



## MADRAS REDEVELOPMENT COMMISSION

125 SW "E" Street Madras, OR 97741  
Phone: 541-475-2344 Fax: 541-475-7061

### Agenda

City Hall  
Council Chambers

August 5, 2015  
5:30 P.M.

1. Call to Order
2. Consent Agenda
  - A. Adoption of Agenda
  - B. Adoption of the June 3, 2015 MRC Meeting Minutes
  - C. Approval of the June and July 2015 Vouchers
3. Visitors Comments:
4. MRC Candidate Interview, Don Reeder

Nicholas Snead, Community Development Director  
Don Reeder, Citizen
5. Selection of Qualified Contractor for URAP Update

Note: Statement of Qualifications are due July 31, 2015 and therefore staff will present the Statement of Qualifications and the evaluations at the August 5<sup>th</sup> MRC meeting.

Nicholas Snead, Community Development Director  
Gus Burrell, City Administrator
6. Policy for MRC Participation in Abatement of Derelict Buildings

Nicholas Snead, Community Development Director
7. Report on Downtown Flower Pots and Vehicle and Pedestrian Sight Distance

Jeff Hurd, Public Works Director

8. Project Updates

A. Lee & Teresa Baggett Façade Improvement Grant & Loan

B. Steve Jansen Window Improvement Grant

Nicholas Snead, Community Development Director

9. Additional Discussion

10. Adjourn

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the above referenced meeting; however, the agenda does not limit the ability of the Madras Redevelopment Commission to consider additional subjects. Meetings are subject to cancellation without notice. This meeting is open to the public and interested citizens are invited to attend. This is an open meeting under Oregon Revised Statutes, not a community forum; audience participation is at the discretion of the Madras Redevelopment Commission. **Anyone wishing to address the Commission will need to register prior to the meeting.** The meeting will be audio taped; minutes of this and all public meetings are available for review at the Madras City Hall. The meeting place is handicapped accessible; those needing assistance please contact the City of Madras Community Development two (2) days in advance of the meeting.

## DISBURSEMENTS LIST-June/July

### Madras Redevelopment Commission Review and Approval

15-Jun Bryant Lovlien and Jarvis	May 2015 Legal Bill	\$	1,408.00
15-Jun Madras Pioneer	MRC Budget Hearing (P-Card)	\$	203.44
15-Jun Madras Garden Depot	Evergreens for Downtown Planters	\$	560.00
15-Jun AmeriTitle	Baggett Title Report	\$	200.00
15-Jul Madras Cinema	Madras Movie Theatre Incentive	\$	100,000.00
15-Jul Bryant Lovlien and Jarvis	June 2015 Legal Bill	\$	240.00
15-Jul Reynoso, Israel	Downtown Flower Pots Watering Services	\$	684.00
		\$	103,295.44

\*\* Committee Review and approval of checks cut in the previous month\*\*

## Report Criteria:

Report type: Summary

Bank.Bank number = 2

GL Period	Check Issue Date	Check Number	Payee	Description	Check Amount
06/15	06/11/2015	1275	BRYANT LOVLIE AND JARVIS	Legal Bill-May 2015: MRC	1,408.00
06/15	06/11/2015	1276	MADRAS GARDEN DEPOT	Evergreens for streetscape planters	560.00
06/15	06/29/2015	1277	AMERITITLE	Non-insured Title Report (Baggett)	200.00
07/15	07/01/2015	1279	MADRAS CINEMA 5, LLC	Incentive money for the movie theater(5 out of 5	100,000.00
07/15	07/23/2015	1280	BRYANT LOVLIE AND JARVIS	Legal Bill- Review Loan Docs	240.00
07/15	07/23/2015	1281	REYNOSO, ISRAEL dba	Watering Service for May-June	684.00
Grand Totals:					<u>103,092.00</u>

Post Date	GL: Category	Purchase Date	Item Description	Vendor Name	Item Total	Item GL Combination	Receipt Status
06/03/2015	520	06/01/2015	COMMUNITY NEWS - MRC Budget Hearing	COMMUNITY NEWSPAPERS	203.44	701-701-520-1002-	1099 reporting
06/04/2015	520	06/03/2015	NAPA AUTO - Oil-Sludge pumps N&SWWTP	NAPA AUTO 0023005	71.76	503-030-520-1403-	
06/04/2015	520	06/02/2015	WILBUR ELLIS - PO10670 Gm Fert Golf Course	WILBUR ELLIS MADRAS	530.70	503-030-520-2810-	
06/04/2015	520	06/03/2015	CENTURYLINK: Airport Services	CENTURYLINK	55.47	509-090-520-3003-	
06/04/2015	520	06/03/2015	CENTRAL ELECTRIC: Yarrow Round-a-bout Tim	CENTRAL ELECTRIC COO INC	21.82	206-206-520-1401-	
06/04/2015	520	06/03/2015	CENTRAL ELECTRIC: LIG	CENTRAL ELECTRIC COO INC	218.19	204-040-520-2804-	
06/04/2015	520	06/03/2015	CENTRAL ELECTRIC: Dogwood/Runway/Beige BL	CENTRAL ELECTRIC COO INC	3,801.54	503-030-520-1401-	
06/04/2015	520	06/03/2015	CENTRAL ELECTRIC: Yarrow Round-a-bout Trim	CENTRAL ELECTRIC COO INC	21.65	206-206-520-1401-	
06/04/2015	520	06/03/2015	TREASURE VALLEY: PW: Orange Tang, cups	IN TREASURE VALLEY COFFE	31.20	803-101-520-2401-	
06/04/2015	520	06/03/2015	FREDPRYOR- HR Training R. tombleson	FREDPRYOR CAREERTRACK	149.00	802-101-520-2203-	
06/04/2015	520	06/03/2015	QUANTUM COMM.- Add'l ethernet port to JSCO	IN QUANTUM COMMUNICATION	50.00	101-106-520-1204-	
06/04/2015	520	06/03/2015	OREGON SHERIFFS - Webb training Motivation	IN OREGON STATE SHERIFFS	100.00	101-106-520-2203-	
06/04/2015	520	06/03/2015	OREGON SHERIFFS - Kathrein training	IN OREGON STATE SHERIFFS	100.00	101-106-520-2203-	
06/04/2015	520	06/02/2015	BALCO UNIFORM - notebook covers/clips staff	BALCO UNIFORM CO INC	128.08	101-106-520-3001-	
06/05/2015	520	06/05/2015	Galls - Schulke double handcuff case	Galls Intern	36.94	101-106-520-3001-	
06/05/2015	520	06/03/2015	COMMUNITY NEWSPAPERS: Public Hearing V-15-1	COMMUNITY NEWSPAPERS	93.00	505-505-520-1002-	
06/05/2015	520	06/03/2015	COMMUNITY NEWSPAPERS: Acct. Analyst/Tech Position	COMMUNITY NEWSPAPERS	68.88	802-101-520-1002-	

City of Madras  
Madras Redevelopment Commission  
Official Meeting Minutes  
June 3, 2015

**I. Call to Order**

The Madras Redevelopment Commission meeting was called to order by Chair, Doug Lofting at 5:35 p.m. on Wednesday June 3, 2015 in the Madras City Council Chambers.

