



**NOTICE OF PUBLIC MEETING**  
**CITY OF ALBANY**  
**CITY COUNCIL**  
 Council Chambers  
 333 Broadalbin Street SW  
 Wednesday, May 14, 2008  
 7:15 p.m.

**OUR MISSION IS**  
*"Providing quality public services  
 for a better Albany community."*

**OUR VISION IS**  
*"A vital and diversified community  
 that promotes a high quality of life,  
 great neighborhoods, balanced  
 economic growth, and quality public  
 services."*

**AGENDA**

Rules of Conduct for Public Hearing

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. SCHEDULED BUSINESS

a. Communications

- 1) Accepting resignation from Michele Brosnan from the Parks & Recreation Commission. [Page 1]

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

- 2) Accepting resignation from Jimmie Lucht from the Arts Commission. [Page 2]

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

- 3) Considering a resolution from the Albany Peace Seekers. [Pages 3-5]

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

b. Public Hearing

- 1) VC-01-08, vacating portions of Jackson Street NE and Jefferson Street NE located rights-of-way north of Water Avenue NE. [Pages 6-22]

Action: \_\_\_\_\_ ORD. NO. \_\_\_\_\_

c. Business from the Public

d. First Reading of Ordinances

- 1) Levying assessments against property specifically benefited by sewer and water connections and the assessment of sewer, water, transportation, and parks system development charges for property described as Tax Lot 10303 of Parcel 11S-03W-07AB and site address 873 Sixth Avenue SE, and declaring an emergency. [Pages 23-25]

Action: \_\_\_\_\_ ORD. NO. \_\_\_\_\_

- 2) Establishing procedures for retrieving and reclaiming abandoned shopping carts. [Pages 26-29]

Action: \_\_\_\_\_ ORD. NO. \_\_\_\_\_

e. Adoption of Resolutions

- 1) Supporting an application to the Oregon Department of Land Conservation and Development to assist with completion of the goal five tasks in the City's Periodic Review Work Program. [Pages 30-32]

Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_

- 2) Amending parking restrictions within Downtown Albany where parking on public streets is enforced and managed by the Albany Downtown Association. [Pages 33-35]

Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_

- 3) ST-08-04, Somerset Drive to school, and ST-08-06, school to Knox Butte, accepting the Engineer's Report and Financial Investigation Report for infrastructure improvements and setting a public hearing. [Pages 36-52]

Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_

Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_

f. Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) March 10, 2008, City Council Work Session
  - b) March 24, 2008, City Council Work Session
  - c) March 26, 2008, City Council Meeting
  - d) April 23, 2008, City Council Meeting
- 2) Accepting a mini-grant from the Alliance for Community Traffic Safety in Oregon. [Pages 53-54]  
RES. NO. \_\_\_\_\_
- 3) Approving liquor licenses for:
  - a) Total Image, LLC, D/B/A Cadeau of Oregon, 1435 Madison Street SE. [Page 55]
  - b) UUK, Inc., D/B/A Sam City, 2180 Pacific Boulevard SE. [Page 56]
  - c) Annual liquor license renewals. [Pages 57-58]
- 4) Accepting easements from:
  - a) Robbie Frear. [Pages 59-62] RES. NO. \_\_\_\_\_
  - b) Cynthia Hughey and Ambrose Hughey. [Pages 63-67] RES. NO. \_\_\_\_\_
  - c) Leroy L. Laack Trust. [Pages 68-73] RES. NO. \_\_\_\_\_
- 5) Accepting a right-of-way dedication from North Albany Community Church. [Pages 74-79]  
RES. NO. \_\_\_\_\_
- 6) Granting underground easements to Pacific Power for the Albany-Millersburg Water Reclamation Facility and the Albany Operations Facility. [Pages 80-88]  
RES. NO. \_\_\_\_\_  
RES. NO. \_\_\_\_\_

