it would extend about 1,200 feet.

Kellum asked what the distance is between the property and the City urban growth boundary. Irish answered the portion outside the urban growth boundary is in a commercial area subject to a future land-use agreement. Discussion followed about the urban growth boundary.

Konopa said development will increase traffic in the area. Konopa asked if the 25 percent credit is defined for street improvements or strictly for pavement. Irish detailed the development plan.

Kellum asked about remaining funds. Irish said \$2,000,000 of TSDCi dollars are not allocated for a specific project. Public Works Community Development and Engineering Director Jeff Blaine said that is not including anticipated annual revenues. Kellum said he is concerned about a downturn in the economy. Blaine said the agreement staff drafts would address those possible scenarios. Irish said it would be specific enough to address money going out and improvements being made.

Councilor Bill Coburn asked about negatives to offering the TSDCi funds. Irish said the \$500,000 would not be reimbursed until some unknown time in the future. The Transportation System Plan is intended for giving credit for these types of projects. Discussion followed about the waterline on Pacific Boulevard.

Councilor Mike Sykes asked about the revenue in taxes. Irish said the services the City provides neutralize the revenues.

The council directed staff to continue to work with developer.

MOTION: Johnson II moved to recommend that staff negotiate a development agreement and bring the contract back to the council for review. Bessie Johnson seconded the motion. The motion passed 6-0.

RECEIVING THE MAYOR'S VETO OF ORDINANCE NO. 5935 5:04 p.m.

The veto was read. The council said they will table the item for discussion at the council meeting on Wednesday.

BUSINESS FROM THE COUNCIL 5:06 p.m.

None.

CITY MANAGER REPORT

None.

ADJOURNMENT

There being no other business, the meeting was adjourned at 5:07 p.m.

Respectfully submitted,

Reviewed by,

Allison Grove  
Administrative Assistant I (Confidential)

Peter Troedsson  
City Manager

*Note: Staff handouts referred to in the minutes as (see agenda file) are available on the website in the "Staff Handouts" column.*



**MINUTES**

Wednesday, February 12, 2020

Regular Session

Council Chambers, City Hall

Approved: DRAFT

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Sharon Konopa called the meeting to order at 7:15 p.m. The mayor led the pledge of allegiance.

**ROLL CALL**

Councilors present: Mayor Sharon Konopa and councilors Rich Kellum, Bill Coburn, Bessie Johnson, Alex Johnson II, Dick Olsen, and Mike Sykes

Councilors absent: None.

**BUSINESS FROM THE PUBLIC 7:15 p.m.**

Sheri Wheeler, 2508 Jackson Street SE, showed slides (see agenda file) and read a proposal for controlling cats in Albany.

Lise Grato of the Albany Downtown Association shared the association's monthly newsletter (see agenda file).

**ADOPTION OF CONSENT CALENDAR 7:31 p.m.**

- a. Appointments to citizen advisory groups.
- b. Approval of Minutes
  - 1) November 6, 2019, work session.
  - 2) December 4, 2019, meeting.
  - 3) January 8, 2020, meeting.
- c. Adoption of Resolutions
  - 1) Appointing city managers pro tem. RES NO. 6854
  - 2) Accepting right-of-way dedication along Queen Avenue. RES NO. 6855
  - 3) Accepting water easement from Kevin and Anna Lake. RES NO. 6856

MOTION: Councilor Bessie Johnson moved to adopt the consent calendar as presented. Councilor Alex Johnson II seconded the motion, which passed 6-0.

**REPORT**

- a. Request to reclassify 1.0 FTE Clerk II position to a Clerk III in Parks & Recreation. 7:32 p.m.

MOTION: Johnson II moved to approve the request. Councilor Bill Coburn seconded the motion, and it passed 6-0.

**BUSINESS FROM THE COUNCIL 7:33 p.m.**

MOTION: Johnson II moved to un-freeze the funds being held pending an audit of Linn-Benton Community College spending. Johnson seconded the motion.

MOTION: Councilor Rich Kellum moved to amend the main motion to except a) money spent on compressed gas cylinders and b) money not spent on unneeded welding chambers. Johnson II seconded the motion. Discussion followed about the nature of the program and the partnership.

Deputy City Manager/CIO Jorge Salinas suggested that the council should not lose sight of the overall objective, which is providing industry workers to fill jobs. Local industry is very pleased with the overall outcome.

VOTE: The amendment to the main motion passed 4-2, with Johnson and Councilor Dick Olsen voting no. The main motion passed 6-0.

MOTION: Councilor Mike Sykes moved to direct the city attorney to investigate the possibility of making Albany a second-amendment sanctuary city. Kellum seconded the motion. The motion passed 5-1, with Olsen voting no.



RECESS TO EXECUTIVE SESSION TO DISCUSS REAL PROPERTY TRANSACTIONS IN ACCORDANCE WITH ORS 192.660(2)(e)

The council recessed into executive session at 8:10 p.m.