**Members in Attendance:**

Chuck Schmidt, Royce Embanks, Doug Lofting, Blanca Reynoso, and Doeshia Jacobs

**Members Absent Were:**

There are three membership vacancies

**Staff Members in Attendance:**

Gus Burrell, City Administrator  
Nicholas Snead, Community Development Director  
Brandie McNamee, Finance Director  
Jeremy Green, City Attorney  
Michele Quinn, Community Development Administrative Assistant

**II. Consent Agenda**

**A. Adoption of Agenda**

**B. Approval of Minutes**

1. **May 6, 2015 MRC Meeting Minutes**

**C. Approval of Vouchers**

**A MOTION WAS MADE BY CHUCK SCHMIDT TO APPROVE THE CONSENT AGENDA AS AMMENDED. THE MOTION WAS SECONDED BY COMMISSIONER DOESHIA JACOBS AND PASSED UNANMOUSLY.**

**III. Visitor Comments**

There were no visitor comments.

**IV. Discussion of Lee Baggett Financial Assistance Request**

Community Development Director Nick Snead what I would propose to do Chair Lofting we have Mr. & Mrs. Baggett the ability to address the Commission tonight. They have some additional information to provide to the Commission. Staff would encourage the Commission to ask them to present that information and leave time for follow-up questions and answers. Then after that Staff would like to have a discussion with the Commission about funding certain projects moving forward.

Chair Doug Lofting Lee and Teresa would you please like to come forward.

Lee and Teresa Baggett We have been working on some drawings that are better than the drawings we presented last time. We have received some of the bids back but we are still waiting on a few. We are in the process of trying to purchase the property next door; we did make a formal offer on the property.

Chair Doug Lofting thank you a very nice appearance with the rock wainscot, will you be coming out with some dormers above the door?

Lee Baggett we would like to, we are getting closer on our budget numbers.

Chair Doug Lofting currently where you stand, you have already purchased this piece of property, are you negotiating with the property owner to the north, and have you have made a formal offer.

Lee Baggett yes we have made a formal offer.

Doeshia Jacobs do you have an idea of what you are going to put in it?

Lee Baggett yes we are putting in a nail salon, hair salon/ boutique. Basically my wife and daughters and other employees will be moving from their current location.

Chair Doug Lofting currently Doeshia they are in the Mike Ahern building down on "C" Street and 5<sup>th</sup> Street.

Doeshia Jacobs the other piece of property you are trying to buy will be for parking?

Lee Baggett additional parking and possibly in the future putting something there as well.

Doeshia Jacobs can you access from the main highway and from "M" Street?

Lee Baggett I think that is a question for Gus to answer aren't you in the middle of some improvements there Gus?

City Administrator Gus Burril yes the highway project in the next phase have some connections there. Public Works is working with ODOT on a connection sidewalk. It will depend on the slope of the road. It may take some reworking to make the side connection work. We don't want people to come in across where people are using the sidewalk.

Chair Doug Lofting currently I see a curb cut on the piece of property you are trying to acquire to the north, but there is none in the front of the actual building that you purchased. Gus, am I wrong in assuming that the parking if they don't acquire the property to the north would have to

come off of "M" Street and park behind the building?

City Administrator Gus Burrell this particular property was granted some parallel parking in that corridor where others weren't, due to the lot did not have any on-site parking. They would have to use the parallel parking or something off behind the building for parking.

Chair Doug Lofting with the parallel parking in front is there enough room for five or six cars?

Lee Baggett I don't think so I believe it is only set up for three. I think it is one or two ADA parking spaces.

City Administrator Gus Burrell I don't remember the number of parking there should be an ADA and I thought there was three or more.

Community Development Director Nick Snead Chair Lofting when the transportation enhancement project installed the curb, gutter and sidewalk last year. Part of the discussion was this property is being impacted where the improvements were being put in and parking was not going to be provided. We created the on-street parking for the property to meet their off-street parking requirements, which is allowed in that particular zoning district. We often find ourselves in an ironic situation where property owner doesn't have enough parking. Usually the conversation is I don't want to provide that much parking that the City requires. In this case the parking directly adjacent to the property on the highway is the parking for that building and property. If they wanted more it would be at their own discretion.

Doeshia Jacobs I was going to ask I am not familiar with that property, are you able to park cars in the back also?

Lee Baggett there is enough room for about five spaces; it will need to have some work done to it.

Doeshia Jacobs you are asking for funding on the façade, is the structure good on the building?

Lee Baggett I have had inspections done it is a sound building. We are planning to make the building match the surrounding buildings.

Chair Doug Lofting staff if you could help us with our finances and what we have available.

Community Development Director Nick Snead what I want to communicate to the Commission is that at our last meeting we talked about the Commission's desire to fund architectural services. So that the end product is a good design and staff has done some thinking on that for the Commissioners that were on the MRC when we did the façade improvements in the past. The MRC actually retained its own architect. In this case I don't know if that makes sense with the size of the project and timing. Mr. and Mrs. Baggett would like to move forward fairly quickly. What staff is proposing to do in the loan documents we would include in the reimbursable expenses for the project architectural services. So we make sure he has good plans and construction will last. Moving forward a thought is that he will design it and the questions remaining this evening are to what extent are we going to fund the project and what is the timing for the funding?

City Administrator Gus Burrell MRC over the last few months we have had the historical building owner (Steve Jansen) approach the MRC for support improvements. We have additionally

talked about attractive nuisance buildings and clean-up of some those buildings, and Mr. and Mrs. Baggett have presented a proposal. They are all consistent with your Action Plan and so tonight we need to facilitate scenario thinking, and get your feedback on what you would like to see done for support in the near term. Right now we have three applications to work on this year so we are going [Brandie McNamee presented a spread sheet on the projector]. So what staff did is take a look at the budget you are about ready to adopt starting July 1, 2015. Within it we didn't designate any specific improvements. We listed the three different projects that are up there; within your budget we identified \$25,000.00 in the General Fund and \$25,000.00 in the Reinvestment Fund that were designated for Building Improvements. We set aside about \$25,000.00 in Contingency in the Reinvestment Fund so we think we have about \$70,000.00 to commit to projects this fiscal year starting July 1, 2015.

So how we would divide that up in scenario one staff through a target at it let me give you some background on what we are thinking. Jefferson County Historical Court House I think came in and asked for approximately \$90,000.00, they have put in approximately \$90,000.00 themselves for the Historic Court House. We are in any shape or form to fund that full request, Lee I haven't heard a number from you tonight. I think a month ago you were estimating \$75,000.00 are you still in that neighborhood for your project.

Lee Baggett some of the numbers I have got back, you are only interested in the outside stuff right.

City Administrator Gus Burril yes the façade program has to do with parapet or extensions out from the doors or siding those are typical improvements.

Lee Baggett the stucco was approximately be \$9,000.00, the rock and block around \$15,500.00, new windows and doors approximately \$8,500.00, entry way with the arches \$5,000.00, and lighting.

City Administrator Gus Burril did you have architect services in any of these numbers?

Lee Baggett I haven't received the bill for that yet, but I don't think it will be a whole lot.

City Administrator Gus Burril so these projects are going to be larger than we can fully support so tonight we want to have a discussion around what levels could we support of each of these. When we look at the third project there blight removal we don't have a specific project in mind we just heard we want to put some resources towards any of the buildings that property owners are not being responsive or if we get some citizen complaints about. The old Police Station/City Hall which was about 6,000 square feet it cost us about \$55,000.00. If we target something half that size we think we are in that ballpark of resource we need. Tonight is really getting some feedback from you as a board what you would like to see targeted this coming fiscal year and then we would resource accordingly.

Scenario number two is offering to infuse a little bit more money into this coming fiscal year by extending the line of credit slightly. I would really like not to see us extend it much more until we get through the Action Plan update, which would inform us where to prioritize our investments. I think that all of these in front of you tonight are consistent with your Action Plan and you needs to support. Chair it is feedback time from you as a Board what you would like to target.