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

g. Award of Bids

- 1) Awarding of bid for the new library facility. [Pages 89-90]  
Action: \_\_\_\_\_
- 2) WL-08-01, Madison Street and 12<sup>th</sup> Avenue Area Water Line. [Pages 91-93]  
Action: \_\_\_\_\_
- 3) ST-08-02-B, 2008 Street Overlay Program. [Pages 94-96]  
Action: \_\_\_\_\_
- 4) ST-07-01, Waverly Drive Rehabilitation. [Pages 97-100]  
Action: \_\_\_\_\_

5. BUSINESS FROM THE COUNCIL

6. NEXT MEETING DATE: Work Session May 19, 2008, at Albany Boys & Girls Club, 1215 Hill Street SE  
Regular Session May 28, 2008

7. ADJOURNMENT

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

*The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the Human Resources Department in advance by calling (541) 917-7500.*

## Hyde, Laura

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**From:** Hodney, Ed  
**Sent:** Friday, April 25, 2008 8:38 AM  
**To:** 'marissacr27@yahoo.com'  
**Cc:** Hayes, Tari; Hyde, Laura; Gordy Gamet (gvgamet@comcast.net); John Vandepas (vandepas2@comcast.net); 'Mike Graham (graham@proaxis.com)'; Sharon Edwards (desnoske@msn.com); 'Dan Bedore'  
**Subject:** RE: last meeting in May

We are sorry to lose you, but happy for you. I'll forward your email to the Mayor. This should suffice as your official resignation letter. See you at the next meeting.

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**From:** Michele Brosnan [mailto:marissacr27@yahoo.com]  
**Sent:** Friday, April 25, 2008 7:32 AM  
**To:** Hodney, Ed  
**Subject:** last meeting in May

Ed,

I'm going to come and attend my last meeting P & R comission meeting in May. My son Jordan and I are moving to Hawaii.

*(May 7, 2008)*

I've had a great time being on the committee and lots of fun. I'm resigning my post effective in May. I've really enjoyed getting to know you and the staff and getting to know more about the P & R department here in Albany.

We will be heading out in July.

thanks,

Michele

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Be a better friend, newshound, and know-it-all with Yahoo! Mobile. [Try it now.](#)

## Eilers, Diana

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**From:** Gilliland, Joy  
**Sent:** Monday, May 05, 2008 9:16 AM  
**To:** Eilers, Diana  
**Subject:** commission resignation  
**Attachments:** image001.gif

I'm not sure who I need to send this to.

Joy Gilliland

Event Coordinator  
Albany Parks & Recreation  
POB 490/333 Broadalbin St SW  
Albany, OR 97321  
541/917-7772  
Fax: 541/917-7776  
"joy is the by-product of friendship, faith, and focus"  
brewer

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**From:** Jimmie Lucht [mailto:jlucht@albanyvisitors.com]  
**Sent:** Thursday, May 01, 2008 4:40 PM  
**To:** Gilliland, Joy  
**Subject:** RE: April's minutes

Joy,

It is with regret that I ask to be removed from the Art Commission. As many of you have probably noticed I have not been able to make a meeting for a while. This year and next year I am serving as the President of the Willamette Valley Visitors Association, and that seems to be eating a lot of my time. I have enjoyed my time with you all and will miss seeing you. Both AVA and I will continue to support the Commission in any way we can in the future. I have enjoyed the work we have done and wish you all well!

Jimmie L. Lucht, Executive Director

Albany Visitors Association

P.O. Box 965, Albany, OR 97321

(541) 928-0911

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**From:** Gilliland, Joy [mailto:joy.gilliland@cityofalbany.net]  
**Sent:** Tuesday, April 29, 2008 3:05 PM  
**To:** Agenda and Minutes; Glenda Fleming; Jimmie Lucht; Marsha Meidinger; Marsha Meidinger; Michael Moore; Pat Kight; Susan Whitacre  
**Subject:** April's minutes



To the Albany City Council

Albany Peace Seekers asks our representatives, the members of the Albany City Council to consider and to act favorably on a resolution to urge the federal government to immediately commence planning an orderly, rapid and comprehensive end to the occupation of Iraq. We believe that the cost in human terms, both for Americans and for Iraqis, far outweighs any possible positive outcome. We believe that this cost must be measured not only in the consequences of our military action, but also in the human needs not being addressed in both countries. A compelling case for ending the Iraqi occupation is outlined in the proposed resolution.