RECONVENE

The council reconvened into regular session at 8:37 p.m.

MOTION: Johnson II moved to authorize staff to buy properties at 2205 and 2211 Willamette Avenue for up to \$68,000 each. Kellum seconded the motion, which passed 6-0.

MOTION: Sykes moved to authorize staff to put property at 370 Burkhart Street SE on the market. The motion was seconded and passed 6-0.

MOTION: Kellum moved to not pursue further action on an appeal of LUBA's ruling on the City's case against Linn County. The motion was seconded, and passed 5-1, with Olsen voting against.

NEXT MEETING DATES

Monday, February 24, 2020; 4 p.m. work session

Wednesday, February 26, 2020; 7:15 p.m. regular meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:41 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse  
Deputy City Clerk

Jorge Salinas  
Deputy City Manager/CIO



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

A RESOLUTION OF ALBANY, LINN AND BENTON COUNTIES, OREGON, CALLING FOR AN ELECTION TO SUBMIT TO THE ELECTORS OF THE CITY THE QUESTION OF RENEWING A LEVY AT \$1.15 PER \$1,000.00 OF ASSESSED VALUE FOR AMBULANCE, FIRE, AND POLICE OPERATIONS BEGINNING IN FISCAL YEAR 2021-2022 FOR FIVE YEARS.

WHEREAS, the budget committee of the City of Albany found that revenues were needed to enhance essential services provided for everyone's use and protection beginning in Fiscal Year 2003-2004 and recommended that a five-year public safety operating levy be submitted to the legal voters of the City of Albany; and

WHEREAS, the Albany City Council supports the value of continuing to provide quality services to Albany citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE ALBANY CITY COUNCIL:

Section 1. Date of Election. A levy election with the question set forth in Section 2 of this resolution shall be submitted in the manner prescribed herein to the legal voters residing within the City of Albany, on the 19<sup>th</sup> day of May 2020.

Section 2. Form of Question. Shall Albany continue \$1.15 per \$1,000.00 of assessed value for ambulance, fire, police operations for five more years beginning 2021-2022? This measure renews current local option taxes.

Section 3. Project Description. The City will use tax revenue from this measure to continue funding for firefighter/emergency medical technicians, deputy fire marshal and emergency services positions, for police officers, police clerks, community service officers, and telecommunications and crime analyst positions, together with related equipment and training. Taxes will also continue to be used to pay operating costs for the fire and police departments. The levy continues the rate previously approved by voters in 2016.

Section 4. Hours of Election. The election shall be conducted by mail.

Section 5. Notice of Election. Notice of the levy election shall be given by the county clerks and city elections officer, as provided in the general election laws of the State of Oregon and the Charter of the City of Albany.

Section 6. Ballot Form. The city attorney has reviewed a notice of levy election and ballot title in substantially the form attached hereto as Exhibit A.

DATED AND EFFECTIVE THIS 26th DAY OF FEBRUARY 2020.

\_\_\_\_\_  
Mayor

ATTEST:

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

**Exhibit “A”**

CAPTION

Renewal of the Ambulance, Fire, and Police Local Option Tax

QUESTION

Shall Albany continue \$1.15 per \$1,000.00 of assessed value for ambulance, fire, police operations for five more years beginning 2021-2022? This measure renews current local option taxes.

SUMMARY

The City will use tax revenue from this measure to continue funding for firefighter/emergency medical technicians, deputy fire marshal and emergency services positions, for police officers, police clerks, community service officers, and telecommunications and crime analyst positions, together with related equipment and training. Taxes will also continue to be used to pay operating costs for the fire and police departments. The levy continues the rate previously approved by voters in 2016.

The proposed rate will raise approximately \$4,400,456.00 in 2021-2022; \$4,532,470.00 in 2022-2023; \$4,668,444.00 in 2023-2024; \$4,808,497.00 in 2024-2025; and \$4,952,752.00 in 2025-2026, for a total of \$23,362,619.00.

The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessors at the time of estimate and may reflect the impact of early payment discounts, compression and the collection rate.



# MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager

*Handwritten: [Signature] 2/18*

FROM: Shane Wooton, Fire Chief

*Handwritten: [Signature]*

DATE: February 19, 2020, for the February 26, 2020, City Council Meeting

**SUBJECT:** Acceptance of Fiscal Year 2019-20 State Hazardous Materials Emergency Preparedness Grant on Behalf of the Mid-Valley Local Emergency Planning Committee

Relates to Strategic Plan theme: A Safe City

**Action Requested:**

City Council approval by resolution to accept and appropriate funds for the Fiscal Year (FY) 2019-20 State Hazardous Emergency Preparedness (HMEP) Grant on behalf of the Mid-Valley Local Emergency Planning Committee (LEPC) for a hazardous materials response exercise.