Chair Doug Lofting thank you Gus, here is my opinion we have already spoke with Steve Jensen about his refurbishment of the old Court House which is looking very good. I believe the

improvements down there have been a real asset for us. What I was thinking about with Steve is that we would fund a portion of his project. When he presented that project to us the window package was right around the \$20,000.00 mark. That is what I thought the MRC would really serve some justice in putting \$20,000.00 towards his project to purchase the windows.

Commissioner Royce Embanks I agree that is a doable package for us, and by putting in new windows it protects the building itself. New windows will extend the longevity of the building if you have water or weather coming through it will degrade the building. I thought the price was closer to \$28,000.00 I may be wrong, but I know it was over \$20,000.00.

City Administrator Gus Burril was there an itemized hand out or just a verbal discussion.

Commissioner Royce Embanks it doesn't really make a difference \$25,000.00 or whatever. I think that is the best plan we certainly can't go with the \$90,000.00 the \$25,000.00 is a third of what he asked for he should be happy.

Chair Doug Lofting regarding the other items on the list for the Baggett's the loan and grant program I believe that end of town and with the Baggett's making an offer on the additional property. That gives us more meat in that area and that side of the street is starting to look good heading north. There are still some improvements that need to be completed. Where the Baggett's are thinking of doing there project and trying to acquire the piece to the north. It gives us two pieces of property that are improved, the structure and then a parking lot. Scenario number two I am in favor of with the 50/50 loan/grant the amount being \$20,000.00 each. The \$35,000.00 for blight removal for the future I think that is a good start for us.

Commissioner Chuck Schmidt I was at a Public Works meeting this morning and Jeff Hurd was talking about the section north of this property they are re-doing the sidewalks along there with ODOT. Just continues the whole look north, and I think that area there really needs something. I think that will be an upgrade for that side of the street. I don't have any problem with scenario number two.

Commissioner Blanca Reynoso I like scenario number two and also I think it makes sense.

Commissioner Doeshia Jacobs I am happy that you purchased that property. I would like to know what blight property you are talking about.

Chair Doug Lofting none presently Doeshia

Commissioner Doeshia Jacobs none presently so the money will be in the bank.

Community Development Director Nick Snead Doeshia later on the agenda we have a discussion to amendments to the City's nuisance ordinance. To address derelict buildings and the idea is we are going to create the authority to address some of these properties in our community. So we are budgeting so we have resources to do that not knowing any properties that will be addressed at this time.

Commissioner Doeshia Jacobs the loan and the grant that would really help on the outside you also talked about the roof.

Lee Baggett yes we have to put a new roof on the building. We are doing the whole building wiring, insulation, sheetrock it is old and dated.

Commissioner Royce Embanks I agree with everyone else and one of the things I said at the last meeting is that this is a Madras couple building a business here in Madras. One of the things we wanted is to always have owners that are local and live here. Supporting this project is a good idea.

Chair Doug Lofting staff and the Baggett's you have heard the consensus of the MRC so is there anything else that we need to cover regarding this?

Community Development Director Nick Snead yes how to move forward we are going to give you three options on how to move this forward. There would be a general timeline that will work for the Baggett's and the City and meet all of our legal requirements. The first option is that we meet on July 1, 2015 and at that time staff would work with the City Attorney to develop the loan documents. At the July 1, 2015 meeting staff would present the loan documents to the Commission and at that time you would also review the final design. At that time you would also review the final design. Mr. Baggett to make sure that the design is acceptable to you and should the loan documents be acceptable you would execute those. That would allow the project and funding to move forward. Option number two would be to call for a special meeting after the July 4, 2015 holiday.

At that meeting staff would present the loan documents to the Commission and at that time you would also review the final design. At that time you would also review the final design. Mr. Baggett to make sure that the design is acceptable to you and should the loan documents be acceptable you would execute those. Option number three is a little more staff driven. The MRC would authorize staff to develop the loan documents and execute those documents with the City Attorney's review and approval. So the first two options allow you to review the design and loan documents. If those dates don't work for you for whatever reason another option would be for you to authorize staff to develop and execute the loan documents. This is completely up to you and any action this evening would generally need to be consistent with one of these three options.

Chair Doug Lofting Nick with scheduling this sometime in July it would give the Baggett's some time to have their negotiations with Mr. Zook on the property to the north to materialize and take shape. We really want to see you get that property and it makes these funds more available to you in a quicker manner. If you can keep staff informed at where you are at with these negotiations it is a big stepping stone that I think would push this Commission to act quicker.

Commissioner Chuck Schmidt so if it was option three what would be staff's time line on that?

Community Development Director Nick Snead we would need to develop the loan documents with the City Attorney. We have a good starting place it would probably take a week to a week and a half to develop the loan documents.

City Attorney Jeremy Green are we going to pull a title report to look for encumbrances against the property? If so that would take a week so two to three weeks.

Commissioner Chuck Schmidt so the money could be available earlier at some given time?

Finance Director Brandie McNamee the funding cannot be disbursed prior to July 1, 2015. The earliest I could cut them a check is July 1, 2015. The eligible expenses the way we would draft

the agreement could retroactive back to today if that is the way the agreement is drafted.

Commissioner Chuck Schmidt what stage are you at so if all of a sudden we say ok we can go retro with this when are you ready to move.

Lee Baggett I have already started gutting the building we are moving forward.

Commissioner Chuck Schmidt what about the façade?

Lee Baggett we are waiting on approval, I would say we would be ready to go within the next three weeks.

Commissioner Chuck Schmidt that would leave me to go with option three

Community Development Director Nick Snead is the Commission acceptable with the design or with the submission this evening. If you are fine with it I want to make that clear, and if not and there are changes you want to see you want to articulate that this evening. So when we execute the loan documents you are also getting the design that you like.

Commissioner Chuck Schmidt will this require a building permit?

Community Development Director Nick Snead it will require a building permit.

Commissioner Chuck Schmidt who approves the building permits?

Community Development Director Nick Snead the Building Official and I

Commissioner Chuck Schmidt as long it meets the standards and goes through the process.

Chair Doug Lofting I am fine with it, I like the idea that you are going to go up another four feet to try and match the existing buildings. I think that is very tasteful so as long as this show an elevation with the façade and the wainscot and new windows and doors. You have submitted a formal offer do you have a timeline for acceptance or counter offer. Was it a 72 hour or five day?

Lee Baggett Mike Ahern is working on that we made the offer and he wanted to see some comps and that was within the last three days. I will probably know more tomorrow.

Chair Doug Lofting so this is something that your nose is to the grindstone on and within a week or two you will have a yes or no for us. Regarding the three proposals up on the board with staff acknowledging what we have been talking about and what is important to us. I don't have a problem with putting this into staff's hands so we can facilitate this through faster.

Commissioner Doeshia Jacobs are you going to put some lighting up?

Chair Doug Lofting signage illuminated or with lights projecting onto it.

Lee Baggett I need to check with the City and make sure everything is ok with that.

Chair Doug Lofting staff are you comfortable with this, that we are putting this into your hands.

Community Development Director Nick Snead yes we are just wordsmithing a motion for you so that it will be a little easier.

Chair Doug Lofting no apology necessary thank you for doing it so rapidly.

City Administrator Gus Burrell Mr. Chair we will ratify with you at your next scheduled meeting. When is the next scheduled meeting?

Community Development Director Nick Snead the practice has been we don't meet in July, but we would meet the first Wednesday in August.

Commissioner Doeshia Jacobs I am glad you are putting up some stone on the building, we are trying upgrade Madras.

Lee Baggett that is what we want to we want it to fit in with some of the other buildings. We all live here and want to clean up town, and draw people here.