Albany Peace Seekers is a local human dignity group committed to the following mission statement: "Albany Peace Seekers works for peace, justice and human rights, locally and globally. Our mission is to be a positive, non-violent voice of conscience in the midst of aggression, war and injustice. In this world gripped by anxiety and fear, we offer peaceful alternatives through education, advocacy and mutual support."

APS works actively in the local community to carry out this mission by sponsoring speakers, supporting activities like the LBCC Diversity Conference, and keeping a public presence opposing violence and continuing to say that "Peace is Possible". In 2005, APS joined with the Linn Benton Institute for Peace and Justice to send a delegation of two Albany high school students, one LBCC student, two high school teachers and two community representatives to Nagasaki, Japan, to attend a Peace Conference that marked the 60th anniversary of the bombing of Nagasaki. City Council member Doug Killin, now deceased, was part of the send off celebration and sent greetings and a key to our city on behalf of then Mayor Chuck McLaran.

We ask the members of Albany City Council to join with many other municipalities across the United States in sending a message to our representatives in Washington D.C. that this occupation must end, so that our nation can get on with governing in a way that truly allows the US to be a "beacon of hope" to our citizens and to the world.

Sincerely,

Sharon Gisler, Chair  
Albany Peace Seekers  
728 SW 10th Avenue  
Albany, OR 97321

## **RESOLUTION TO CALL FOR THE END OF THE OCCUPATION OF IRAQ**

Whereas, the citizens of the City of Albany, Oregon and their local elected representatives have the constitutional right to petition the national government on any matter of grave concern to our city, the nation, and the world community; and

Whereas, there have been insufficient public forums offered by our representatives at any level of government where citizens can discuss the issues of the Iraq war, and that the media (including newspapers) are providing us with inadequate news (particularly independently researched news) about the war; and

Whereas, the Albany City Council and the citizens of Albany respect and honor the men and women serving in the United States Armed Forces in Iraq and recognize the sacrifices that each of them is making; and

Whereas, the 156,000 men and women of our Armed Forces serving in Iraq are the sons and daughters of our community and we are concerned for their well-being and safety; and

Whereas, the war in Iraq, now in its sixth year, has caused: a) the deaths of more than 4000 American soldiers and hundreds of thousands of Iraqis; b) the physical and psychological wounding and disabling of more than 16,000 American soldiers and of tens of thousands of Iraqis; and c) the destruction of the homes, communities, and livelihoods of hundreds of thousands of Iraqis; d) and the displacement of approximately 4 million Iraqis; and

Whereas, the current administration has failed to support the material needs of the troops in the field as well as the medical and social services upon their return; and

Whereas, important work in building Iraq's infrastructure, economy and society has not progressed due to dangerous and unstable public security conditions; and

Whereas, more than 3 trillion dollars has been appropriated by Congress to fund military operations and reconstruction in Iraq and the cost has now reached \$720,000,000 a day or \$263,520,000,000 for 2008, this means that we in Linn County are indebted for \$116 million dollars (and counting); and

Whereas, the cost of deployment and redeployment (for even a third and fourth time) of the Armed Forces to Iraq has been significant, as determined by the loss of lives, combat injuries, psychological trauma, disruption of family life, financial hardship for individual families, and businesses, interruption of civilian careers, and damage to the fabric of civic life in our community; and,

Whereas, Oregonians have joined the National Guard thinking they would be serving their neighbors by helping with Oregon-based emergencies, unless there was a danger to the United States requiring transfer to active duty; and,

Whereas, the federalization and deployment of the Oregon National Guard members to the war in Iraq threaten the safety and well being of the citizens of Albany because the Oregon National Guard is being diverted from its legally assigned duties of responding to local emergencies including fires, floods, and earthquakes; now

Therefore, be it resolved that the Council of the City of Albany:

- 1) Hereby urges the U.S. government to immediately commence planning an orderly, rapid and comprehensive end to the occupation of Iraq; and
- 2) Hereby calls upon the President and the Congress of the U.S. to support our troops by ensuring that returning veterans receive compensation and care including full mental and physical health, education, disability, and rehabilitation benefits; and,
- 3) Hereby urges the U.S. government to provide the people of Iraq with diplomatic support and appropriate non-military aid as shall be necessary for the security of Iraq's citizens and for the rebuilding of Iraq; and
- 4) Hereby directs the Albany City Council President to forward this resolution immediately to President George W. Bush, Rep. Darlene Hooley, Rep. Peter DeFazio, U.S. Sen. Ron Wyden, U.S. Sen. Gordon Smith, Governor of Oregon Ted Kulongoski, State Rep. Andy Olson, State Sen. Frank Morse, the Linn County Board of Commissioners, and to candidates currently seeking nomination for those offices.



TO: Albany City Council  
VIA: Wes Hare, City Manager  
Don Donovan, Planning Manager *DD*  
FROM: Mike Leopard, Infrastructure Analyst *ML*  
DATE: May 7, 2008, for the May 14, 2008, City Council Meeting  
SUBJECT: File VC-01-08, Street Vacations

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

Action Requested:

Hold a public hearing on an application to vacate portions of Jackson Street and Jefferson Street, north of Water Avenue, and make a decision to approve with conditions or deny the application.

Discussion:

The applicants for the street vacation are the owners of the properties that abut the street rights-of-way that would be vacated. The owners are Ohanamula LLC (David Johnson), Glorietta Bay LLC (Scott Lepman), and John Boock, Jr. The properties are in the CARA District.

Ohanamula LLC has submitted an application to the City for construction on its property of a four-story commercial building (Wheelhouse). The building will have a restaurant on the first floor. The three upper floors will be offices. Staff is reviewing the application now. Glorietta Bay has plans to build condominiums on its property. John Boock owns the old Borden building, which has the potential to become a variety of new uses.

The street rights-of-way that would be vacated have never been improved to City standards. The rights-of-way have been used for private access, private parking, and a private loading dock. If the rights-of-way are vacated, staff recommends a condition of approval be that an easement be retained over the entire width of the rights-of-way so that access to the river and views of the river are preserved. Staff is recommending that the ordinance that would approve the street vacations be read a first time only until the applicants provide the easement. When we receive the easement, we would bring the ordinance back to the City Council for the second reading.

The City Council agreed to initiate the street vacations at the February 13, 2008, City Council meeting, primarily to help move the development projects on the abutting properties forward. This action by the City Council made the application process simpler for the applicants, but the application must still be reviewed on its merits as described in the attached staff report.

Vacations of public rights-of-way require public hearings before both the Planning Commission and the City Council. At their May 5, 2008, meeting, the Planning Commission held a public hearing and then voted unanimously to recommend that the City Council approve the street vacation applications.

Budget Impact:

None.



AN ORDINANCE VACATING PORTIONS OF JACKSON STREET NE AND JEFFERSON STREET NE, NORTH OF WATER AVENUE, IN ALBANY, OREGON; AND ADOPTING FINDINGS.

WHEREAS, on February 13, 2008, the City of Albany City Council directed staff to initiate the vacation of these portions of rights-of-way (File VC-01-08); and

WHEREAS, notices of public hearings were mailed, posted, and published as required by state and local law; and

WHEREAS, the Albany Planning Commission held a public hearing on May 5, 2008; and

WHEREAS, the Albany Planning Commission recommended that the City Council pass this ordinance on first reading only until the conditions of approval are met (joint access and maintenance agreements); and

WHEREAS, the Albany City Council held a public hearing on May 14, 2008, and took first reading on the vacation ordinance, and;

WHEREAS, the applicant has satisfied all conditions of approval that needed to be met before this ordinance is adopted.