**Discussion:**

The City of Albany participates in the Mid-Valley LEPC. The State Fire Marshal’s Office provides the grant opportunities to Oregon LEPCs for hazardous materials emergency preparedness, and the City receives and distributes the grant funds on behalf of the LEPC.

The Mid-Valley LEPC has been notified by the State Fire Marshal’s Office that they have been approved for the FY 2019-20 HMEP grant for the following activities:

- 1. Hazardous Materials Functional Exercise - \$12,000

**Budget Impact:**

\$12,000 – State HMEP Grant (20325801)

The grant requires an in-kind match of \$2,400 which would be satisfied through personnel participation in grant-supported activities.

SW:keh

Attachment (1)

c: Chuck Perino, City Emergency Manager





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

A RESOLUTION ACCEPTING AND APPROPRIATING FUNDS FOR THE FISCAL YEAR 2019-20 STATE HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT ON BEHALF OF THE MID-VALLEY LOCAL EMERGENCY PLANNING COMMITTEE FOR A HAZARDOUS MATERIALS RESPONSE EXERCISE AND RESPONDER TRAINING.

WHEREAS, the City of Albany participates in the Mid-Valley Local Emergency Planning Committee and performs fiduciary duties on behalf of the Committee; and

WHEREAS, the Mid-Valley Local Emergency Planning Committee applied for funding through the Fiscal Year 2019-20 State Hazardous Materials Emergency Preparedness Grant; and

WHEREAS, the State has notified the Mid-Valley Local Emergency Planning Committee that they have been awarded funding through the Fiscal Year 2019-20 State Hazardous Materials Emergency Preparedness Grant for a hazardous materials functional exercise; and

WHEREAS, the Fiscal Year 2019-20 State Hazardous Materials Emergency Preparedness Grant requires an in-kind match which can be satisfied through member participation in grant-supported activities; and

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

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the Fire Department is approved and authorized to receive funds in the amount of \$12,000 from the Fiscal Year 2019-20 State Hazardous Materials Emergency Preparedness Grant on behalf of the Mid-Valley Local Emergency Planning Committee for a hazardous materials response exercise; and

BE IT FURTHER RESOLVED that the Fiscal Year 2019-20 State Hazardous Materials Emergency Preparedness Grant funds are hereby appropriated as follows:

Resources:	Debit	Credit
20325801-420030		\$12,000
Requirements:		
20325801-600400	\$12,000	

DATED AND EFFECTIVE THIS 26TH DAY OF FEBRUARY 2020.

\_\_\_\_\_  
Mayor

ATTEST:

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



# MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT 2/18*

FROM: Shane Wooton, Fire Chief *SW*

DATE: February 19, 2020, for the February 26, 2020, City Council Meeting

**SUBJECT:** Application for Fiscal Year 2020-21 State Hazardous Materials Emergency Preparedness Grant on Behalf of the Mid-Valley Local Emergency Planning Committee  
 Relates to Strategic Plan theme: A Safe City

### Action Requested:

City Council approval by resolution to apply for the Fiscal Year (FY) 2020-21 State Hazardous Emergency Preparedness (HMEP) Grant on behalf of the Mid-Valley Local Emergency Planning Committee (LEPC) for a hazardous materials response exercise and responder training.

### Discussion:

The City of Albany participates in the Mid-Valley LEPC. The State Fire Marshal’s Office provides the grant opportunities to Oregon LEPCs for hazardous materials emergency preparedness, and the City receives and distributes the grant funds on behalf of the LEPC.

The Mid-Valley LEPC has been notified by the State Fire Marshal’s Office that the FY 2020-21 HMEP grant has opened. The Mid-Valley LEPC would like to apply for the following activities:

1. Hazardous Materials Full-Scale Exercise - \$20,000
2. HazMat Ops & Awareness Training and Outreach - \$10,000

### Budget Impact:

\$30,000 – State HMEP Grant (20325802)

The grant requires an in-kind match of \$6,000, which would be satisfied through personnel participation in grant-supported activities.

SW:keh  
 Attachment (1)  
 c: Chuck Perino, City Emergency Manager





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

A RESOLUTION APPROVING APPLICATION FOR THE FISCAL YEAR 2020-21 STATE HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT NOT TO EXCEED \$30,000 ON BEHALF OF THE MID-VALLEY LOCAL EMERGENCY PLANNING COMMITTEE FOR HAZARDOUS MATERIALS RESPONSE EXERCISE.