City Administrator Gus Burrell just a clarification in the motions if we cost share does that allow us to work with the historic building also? Just for clarification would you like us to follow up with historic building? Not necessarily on the same time line unless you would like us to.

Community Development Director Nick Snead let's do a separate motion on that.

Chair Doug Lofting I think that would be in the best interest of all of us.

Community Development Director Nick Snead why don't we do one motion as prepared for Mr. and Mrs. Baggett's project, and then staff will collectively develop a motion for you to read that would enable funding scenario number two, to be put in motion.

Commissioner Chuck Schmidt how about the third one with the \$35,000 or is that just part of the budget process?

Community Development Director Nick Snead yes it would be, we wouldn't authorize the expenditures now but just show that we are planning for expense should it be needed

Chair Doug Lofting Nick if I understand you we are going to do this in two separate motions, is the Commission in favor of the motion in yellow? Is there any additions that you feel is needed? Jeremy are you comfortable with it?

**A MOTION WAS MADE BY CHUCK SCHMIDT TO APPROVE AND EXTENSION OF A LOAN OF \$20,000 AND A GRANT FO \$20,000 FOR A TOTAL NOT TO EXCEED \$40,000 TO LEE BAGGETT, SUBJECT TO THE CITY ATTORNEY PREPARTION AND APPROVAL OF APPROPRIATE LOAN DOCUMENTS, AND DELEGATING AUTHORINT TO MRC COMMISSION CHAIR TO SIGN SUCH DOCUMENTS. THE MOTION WAS SECONDED BY COMMISSIONER BLANCA REYNOSO AND PASSED UNANMOUSLY.**

Chair Doug Lofting the motion unanimously passed Baggett's there you go.

Lee Baggett we want to thank you and appreciate you believing in us and helping us out with the project. I think it will be great for everybody.

**A MOTION WAS MADE BY CHUCK SCHMIDT TO APPROVE AND EXTENSION OF A GRANT NOT TO EXCEED \$20,000 TO HISTORICAL BUILDING WINDOW REPLACEMENT, STEVE JANSEN, SUBJECT TO THE CITY ATTORNEY PREPARATION AND APPROVAL OF ANY APPROPRIATE GRANT DOCUMENTS, AND DELEGATING AUTHORITY TO MRC COMMISSION CHAIR TO SIGN SUCH DOCUMENTS. THE MOTION WAS SECONDED BY COMMISSIONER DOESHIA JACOBS AND PASSED UNANIMOUSLY.**

Chair Doug Lofting the motion passed unanimously. With that we will move onto item five the Derelict Building Amendments to the nuisance and abatement Ordinance No. 822

**V. Derelict Building Amendments to the Nuisance & Abatement Ordinance No. 822**  
Community Development Director Nick Snead this will be a presentation or discussion that is facilitated by me, John Morgan who is a consultant for the City of Madras, and also our City Attorney. So we are going to come at you from all directions, the Commission will recall at your April meeting we had a discussion about the conditions of some of the buildings in our downtown. There was clear direction given to staff that we need to review our regulations and look at our finances to see what we could do to remove the blight that may exist in our downtown. First and foremost what the City needs to do is amend its Nuisance and Abatement Ordinance. It currently doesn't have the proper authority or clear authority and the procedures are not as clear as needed. In doing so the City has hired John Morgan who is a consultant to assist the City with drafting this ordinance.

John is Community Development Director for several small cities in the state of Oregon and he is also the interim Planning Director for the City of Troutdale, and a former City Manager. He has a lot of experience in my position and thought he would be a good consultant to help the City with this. So with that I am going to open the microphone to John to introduce the topic from your perspective and then we will have Jeremy inform us after that. I would note for the purpose of the Commission we did have some late changes to the Ordinance after the packet was issued. So you have two documents before you. One is a clean copy in black, and the other document is red lined with all the underlines and strike through font. This shows the changes to the existing ordinance. My final comment before I ask John to speak is that Chair Lofting I do know that we have a passionate member of our community here that would like to speak about this. So after the staff report I would encourage you to ask for public comments.

John Morgan thank you very much I have to start out by saying I am struck by reading the mission statement that is inscribed on the front of the dais. Especially the word thrive my businesses mission is to help people in communities create a persistent capacity to thrive. So we share that word, and that is really why we are here this evening in that thriving in the context that Nick just talked about. This mostly has to do with commercial structures and a vibrant business community. It comes not only from the internal elements of a business and its capability to sell well, market well, manage its self well, and grow well internally. It is definitely influenced by what happens on the outside. There are many things in a community that can cause degradation of the capability of a business to thrive. That's why we are here tonight your Council expressed a concern about buildings in the community that create a blighting condition even though we don't use that word. The word is defined in statute, but I think we can understand that it means where an influence emanates from a structure or property. That has lost its quality, lost its safety, lost its presence to the point where it negatively impacts properties around it.

In using that theme I worked to try and craft an ordinance that deals with impact and how to we mitigate those impacts. So we can see a thriving amongst the other surrounding businesses and of course for the community as a whole. In order to do that Nick and Jeremy and I brainstormed quite a bit and I thought a lot about this. We looked at the examples from a lot of other communities. I have administered codes like this in other communities and had to do abatement and it's never an easy process because inherently you are balancing issues of public and private rights. In that there is a private right to a person's own property and there needs to be a due process. By which the City can exert some responsibility to intervene on that private property right. We have to find an effective way to balance that public interest against that private interest expressed in that private property right. In order to do that I think we have found a means that creates an effective way to do it.

It uses the existing nuisance ordinance, when this started out I wasn't sure that is where this was going to go. It might have been a free standing ordinance, but the frame work of your existing nuisance ordinance is a good one. It would not serve you well to have two completely separate ordinances with different processes. To deal with two different kind of nuisances so it made sense to keep it all combined together, and to amend the nuisance ordinance and add on this particular process. We have to acknowledge that abandoned cars, and grass that is too tall, and noise and those things that are nuisances are nuisances but are relatively minor in scale. Compared to abating a nuisance building a building that has actually gone bad and there needs to be some intervention. It doesn't fit perfectly in the nuisance ordinance but I do think we have got a frame work that will work for you.

I want to point out that part of the effort was to keep this as simple as possible. So tonight what we look for is for you as the Redevelopment Commission to ultimately in this evening offer that expresses your position. This will go to City Council next week and the Council would love to hear from you and your perspectives about this, both your endorsement and rejection of the ideas. Then certainly any ideas you may have for improving this as it goes forward. The intent before you are done this evening would to be to ask for a motion of some kind of action in the form of a recommendation to the Council. So there were two elements that went into this ordinance it is pretty straight forward. One being what is the definition of derelict in terms of a derelict building, because there is no definition of that in your code. There is a discussion of buildings in there but it has to do with deficient buildings, buildings that don't meet building code issues and therefore are unsafe.

That certainly can be a derelict building but it doesn't have to be. We needed to expand that definition, and you will find if you look at the annotated draft of the document. On page two we added some pretty boiler plate definitions to help us define those things that go into the work of identifying a derelict building. Then going into the annotated again on page five there is a definition of derelict buildings. It basically has three parts and what I tried to do is craft a definition that not only you can look at and measure a building in of its self. Even more importantly it gives you frame work for looking at the impacts of that building. That is really what this is about; it's not about the building it is about the impacts of the building. So let's take a look at that. It says derelict buildings which may be abandoned and may or not be in a state of deterioration. Creating negative impacts on surrounding buildings, and districts by attracting trespassers or vagrants by presenting an unattractive appearance compared to the design care and upkeep of neighboring properties, or by being the site of vandalism, and other crimes in misdemeanors. There by increasing incidents or potential for incidents on surrounding properties.