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

Section 1: Subject Property. The portions of Jackson Street NE and Jefferson Street NE north of the Water Avenue right-of-way (see legal descriptions on attached Exhibit A and map labeled Exhibit B) are hereby vacated.

Section 2: Findings. The Findings, Conclusions, and Conditions in the Staff Report attached as Exhibit C are hereby adopted in support of this decision.

Section 3: Public Utility Easements Retained. The City retains public utility easements over the existing public sanitary sewer main that runs through the vacated areas. These easements will be 20 feet on each side of the existing public sanitary sewer mains that lie within the vacated areas. The easements will benefit the City, their successors, assigns, authorized agents, and/or contractors.

Section 4: Access Easements Retained. The City retains public access easements over the entire areas being vacated. These access easements are for public pedestrian and bicycle access to the Dave Clark Riverfront Path, and to maintain a "view corridor" to the river from the south. The easements also provide legal access rights over the vacated areas for emergency response vehicles.

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

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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

## EXHIBIT A

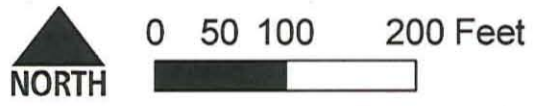
### Rights-of-Way Vacation VC-01-08

Two tracts of land located in the southwest one-quarter of Section 6, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon, that consist of:

ALL of that right-of-way of Jackson Street immediately north of Water Avenue located between Blocks 107 and 108 of Hackleman's Addition to Albany, said right-of-way being 66 feet in width and extending to the Willamette River, and;

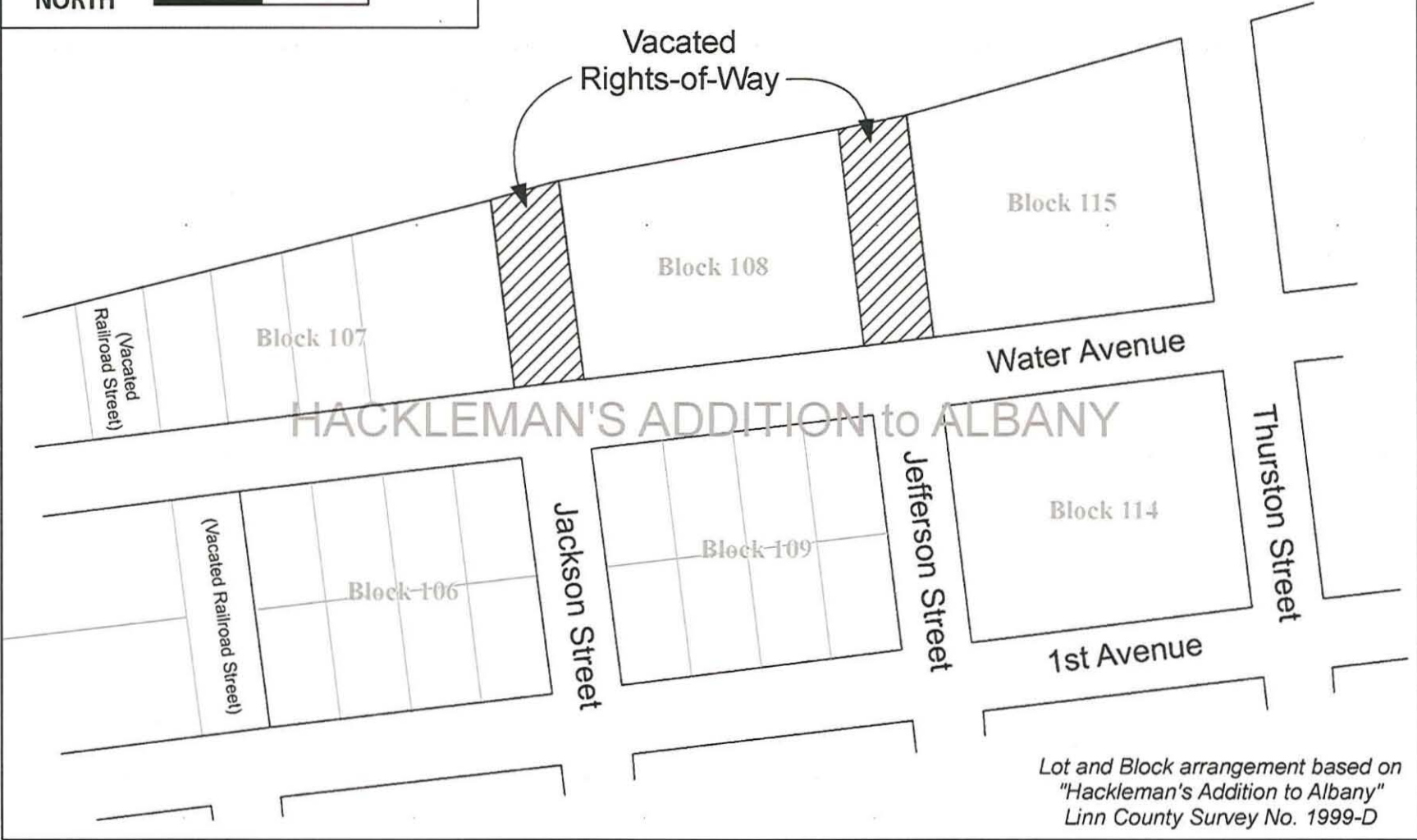
ALL of that right-of-way of Jefferson Street immediately north of Water Avenue located between Blocks 108 and 115 of Hackleman's Addition to Albany, said right-of-way being 66 feet in width and extending to the Willamette River.