WHEREAS, the Office of the State Fire Marshal administers the Hazardous Materials Emergency Preparedness (HMEP) Grant Program funded by the U.S. Department of Transportation; and

WHEREAS, the HMEP grant program is available to Oregon Local Emergency Planning Committees (LEPC) for the purpose of increasing effectiveness in safely and efficiently handling hazardous materials incidents; and

WHEREAS, the City of Albany participates in the Mid-Valley LEPC and performs fiduciary duties on behalf of the LEPC; and

WHEREAS, the Mid-Valley LEPC has identified the need for a full-scale exercise to practice hazardous materials response for Linn and Benton County emergency responders; and

WHEREAS, the FY 2020-21 State HMEP grant supports hazardous materials exercises and operations and awareness outreach as identified by the Mid-Valley LEPC; and

WHEREAS, the FY 2020-21 State HMEP grant requires an in-kind match which can be satisfied through member participation in grant-supported activities; and

WHEREAS, the deadline for application for the FY 2020-21 State HMEP grant is March 21, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council approves application for the FY 2020-21 State HMEP grant, not to exceed \$30,000, on behalf of the Mid-Valley LEPC for a hazardous materials response exercise and operations and awareness outreach.

DATED AND EFFECTIVE THIS 26TH DAY OF FEBRUARY 2020.

\_\_\_\_\_  
Mayor

ATTEST:

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



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

A RESOLUTION GRANTING THE FOLLOWING EASEMENT

Grantor

City of Albany, Oregon

Purpose

Granting an access easement to the Grand Prairie Water Control District so they can access the Burkhart Creek-to-Truax Creek overflow channel; the new bridge over the channel at Santa Maria Avenue has blocked their access. 10S03W34CD 06800

Grantee

Grand Prairie Water Control District

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

DATED AND EFFECTIVE THIS 26<sup>TH</sup> DAY OF FEBRUARY 2020.

\_\_\_\_\_  
Mayor

ATTEST:

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

**ACCESS EASEMENT**

**THIS EASEMENT, granted this \_\_\_\_\_ day of \_\_\_\_\_ 2020 by the City of Albany, a Municipal Corporation, herein called "Grantor," to the Grand Prairie Water Control District, its successors and assigns, herein called "Grantee."**

**WITNESSETH:**

**The Grantor has this day granted and by these presents does grant unto the Grantee, and grantee's heirs, successors and assigns, an ingress and egress easement and right-of-way, including the right to enter upon the real property hereinafter described, and to construct, maintain and repair a driveway within the easement area, for the purpose of providing maintenance access to the Burkhart Creek-to-Truax Creek overflow drainage ditch on the Grantor's property.**

**This agreement is subject to the following terms and conditions:**

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

**See legal description on attached EXHIBIT "A" and map on attached EXHIBIT "B", attached hereto and made a part hereof.**

- 2. The easement described herein grants to the grantee, the right to enter upon said easement at any time that it may see fit for driveway construction, maintenance, evaluation, and/or repair purposes as well as the right to access the drainage ditch.**
- 3. The easement is not an exclusive easement. The grantor reserves the right to place utilities within the easement area and use the easement area driveway for access to the grantor's property.**
- 4. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the improvements to be placed upon said property and the benefits grantors may obtain therefrom.**
- 5. Grantee agrees to save and hold Grantor harmless from any and all claims arising from Grantee's use of the rights herein granted. Upon use of the easement, Grantee, its successors, assigns, authorized agents, or contractors shall return the Easement to its original condition. During the existence of this easement, maintenance of the easement and costs of repair of the easement, shall be the responsibility of the Grantee.**

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

**GRANTOR:**  
City of Albany

**CITY OF ALBANY:**

**By:**

\_\_\_\_\_  
Jenna Yeager,  
Finance Director

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

STATE OF \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.  
City of \_\_\_\_\_ )

I, Peter Troedsson, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number \_\_\_\_\_, do hereby grant on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

The instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2020 by Jenna Yeager, Finance Director, City of Albany.

\_\_\_\_\_  
City Manager

**ATTEST:**

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

\_\_\_\_\_  
City Recorder

## **Exhibit A**

### **Legal Description for City of Albany-to-Grand Pralrie Water Control District access easement**

**A 30 foot wide access easement lying west of and adjacent to an existing channel improvement easement recorded in Linn County Deed Records Volume 334, Page 814, and lying north of the following described line.**

**Beginning at the southeast corner of Tract A of Timber Ridge Second Addition subdivision, a subdivision of record in the SE ¼ of Section 34, T. 10S., R. 3W., W.M., in the City of Albany, Linn County, Oregon; thence west 65 feet, along the north right of way line of Santa Maria Avenue, to the true point of beginning;**

**Thence west 30 feet, along the north right of way line of Santa Maria Avenue, and there terminating. As shown on the attached map labeled Exhibit B, attached hereto and made a part hereof this legal description.**