That is the beginning then it goes on and says what is the impact of that it says. Such that the derelict buildings or building degrade the economic activity or economic potential of surrounding

properties, by discouraging customer visits, by discouraging investment and newer remodeled buildings, by discouraging property rentals or sales, by discouraging maintenance on surrounding properties, by discouraging the employment of qualified employees and other factors. Then it goes into the third element in finding impact which is; leading to a diminishment of economic activity, value, utility, and vitality in the surrounding area. So we have this definition how do we use it is the question.

So the second part of the ordinance gets into how derelict buildings are identified and you will find that again in the annotated drafts starting on page six. There are nine steps in this particular draft. I do want to point out that I came at from the perspective of a Community Development Director that actually administers this, but we know it has to be defended by the City Attorney. Jeremy has gone through and has some commentary also in terms of his sense of some of these things that need to change in order to make this more defensible. If it is ever challenged which when you are dealing with a person's property rights is always a possibility. When I am done I am going to ask him to talk about some of the amendments he would suggest to you.

I have in the new section ten the process laid out for what may happen. It gives the City Council the responsibility of declaring a building derelict. That is recognizing that it is almost a policy decision it is certainly a significant political decision, and it is probably a bigger decision you want to empower with your staff. The Council does that by the process which starts at number two on the bottom of page six. The City Administrator or designee will determine if the building or buildings is potentially derelict in accordance with that definition that I read. Then they would talk to the qualified people to help them make that determination. Then the City Administrator or designee in section three notifies the property owner of that circumstance, so that the property owner has time to correct the issues that is leading to the findings of potential dereliction. Reasonable time is given to the property owner to carry out these corrections.

Then in number four it says; if the property owner does not correct these circumstances within the time frame the City Administrator shall set a hearing before the City Council on the matter. The notice of the hearing will be given in the manner prescribed for Quasi-Judicial land use preceding. Meaning that the property is posted, notice is given to people in the surrounding area, it's posted with all legal notices as with any other hearing by the City. It goes on to say; the City Council will consider the report of the Administrator or designee and testimony received at the public hearing. This will determine if the circumstances of the subject property meet the description of a derelict building. That is the opening statement that I gave you in terms of that fairly complex definition.

I want to point out that in that definition there are probably eight or nine hooks, different findings that the Council can make, that would establish this state of dereliction. I wanted to give a lot of places in there where you could literally get your fingers into this and make those findings. That's the Council's responsibility in item six. It goes on to say if the Council finds the property doesn't meet the description then they dismiss the matter. Number eight if the City Council finds the subject property does meet the description of a derelict building. The Council shall adopt and order declaring the building or buildings to be derelict and therefore a nuisance. That is important because nuisance is the define term that gives us that handle to enforce. We don't call it derelict we call it derelict and therefore a nuisance. It's a nuisance in violation of the ordinance and it includes those findings and fact that I just spoke of. Number nine the building found to be derelict, and therefore a nuisance are subject to the enforcement provisions of section eleven and the abatement provisions of section twelve.

So this is where it hooks right back into the nuisance ordinance that already exists we are not reinventing the wheel. Except it goes on to say that the Council may waive some of the

provisions of section eleven. This is the enforcement section this may such egregious situation that the Council can say, forget giving them more time and notice we are going to move straight to abatement. This is the new section twelve and they could go on to order abatement in accordance with section twelve. Then there is some addition on page nine where it talks about abatement, just some add on to add qualification that it is more appropriate given the authority to enter private property and to take actions on private property. Making sure that the City is clearly authorized to do that, and it says by entering the property if necessary and abating the nuisance, including demolition of the building, removal of the property, and site clean-up.

That can happen immediately if Council has waived section eleven. Then an important part on page ten, section two. We have to talk about your responsibility in this abatement process to make sure that you are adequately protecting private and real property. So that the City doesn't become subject to some kind of action if you have overstepped your bounds. It says real and personal property removed during the abatement process shall be in the possession of the City but remain the property of the property owner or occupant. It may be returned to the possession of the owner following abatement or may be sold at the discretion of the City in accordance with the law. Proceeds from the sale may be used to help defray the abatement costs, and any excess returned to property owner or occupant. I have certainly seen this kind of thing in a couple of cases I can think of one was a meth house, one was just a very derelict building. Where the City in both cases went in and abated and chose to sell the property and use the proceeds to pay off the cost of abatement. In both cases there was a little excess that went back to the property owner.

In both of those cases they were not challenged I think in both cases the property owner was glad to have someone clean up the property because they couldn't afford to do it themselves. So that is the sense of this revision to your nuisance ordinance I think it adequately can get to what the Council wanted to see. In giving you that authority to step in where you can't now and reasonably fairly and equitably deal with these derelict buildings. Let me ask Jeremy to offer his comments about the draft and then afterwards let's take some opportunity to have some conversation and of course we do want to hear from the citizen that wants to speak as well.

City Attorney Jeremy Green thanks John I don't have too much to add I have already included many of my comments within the draft in front of you. John and Nick and I discussed this particular draft at some length before the meeting. As ways to further improve what has been presented to you tonight, we are thinking that we will refine the definition of derelict structures a little further in an attempt to provide City staff additional ease when administering the ordinance. We are intending to clarify our rights and remedies in the event we determine a building that is derelict. As of now the language is a little perhaps too broad for my liking in section 10.6. So we will be a little more specific as to the City's rights and remedies. Then another comment that is not necessarily an area or issue that requires further refinement. There are two additional provisions that I wanted to draw to your attention and that is the temporary safe guards. In my version it is subsection seven under ten. Which allows in the event of an imminent hazard or threat, it allows City staff to immediately board up a derelict building to prevent access to the building. Then perhaps very importantly to me as the one who enforces this ordinance the receivership authority on the last page under section 12.8. This is a statutory provision that allows the City to exercise its rights under this particular statute. If the statute is followed to a "t" it puts the City in a position where we can collect our costs of abatement over and above any other lien holders. Specifically, banks and things of that nature in the event of a foreclosure action if you will. It puts us in what you call a priority position behind only the County as far as taxes are concerned and perhaps IRS liens.

Chair Doug Lofting my hats off to Staff they have been listening to us this action has come

quickly and I like it. I believe John you and Jeremy and Nick have drafted this and it is fairly complete. Like Jeremy mentioned it needs just a little bit of tweaking I am all in favor of it, it has my blessing.

Commissioner Royce Embanks I like it because it has some actual teeth and enforcement here, and we can move quickly and that was really important. Sometimes hazardous buildings become hazards overnight, and you need to react fast. We have had buildings that have burnt down here in town and then have sat with no one doing anything about them for days and that is dangerous. Good job as near as I can see it looks great. There is always going to be somebody who will test it, but at least we have something of the frame work to start with. We can make adjustments over time if there is something we find that doesn't work or leaves us in a position that we don't want to be.

Commissioner Blanca Reynoso I think this explains a lot of what is going on in town, I see a lot of buildings that probably need this. Also after doing this maybe we can get together and talk about enforcing more of the law. I see some alley's in town where people are burning stuff in the alley way, which I think is very dangerous.

John Morgan I think you make a good connection if I may it is the broken window syndrome. One window has a broken window and it doesn't get fixed and somehow broken windows start growing in the neighborhood. So mistreatment of property within an alley might be there because the building next door doesn't look good so who cares kind of thing. Maintaining that high standard really helps permeate a community with an expectation of behavior.

Commissioner Doeshia Jacobs I thought we had something like this already. The place is a mess you guys know that there are some buildings that are absolutely disgusting, but I thought we had something in place. To tell people to clean up their properties do we not?

Community Development Director Nick Snead our ordinance could be interrupted to have this authority but the legal question that remained was, did the City have clear authority and if we were to take such action, would we have such clear authority such that our risk of challenge would be very minimal. The answer to that question was no, there was substantial risk and staff was not comfortable with interrupting the ordinance as such, and it was confirmed by the City Attorney that concern was also valid.

Commissioner Doeshia Jacobs my question is what about the owners that have these properties and they don't live here. Can we come back to those owners with this ordinance?

John Morgan yes in two ways, one they are notified by certified mail at the start of this process. They very well may be a foreclosing bank in Buffalo, but we will find them and make those connections to that appropriate authority in that ownership. Then it allows two key things one it allows the City to enter the property. Which normally you couldn't, it kind of trumps any notion of trespass. To where we can be on the property to do the correction, and then it establishes this procedure for liening the property for costs. Which is of course is a recorded lien and it runs with the property. So the owner is encumbered in this process and part of the process through out.

Commissioner Doeshia Jacobs once the process is started and we get a hold of the owner how long will the process take?

John Morgan this requires the City to give the owner notice and a chance to correct the problem and it says "giving them a reasonable amount of time to do so". So if it is a heinous problem say

a building that is partially burned and they are leaving it. It is something that we could say reasonable means you need to be out there with demolition equipment tomorrow.

Commissioner Doeshia Jacobs ok thank you that is what I was wondering.

John Morgan if they fail to do so then the City can intervene, but it does require the hearing in front of the Council. This has hearing notice requirements and the Council making a decision. So there is a due process it is not instant, but it can be very quick.

Commissioner Chuck Schmidt one thing comes to mind down in my neighborhood there was a garage that had a fire. It sat there burnt out for I don't know how long, and finally they rebuilt it all. I don't know if they were waiting for the insurance or whatever. So I am trying to look at the process and say ok so here is a building it burnt. Do you make contact with the owner and say what is your plan with the property and possibly get a time line. Is there a process to allow the property owner then to say yes it is being done it is going to take sixty days for the insurance company to respond and whatever.

Community Development Director Nick Snead absolutely, I communicated this project to be creating the tools for the City. Remember I am a wood worker I use my table saw for certain things but I can't use my table saw for everything. So it is the right tool for the right situation. So if a garage has been burned down and they are going through the insurance process to reconstruct that, and there is demonstrated evidence of that and they want to reconstruct it. The City is not going to utilize these provisions to enforce it. This would a case where the structure has burned down and the property owner has no intent to level the building so it is safe, and insurance isn't involved. So at that point we would utilize this tool.

City Attorney Jeremy Green it is all fact and circumstance driven there is tremendous flexibility for those one offs or what have you.

Chair Doug Lofting another part that I really like about this is that it puts the responsibility on the City Council, and then City Council dictates to staff to handle this. I like that staff isn't the one that is going to be jumped on by the community. This is a community decision made by their elected officials. Also keep in mind this year we did have a derelict building where a transit went into and started a warming fire. He ended up being badly burnt he was saved by the fire department and they did a very good job. They received there award for such. This gentleman was flown to Emanuel Hospital Burn Center and he passed away. We saw a fatality from a derelict building here in town. So all the more reason that this is going through and staff is expedited this and got everyone involved.

Commissioner Royce Embanks I think one of the things we need to do is publicize the fact that once this ordinance is in force that we publicize the fact that it is there. So the people in town know it is there and it also gives notice to the people who might have derelict buildings. To think about what their buildings may cost them if they don't do something to repair it. It is a hammer for the right nail.

Community Development Director Nick Snead staff anticipates that the newspaper will see this on the June 9<sup>th</sup> City Council agenda and we anticipate questions about that. I would encourage the newspaper to right a story or to communicate this to the public.

Commissioner Royce Embanks it is flexible that is really a key it allows us to adapt to each

situation.

Chair Doug Lofting John, Jeremy, Staff anything else before we go to public comment? Public comment if there is anyone who would like to comment.

Community Development Director Nick Snead I just had three questions I thought I would ask after the opportunity for public to comment, for the City Attorney and the benefit of staff and the Commission and everyone here. Jeremy in the circumstance that there is a derelict building that requires immediate action by the City, is there the remedy available where we could board up or secure the building so it would restrict access to the building? Could we fence the property so we could restrict access if the building couldn't be secured in the case that it was substantially damaged? I am thinking in the example of the Madras Motel that burnt down one of our challenges was securing the perimeter of the burn site to restrict access.

City Attorney Jeremy Green yes that is subsection seven you will note that the language is broad enough and intended to encompass any type of temporary safe guards that you believe is warranted.

Community Development Director Nick Snead my second question is when the City Council holds a hearing. Gus and I had talked about the concept of providing notice to property owners of the hearing before the City Council within 250 feet. The reason for that and I am suggestion that maybe we include that and perhaps direction by the Commission to do so. Because often times it is the adjacent property owners that are being impacted, and the one property owner is going to the City saying something has got to be done. I think that for this policy decision that the City Council would make I think that it would be in there interest or they would find it useful in their decision to hear from the adjacent property owners. So almost like a land use hearing notice.

City Attorney Jeremy Green so the ordinance does not currently require that based upon the revisions that I have made. The reason for that is that I wanted to make this as administratively efficiently for and without as many hurdles as possible. This ordinance currently requires the notice that is required under subsection C Section eleven. With nothing beyond the notice to the property owner or those other individuals with interest in the property.

City Administrator Gus Burrell perhaps that could be a "may" statement if we have an immediate emergency we don't want to get into notice and mail and timelines. Is there opportunity to "may" to add to testimony?

City Attorney Jeremy Green you can always add and give notice beyond what is required by ordinance. I would never recommend that you place upon yourself additional notice requirements that are not necessary.

Community Development Director Nick Snead just anticipating this difficult decision the property owners may be interested. My final question in the current ordinances one of the challenges we have that I know one of our citizens here tonight is concerned about is the situation where the Police Department issued a citation, the citation required the resident or property owner to appear in Circuit Court and they didn't show up in court. Then all of a sudden we are looking around the room or looking at ourselves saying what will we do next. We didn't have any remedies beyond that. So I want to clear that we do have the option to site the property owner correct? In the case that the citation remedy is not useful we then could proceed with abatement?

City Attorney Jeremy Green the remedies are both individual and cumulative which means you can pursue one or all or none of the above.

Community Development Director Nick Snead thank you for that clarification.

Chair Doug Lofting Nick I agree with Jeremy that we shouldn't go to a public notice, because it is going to slow down the process. One thing about how this is worded currently is City Council gives staff approval and it gives you the authority to move ahead rapidly, don't slow that process.

Commissioner Doeshia Jacobs I have a question how long does a building have to be a derelict building before we say it is a derelict building?

City Attorney Jeremy Green technically one minute as soon as the City Administrator identifies a potential derelict building the notice can go out. Its immediate it allows City staff to be as responsive as possible to an issue. So basically Gus to apply it to a practical situation perhaps Gus would identify a building that was potentially derelict. He would base that decision upon the structure that is outlined in this ordinance. Gus would send notice to the owner or the interested parties with respect to that building. He would put them on a reasonable clock if the derelict building if the issues creating the derelict building were not addressed. Gus could then move forward with the hearing in front of the City Council.

Commissioner Doeshia Jacobs ok, so all you have to do is write a note to Gus and let him know. The building I am thinking about is the one that is north of Ahern's. Doug you should know that building that is north of Ahern's it used to be a gas station.