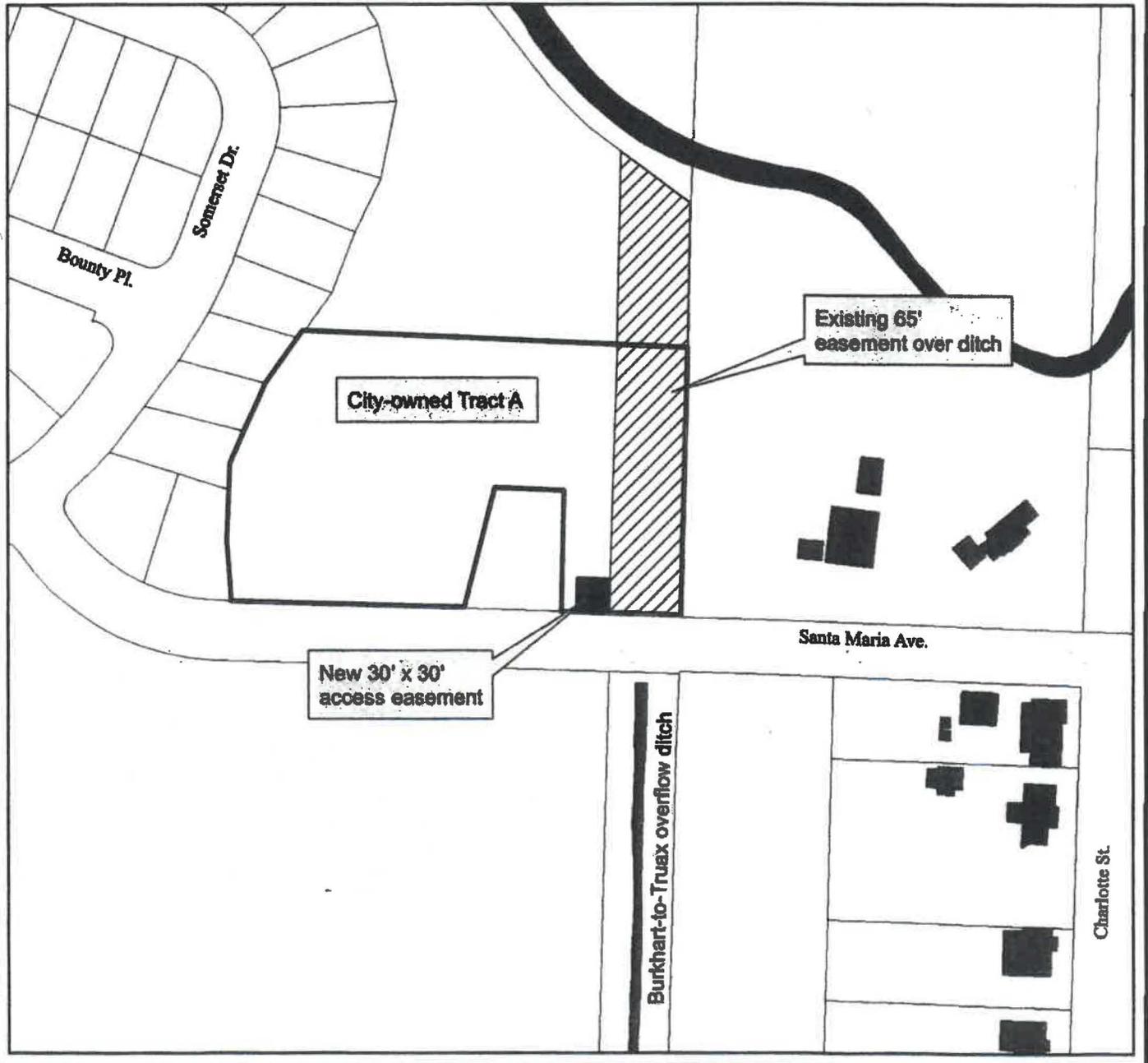
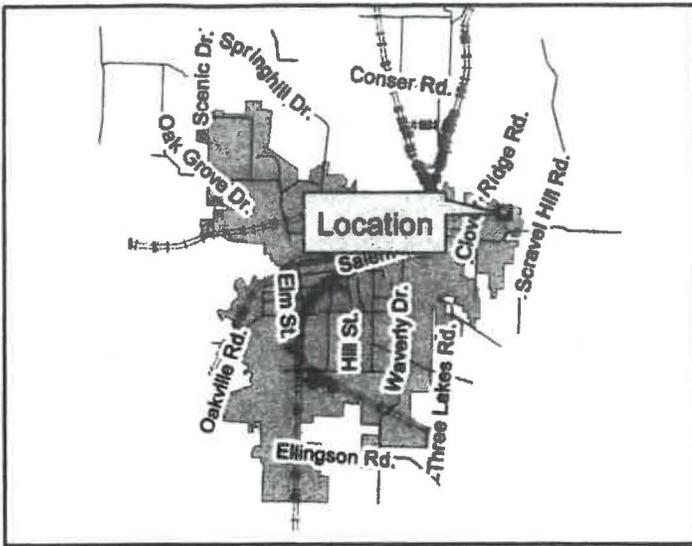
# EXHIBIT B

10S03W34CD 06800

A 30 foot by 30 foot  
access easement for  
Grand Prairie Water  
Control District



Geographic Information Services





# MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager

FROM: Jeanna Yeager, Finance Director

DATE: February 12, 2020, for the February 26, 2020, City Council Meeting

**SUBJECT:** Certifying Properties Exempt from Taxes

Relates to Strategic Plan theme: Create and sustain a city of diverse neighborhoods where all residents can find and afford the values, lifestyles, and services they seek.