Chair Doug Lofting I do know that building but currently the way I look at that building is doesn't pose a risk to the public. There are some others in that general vicinity that does. They haven't been occupied in quite some time like the one you are referring to. Yet the building you are referring to has all of its windows, doors, and is locked secured. I don't see that as being in this category as a nuisance or derelict, but other in that vicinity we do.

Commissioner Doeshia Jacobs ok.

Community Development Director Nick Snead should the Commission find it appropriate this evening staff would recommend that the Madras Redevelopment Commission forward the draft that has been presented to the City Council for review and approval at their June 9, 2015 meeting.

Chair Doug Lofting Nick would you like a motion for that?

Community Development Director Nick Snead that exact motion would be sufficient let me go back and amend that motion to include the amendments that Jeremy and Mr. Morgan have described.

**A MOTION WAS MADE BY COMMISSIONER ROYCE EMBANKS THAT WE PRECEED WITH THE DERELICT BUILDING ORDINANCE INCLUDING ALL THE AMENDMENTS MADE BE LEGAL COUNCIL AND CONSULTANS AND PRESENT TO CITY COUNCIL ON JUNE 9, 2015 FOR APPROVAL. THE MOTION WAS SECONDED BY COMMISSIONER DOESHIA JACOBS AND PASSED UNANMOUSLY.**

**VI. Resolution No. MRC 2015-04**

Finance Director Brandie McNamee loan documents only have a thirty day window of time and when we came to the MRC at the last meeting it was unknown that the City could not approve by resolution the other portion of the funding. We had to do a non-emergency ordinance which requires a thirty day non-appeal window of time. So we had to adjust the date on the loan documents that you signed at the last meeting to May 26, 2015. So that the thirty day window would make the loan affective by June 26, 2015 to allow funding to occur by July 1, 2015, so all this resolution is simply an amendment to that original agreement with the correct dates.

Chair Doug Lofting Commissioners is there any questions or comments regarding this resolution? As there are none a motion to this affect as written please.

**A MOTION WAS MADE BY COMMISSIONER CHUCK SCHMIDT THAT WE EXCEPT RESOLUTION NO. MRC 2015-04 AS WRITTEN. THE MOTION WAS SECONDED BY COMMISSIONER BLANCA REYNOSO AND PASSED UNANMOUSLY.**

Chair Doug Lofting there has been a motion and a second all in favor by aye and all opposed by nay as there are none motion passes unanimously.

**VII. MRC FY 2015-2016 Budget Hearing**

Chair Doug Lofting at this time we would like to open this hearing, and staff report please.

Finance Director Brandie McNamee this is the annual budget resolution for the fiscal year 2015-16 what was stated in the Budget Committee there isn't any major changes that you are not already aware of. This does allow total budget to be \$100,132,807.00.

Chair Doug Lofting Commissioners very similar to what we have seen in the past numbers are fairly similar I have no questions or concerns regarding this. Are there any comments from the public regarding the MRC 2015-16 budget? As there are none staff are there any other comments? As there are none at this time I would like to close the budget hearing and at this time there is no action required formal action will be by resolution.

**VIII. Resolution No. MRC 2015-05**

**A MOTION WAS MADE BY COMMISSIONER ROYCE EMBANK THAT WE ADOPT RESOLUTION NO. MRC 2015-05 ADOPTING THE BUDGET, MAKING APPROPRIATIONS, AND PROVIDING FOR THE DECLATATION OF TAX INCREMENT FOR FISCAL YEAR 2015-2016 IN ACCORDANCE WITH ORS 294.456. THE MOTION WAS SECONDED BY COMMISSIONER CHUCK SCHMIDT AND PASSED UNANIMOUSLY.**

**IX. Approval of Madras Garden Depot Invoice for the purchase of Additional Flowers for the Downtown Flower Pots**

Community Development Director Nick Snead in the packet is the invoice and cost breakdown for Madras Garden Depot for the total of \$560.00. Staff is requesting approval for that expense it did not make the voucher list for you to approve this evening. Additionally beyond that which

isn't in your packet and I am sorry staff would like authorization to purchase about 15 replacement flower pots in the case that we need to. Replacement flower pots we have been advised that are tallest flower pots may be in violation of a standard that relates to traffic. So we may need to replace them, and so I estimate the cost at no more than \$100.00 a piece the thought here is that we weren't aware of the standard and now we are, we would like to have the flower pots out. So we need to find a new flower pot to put out so we are trying to facilitate a decision in a timely manner with the budget, and still keep the down town looking good. I have talked with staff what we would like to do is have authorization to spend up to \$1,500.00 dollars on the replacement flower pots.

Get them out the purchase would be made after July 1, 2015 and so the flower pots would be put out after July 1, 2015, which your budget would allow for that expenditure to occur. We would also likely need to make a subsequent budget resolution. So two things we are approving tonight for the Commission approval of the Madras Garden Depot invoice of \$560.00, and additional authorize staff to spend up to \$1,500.00 for replacement flower pots to the extent needed.

Chair Doug Lofting Nick the pots that are going to be removed are going to be placed in storage for whatever use we might come up with for them down the road.

Community Development Director Nick Snead absolutely we will definitely not destroy them they will be kept and if we can put them out in some other location and beautify the downtown, or otherwise we will bring that to you for your review and approval.

Commissioner Chuck Schmidt so is this an ODOT standard on if it is close to the road that it has to be X like the post can't be made out of steel or something?

Community Development Director Nick Snead no this is the ASHTO standard and I don't know what that acronym stands for, but it's the ASHTO site distance standard. Both ODOT and the City are required to adhere to the same site distance standard. ODOT is involved in this situation to help the City administer that regulation and determine what changes need to be made. They have a City engineer they are here in town with a project and they are doing this to help the City out.

Commissioner Chuck Schmidt so it is a site standard.

Commissioner Royce Embanks I have a suggestion and I don't know how we would do this but instead of storing them. In my experience with storing pots is that they sit there and gather dust and then get broke and you throw them out in a year. Maybe it would be better if we could sell these and recoup some of the money and put it back into the MRC fund. To do something like that time wise if it takes up anytime you could advertise in the paper or Saturday market or something. Those are nice pots take the price that we paid for them and reduce it appropriately.

Community Development Director Nick Snead additionally staff is thinking there might be some other parks or open space that we may be able to put them out and put flowers in them annually.

Commissioner Doeshia Jacobs have you thought about putting the pots around the Court house?

Chair Doug Lofting are you looking for two motions here or can we combine them into one?

Community Development Director Nick Snead I will verbally state the motion and someone can say so moved if that is the easiest. The proper action by the MRC this evening would be to approve the Madras Garden Depot invoice in the amount of \$560.00 and authorize staff to spend up to \$1,500.00 after July 1, 2015 for replacement flower pots.

**A MOTION WAS MADE BY COMMISSIONER CHUCK SCHMIDT TO APPROVE THE MADRAS GARDEN DEPOT INVOICE IN THE AMOUNT OF \$560.00 AND AUTHOURIZE STAFF TO SPEND UP TO \$1500.00 AFTER JULY 1, 2015 FOR REPLACEMENT FLOWER POTS. THE MOTION WAS SECONDED BY COMMISSIONER BLANCA REYNOSO AND PASSED UNANMOUSLY**

**X. US Armory Core of Engineers Grant to Re-Map the Floodplain & Floodway**

Community Development Director Nick Snead there is a staff report in front of you this evening and I apologize for it being placed before you at such a late notice. Because of the importance of the flood plain to the City and the downtown area staff wanted to put on your agenda for your consideration. Besides the MRC, the Planning Commission, and the City Council will also have the same request in the near future. In short here is what is going on as many of you know the City of Madras is a floodplain. Since I have been at the City in 2008 I have heard many times about concerns from citizens about the accuracy of the floodplain as shown in the Flood Insurance Rate Map for the City of Madras. I recall that this year the City amended its Comprehensive Plan for natural hazards. It has policy language in there that we need to use the best available data to make decisions about natural hazards. In our Natural Hazards Mitigation Plan it also identifies the need for the City to remap the floodplain. Until recently staff hasn't moved forward because frankly it is really expensive to do this work. The other reality is it is somewhat politically contentious to do it depending on how you approach remapping the floodplain.