**Action Requested:**

By separate resolutions, certify to the Linn County Assessor properties exempt from taxation.

**Discussion:**

The city council annually considers resolutions to exempt low income and transitional housing properties from property tax per ORS 307.543. The properties include five low-income housing properties owned by the Albany Partnership for Housing and Community Development: Songbird Village, Periwinkle Place, Park Rose, 1680-1682 Oak Street SE, and 515 Geary Street SE.

The 133 low-income apartments and three transitional housing units that these properties provide are an integral part of providing an affordable quality of life in Albany. The partnership depends on the tax exemption to keep their rental costs affordable to residents earning less than 60 percent of the area median income. Details of the requested exemptions are presented in the table below.

Exempt Properties Estimate of Taxes \*

	2019 Market Value (RMV)	2019 Assessed Value (AV)	2019 Estimated City Tax (AV/1000*7.5484)
Songbird Village	3,395,940	2,042,490	15,417.53
Periwinkle Place	1,928,230	1,502,870	11,344.26
ParkRose	1,312,190	958,490	7,235.07
1680-1682 Oak Street	300,000	110,120	831.23
515 Geary Street SE	218,770	85,250	643.50
<b>Total</b>	<b>\$ 7,155,130.00</b>	<b>\$ 4,699,220.00</b>	<b>\$ 35,471.59</b>

\* Estimates provided by the Linn County Assessor's office.



**Budget Impact:**

The exemptions reduce the property tax that the City would otherwise receive.

JY:al

Attachments

cc: Mary Dibble, City Clerk



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

A RESOLUTION CERTIFYING TO THE LINN COUNTY ASSESSOR THAT THE SONGBIRD VILLAGE PROPERTY SHALL BE EXEMPT FROM PROPERTY TAXATION.

WHEREAS, the Albany City Council in 1993 adopted the provisions of ORS 307.540 to 307.547, which allow for a low-income housing tax exemption when specific standards are met; and

WHEREAS, the Albany Partnership for Housing and Community Development is the senior partner of Albany Family Housing Limited Partnership, the owner of Songbird Village, an affordable housing project located at 215-245 21st Avenue SE and 2020-2040 Lyon Street SW (Assessor's Map No. 11S-3W-7CD, Tax Lot 901); and

WHEREAS, the Albany Partnership has submitted an application for property tax exemption; and

WHEREAS, the owner meets the requirements of ORS 307.541 and their application meets the requirements of ORS 307.545.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council certifies to the Linn County assessor that the property on which the Songbird Village project is located (Map No. 11S-3W-7CD, Tax Lot 901) shall be exempt from taxation under the City's tax levy as provided in ORS 307.543.

DATED AND EFFECTIVE THIS 26TH DAY OF FEBRUARY 2020.

\_\_\_\_\_  
Mayor

ATTEST:

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



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

---

A RESOLUTION CERTIFYING TO THE LINN COUNTY ASSESSOR THAT THE PERIWINKLE PLACE PROPERTY SHALL BE EXEMPT FROM PROPERTY TAXATION.

WHEREAS, the Albany City Council in 1993 adopted the provisions of ORS 307.540 to 307.547, which allow for a low-income housing tax exemption when specific standards are met; and

WHEREAS, the Albany Partnership for Housing and Community Development is the owner of Periwinkle Place, an affordable housing project located at 1700-1860 Periwinkle Circle (Assessor's Map No. 11S-3W-8DB, Tax Lot 5200); and

WHEREAS, the Albany Partnership has submitted an application for property tax exemption; and

WHEREAS, the owner meets the requirements of ORS 307.541 and their application meets the requirements of ORS 307.545.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council certifies to the Linn County assessor that the property on which the Periwinkle Place project is located (Map No. 11S-3W-8DB, Tax Lot 5200) shall be exempt from taxation under the City's tax levy as provided in ORS 307.543.

DATED AND EFFECTIVE THIS 26TH DAY OF FEBRUARY 2020.

\_\_\_\_\_  
Mayor

ATTEST:

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



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

A RESOLUTION CERTIFYING TO THE LINN COUNTY ASSESSOR THAT THE PARKROSE PROPERTIES SHALL BE EXEMPT FROM PROPERTY TAXATION.