Recently staff was put in touch with the United States Army Corps of Engineers in their Portland office. Their staff made us aware they have a grant program that we could participate in. They would give the City or they would incur 100% of the cost to collect data here locally on our floodplain. They would fly it with LIDAR (Light Detection And Ranging) and then analyze that data and determine what the floodplain and floodway boundary would be. This is a very rare opportunity I can tell you that John Morgan over here he doesn't know it, but if I was to ask him most City's doing get this opportunity. So why are we asking for this knowing that it is politically charged one the opportunity is there. Staff wants to fully make the Commission and the rest of the Community aware of this opportunity and the need to remain objective through the process. In other words we want to rely upon the data and analysis to make the decision about where the floodplain ultimately goes. There is risk if we decide one property verses another if they are located in the flood plain. That does interject some subjectivity into the decision and I think may compromise or at minimum complicate the ultimate decision.

It would be about a two to three year process, the City would be responsible for facilitating the public meetings associated with this, and ultimately be responsible for submitting the letter of map revision to FEMA. Which is the formal request to amend the floodplain map, and those costs can generally be absorbed by the City. Except for the City Engineer we can't really estimate that cost right now but I think moving forward we can identify those costs in a reasonable manor so our budgets can accommodate that. So this evening we are asking for just general support from the Madras Redevelopment Commission to support the City moving forward on this grant opportunity. It certainly allows the City if we don't want to move forward here very shortly we can always back out of it. Knowing the impact to the flood plain and the



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SUMNER C. RODRIGUEZ  
1949-2005 (Deceased)

June 23, 2015

ATTN: Nick Snead  
City of Madras  
125 SW "E" Street  
Madras, OR 97741

**COPY**

Re: *MRC*

Dear Nick:

I had discussed with Doug Lofting that there is a possible opening on the MRC Board. This letter is sent to express my desire to be appointed to this board.

Sincerely,

GLENN, REEDER, GASSNER & CARL, LLP



DONALD V. REEDER

DVR:glm

cc: Doug Lofting

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# **Madras Redevelopment Commission**

## **Policy for MRC Participation in Abatement of Derelict Buildings**

This policy is intended to establish the process and factors for which the MRC may participate in the abatement of a derelict building located within the Madras Urban Renewal District.

### **What does “participate” mean?**

The term “participate” in this context has three factors: 1) location; 2) process; and 3) financial. In terms of location, the MRC can only participate in the abatement of derelict buildings located within the Madras Urban Renewal District.

With respect to process, the abatement of derelict buildings shall follow the procedures established in the City’s Nuisance and Abatement Ordinance (No. 875). In that regard, prior to the MRC participating in the abatement of a derelict building, there would need to be a property owner who has not responded to the City’s Notice of Violation. Subsequently, the City Council would conduct a public hearing at which time they may declare a building or structure to be derelict and commensurately adopt an order requiring the property owner to abate the derelict building. Should the property owner fail to abate the derelict building, the City may abate the derelict building which may include but not be limited to demolition of the building or structure, removal of property, and/or site cleanup.

The Madras Redevelopment Commission has the authority to financially participate in the abatement of derelict buildings by partially or fully funding the abatement. Should the City Council declare a building to be derelict, the property owner has not followed the Council’s order to abate the derelict building, and the property is located in the Madras Urban Renewal District, the MRC may consider to what degree it wishes to financially participate in the abatement of the derelict building or it can make a decision not to participate.

### **Why should the MRC participate in the removal of derelict buildings?**

The, 2002 Madras Urban Renewal Plan (pg. 1) identifies “unsafe buildings” as a blight to the Madras Urban Renewal District. Furthermore, the 2007 Urban Revitalization Action Plan (pg. 9) identified the following priorities related to buildings and the appearance of downtown:

- Remove or renovate old vacant buildings downtown
- Improve appearance of retail; continue matching grants for store fronts
- Promote attractive businesses on entrances of City
- Improve and cleanup business signage, step up code enforcement

Both plans directly and indirectly include provisions for the MRC to address derelict buildings within the Madras Urban Renewal District as a means to remove “blight”. Blight removal is an appropriate use of urban renewal funds and therefore, the MRC should participate in the abatement of derelict buildings to accomplish the provisions of the Madras Urban Renewal Plan and Urban Revitalization Action Plan.

It is important to note that the City will be solely responsible for the abatement costs for removing a derelict building located outside of the Madras Urban Renewal Area. The degree to which the MRC financially participates in the cost to abate a derelict building needs to be determined by the MRC and is circumstantial in nature and therefore, should be determined on a case-by-case basis.

### **How will the MRC determine which properties to participate in the abatement of a derelict building?**

There is legal risk to the MRC to predetermine which properties the MRC will participate in the abatement of derelict buildings. To minimize the legal risk, staff recommends the MRC respond only after a Citizen Complaint is filed with the City. Furthermore, staff recommends the MRC participate in the abatement of derelict buildings located in the Madras Urban Renewal District and for which the property owner has not complied with the City Council's abatement order.

### **When can the MRC participate in the abatement of a derelict building?**

There are two ways that the MRC may participate in the abatement of derelict buildings. The first is through the City's formal code enforcement process. In this situation where there is: 1) a property in the Madras Urban Renewal District; 2) the City Council has declared the property to be a derelict building; 3) the property owner has not followed the City Council's order to abate the derelict building, City staff would obtain a cost estimate to abate the derelict building. City staff would then present the case and cost estimate to the MRC and request their consideration to financially participate in the abatement of the building based on the factors discussed below. At a regularly scheduled MRC meeting, or if necessary a Special Meeting, to consider such request to facilitate a timely response by the City and the MRC to abate a derelict building.

The second way that the MRC has the authority to participate in the abatement of derelict buildings is to work cooperatively with a property owner outside of the City's code enforcement process. If there was a property owner who wanted financial assistance to secure or remove a derelict building, the MRC may consider providing assistance to a property owner based on the factors discussed below.

### **Factors for MRC participation in the abatement of derelict buildings**

Under the assumptions that there is: 1) a property in the Madras Urban Renewal District; 2) the City Council has declared the property to be a derelict building; 3) the property owner has not followed the City Council's order to abate the derelict building, the MRC will consider participating in the abatement of a derelict building based on the following factors:

#### **Derelict Building Abatement Factors:**

- Number Citizen Complaints
- Improve Downtown Appearance
- Impact of Derelict Building on District
- Abatement will Assist Redevelopment

The MRCs decision to participate in the abatement of a derelict building is a policy decision that only the MRC can make. These factors are intentionally not clear and objective. Instead they provide the ability and flexibility for the MRC to determine the importance and priority of the factors individually or collectively when considering participating in the abatement of a derelict building on a property.

DRAFT



Jefferson Co GIS

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2009 Aerial

Jefferson County uses GIS data in support of its internal business functions and the public services it provides. Those GIS data, which Jefferson County distributes, may not be suitable for other purposes or uses. It is the requester's responsibility to verify any information derived from the GIS data before making any decisions or taking any actions based on the information. Jefferson County shall not be held liable for any errors in the GIS data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. Jefferson County assumes no legal responsibility for this information.

**Legend**

- ◆ Flower Pots
- Flower Pot Lines