WHEREAS, the Albany City Council in 1993 adopted the provisions of ORS 307.540 to 307.547, which allow for a low-income housing tax exemption when specific standards are met; and

WHEREAS, the Albany Partnership for Housing and Community Development is the owner of ParkRose, an affordable housing project associated with the Pacific Boulevard/9th Avenue couplet project of the Oregon Department of Transportation; and

WHEREAS, the Albany Partnership has submitted an application for property tax exemption; and

WHEREAS, the owner meets the requirements of ORS 307.541 and their application meets the requirements of ORS 307.545.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council certifies to the Linn County assessor that the properties on which the ParkRose project is located (Map No. 11S-3W-8BA Tax Lot 3101) shall be exempt from taxation under the City's tax levy as provided in ORS 307.543.

DATED AND EFFECTIVE THIS 26TH DAY OF FEBRUARY 2020.

\_\_\_\_\_  
Mayor

ATTEST:

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



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

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A RESOLUTION CERTIFYING TO THE LINN COUNTY ASSESSOR THAT THE PROPERTY LOCATED AT 1680-1682 OAK STREET SE SHALL BE EXEMPT FROM PROPERTY TAXATION.

WHEREAS, the Albany City Council in 1993 adopted the provisions of ORS 307.540 to 307.547, which allow for a low-income housing tax exemption when specific standards are met; and

WHEREAS, the Albany Partnership for Housing and Community Development is the owner an affordable transitional housing project located at 1680-1682 Oak Street SE (Assessor's Map No. 11S-3W-7DA, Tax Lot 4000); and

WHEREAS, the Albany Partnership has submitted an application for property tax exemption; and

WHEREAS, the owner meets the requirements of ORS 307.541 and their application meets the requirements of ORS 307.545.

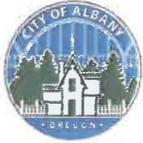
NOW, THEREFORE, BE IT RESOLVED that the Albany City Council certifies to the Linn County assessor that the property located at 1680-1682 Oak Street SE (Map No. 11S-3W-7DA, Tax Lot 4000) shall be exempt from taxation under the City's tax levy as provided in ORS 307.543.

DATED AND EFFECTIVE THIS 26TH DAY OF FEBRUARY 2020.

\_\_\_\_\_  
Mayor

ATTEST:

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



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

A RESOLUTION CERTIFYING TO THE LINN COUNTY ASSESSOR THAT THE PROPERTY LOCATED AT 515 GEARY STREET SE SHALL BE EXEMPT FROM PROPERTY TAXATION.

WHEREAS, the Albany City Council in 1993 adopted the provisions of ORS 307.540 to 307.547, which allow for a low-income housing tax exemption when specific standards are met; and

WHEREAS, the Albany Partnership for Housing and Community Development is the owner of the affordable transitional housing project located at 515 Geary Street SE (Assessor's Map No. 11S-3W-5CD, Tax Lot 3200); and

WHEREAS, the Albany Partnership has submitted an application for property tax exemption; and

WHEREAS, the owner meets the requirements of ORS 307.541 and their application meets the requirements of ORS 307.545.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council certifies to the Linn County assessor that the property located at 515 Geary Street SE (Map No. 11S-3W-5CD, Tax Lot 3200) shall be exempt from taxation under the City's tax levy as provided in ORS 307.543.

DATED AND EFFECTIVE THIS 26TH DAY OF FEBRUARY 2020.

\_\_\_\_\_  
Mayor

ATTEST:

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

Requestor:  
1000 Friends of Oregon  
133 SW 2nd Avenue  
Portland Oregon 97204  
503-497-1000

Attorney:  
Mary Kyle McCurdy  
133 SW 2nd Avenue  
Portland, Oregon 97204  
541-497-1000

Affected Local Government:  
City of Albany  
333 Broadalbin Street  
Albany, Oregon 97321

Dear Mayor, City Councilors, and Albany staff:

This letter serves as formal notice of our intent to petition the Land Conservation and Development Commission for an enforcement order pursuant to ORS 197.319 to 197.335. Albany's failure to align its land use regulations in line with requirements under state law (enumerated below) regarding Accessory Dwelling Units (ADU) provides our basis for this enforcement action under ORS 197.646(3).

## **I. Legal Basis for Enforcement Order**

The following facts establish our basis for seeking enforcement and invoking 197.646(3):

1. ORS 197.312(5) states :

“(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

“(b)(A) As used in this subsection, “accessory dwelling unit” means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.”

2. Albany's population exceeds 2,500.<sup>1</sup>

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<sup>1</sup> Portland State University Population Research Center

3. ORS 197.312(5) also provides:

“(b)(B) ‘Reasonable local regulations relating to siting and design’ does not include owner- occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.”

4. HB 2003, passed by the 80<sup>th</sup> Assembly of the Oregon Legislature (2019), requires:

“Notwithstanding ORS 197.646, a local government required to comply with the amendments to ORS 197.312 by section 6, chapter 745, Oregon Laws 2017, shall adopt land use regulations, or adopt amendments to its comprehensive plan, to comply with the amendments to ORS 197.312 by section 6, chapter 745, Oregon Laws 2017, no later than the effective date of this 2019 Act.” Undesignated Enactments - ORS § Ch. 640 § 16

HB 2003 contained an emergency clause providing it is effective upon the date of passage, which was August 8, 2019.<sup>2</sup> These provisions of HB 2003 require that every city subject to ORS 197.312(5) be in compliance by the effective date of HB 2003. This includes Albany.

5. The relevant portion of Albany’s Development Code, Section 3.080(4), states:

“One accessory apartment is permitted per primary single-family residence, called the ‘primary residence.’ The accessory apartment may be:

- “(a) An addition to or within the primary residence, OR
- (b) In a detached building built before February 1, 1998, OR
- (c) On a lot in a subdivision of at least ten lots, when the tentative plat was approved after July 1, 2007.

“Accessory apartments shall be incidental in size and appearance to the primary residence and meet the following standards:

- “(a) One of the residences is owner occupied.
- (b) The size of an accessory apartment does not exceed 50 percent of the gross floor area of the primary residence (excluding garages or carports) or 750 square feet, whichever is less.
- (c) At least three off-street parking spaces are provided on the property to serve the two residences. [Ord. 5338, 1/28/98]
- (d) All required building permits have been obtained. If the primary residence is on the Local Historic Inventory, historic review may be required.

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<sup>2</sup> HB 2003, Sections 16 and 25; Chapter 640 Oregon Laws secs. 16, 25 (2019).

(e) The size of the property meets the minimum single-family lot area requirements for the zoning district in which the lot is located. [Ord. 5338, 1/28/98; Ord. 5673, 6/27/07]"

## II. Nature of non-compliance

The Albany Development Code (ADC) is not in compliance with ORS 197.312(5) for several reasons.

1. The ADC requires ADUs to be attached, while ORS 197.312(5)(b)(A) defines ADUs to include “detached residential structure[s].” ADC 3.080(a) requires any ADUs to be an “addition to or within the primary residence”; in other words, it prohibits all detached ADUs, without any justification, such as being a “reasonable siting and design” regulation.

2. The ADC limits the development of ADUs to only *some* lots or parcels, contrary to ORS 197.312(5), which requires local codes to allow “the development of at least one accessory dwelling unit for each detached single-family dwelling.”

- ADC 3.080(b), while being cast as an additional way in which an ADU could be located, is actually written such that it seems to be either a subset of (a) or a further limit on (a). It says that an ADU can be “in” – implying an interior ADU – a “detached building built before February 1, 1998,” which could be a temporal limit on (a). In either case, it violates ORS 197.312 by limiting ADUs to buildings built before a certain date.
- ADC 3.080(c) seems to allow detached ADUs, but only in very narrow circumstances: “on a lot in a subdivision of at least ten lots, when the tentative plat was approved after July 1, 2007.” No justification is provided, and therefore among other reasons, this is not a “reasonable siting and design” regulation.

3. The ADC requires one of the dwellings to be owner occupied, contrary to ORS 197.312(5)(b)(B).

4. The ADC requires three off-street parking spaces for any lot that has an ADU, contrary to ORS 197.312(5)(b)(B). Table 9-1 in ADC 9.020 establishes a minimum of 2 parking spaces for single family dwellings. ADC 3.080(4)(c) requires that an ADU on a single family dwelling lot have an additional parking space, for a total of 3. Note that ADC 3.080(4) repeats subsections a-c – the reference above refers to the second instance of ADC 3.080(4)(c).

5. ADC 3.080(4)(e) requires a minimum lot size that could preclude the development of ADUs on certain lots. Some lots with single family homes may be smaller than the minimum lot size due to historical changes in the zoning code or lots that required exceptions to build a single family home. This is not consistent with the requirement that

cities allow “at least one accessory dwelling unit for each detached single family dwelling” under ORS 197.312(5)

### **III. Corrective Action**

We request that the City of Albany amend its ADC to remove the standards described above or revise them to be compatible with ORS 197.312(5).

Under OAR 660-045-0050, the city has 60 days to respond to this request, wherein it can choose to take corrective action. If that corrective action effectively addresses our concern, we will notify you and the Land Conservation Development Commission and not pursue further enforcement. If we find the corrective action to be unresponsive, we can enter into mediation or file a petition with LCDC.

We hope that we can resolve this in a timely manner and without undue cost or delay. It is our hope to work collaboratively in the future on additional solutions to the pressing housing needs of Oregonians. Thank you for your time and consideration of this matter.

Sincerely,

Alexis Biddle  
Urban Lands Advocate  
1000 Friends of Oregon