**EXHIBIT B**  
**Legal Description Map**  
**VC-01-08**



Willamette River

Vacated  
Rights-of-Way



Lot and Block arrangement based on  
"Hackleman's Addition to Albany"  
Linn County Survey No. 1999-D



# Community Development Department

333 Broadalbin Street SW, P.O. Box 490, Albany, OR 97321

Phone: (541) 917-7550 Facsimile: (541) 917-7598

## STAFF REPORT

### Vacation (Public Street Rights-of-Way)

**HEARING BODY** CITY COUNCIL  
**HEARING DATE** Wednesday, May 14, 2008  
**HEARING TIME** 7:15 p.m.  
**HEARING LOCATION** Council Chambers, Albany City Hall, 333 Broadalbin Street SW

### GENERAL INFORMATION

**DATE OF REPORT:** May 7, 2008  
**FILE:** VC-01-08  
**TYPE OF APPLICATION:** Vacation of those portions of the Jackson Street NE and Jefferson Street NE rights-of-way north of Water Avenue NE.  
**REVIEW BODIES:** Planning Commission and City Council (The Planning Commission held a public hearing on May 5, 2008)  
**APPLICANTS:** Ohanamula LLC; 7885 NE Todd Drive; Corvallis, OR 97330  
 Glorietta Bay LLC; 100 Ferry Street NE; Albany, OR 97321  
 John Boock Jr.; 422 1st Avenue SW; Albany OR 97321  
**APPLICANTS' REP:** Candace Ribera; 545 Vista Avenue SE; Salem, OR 97302  
**ADDRESS/LOCATION:** Rights-of-way adjacent to 521 Water Avenue NE. (See Staff Report Attachment A.)  
**MAPS/TAX LOT:** Street rights-of-way and adjacent properties are shown on Linn County Assessor's Map Nos. 11S-03W-06CD and 11S-03W-06DC  
**TOTAL LAND AREA:** Approximately 25,200 square feet (0.58 acres)  
**PURPOSE OF REQUEST:** Vacation of public rights-of-way to allow for new development on adjacent properties.  
**EXISTING LAND USE:** Unimproved public rights-of-way; currently used as access to parcels adjacent to the rights-of-way.  
**NEIGHBORHOOD:** Central Albany  
**SURROUNDING ZONING:** North: Willamette River (no zoning designation)  
 East: WF (Waterfront)  
 West: CB (Central Business)  
 South: WF and CB  
 (See Staff Report Attachment B.)

SURROUNDING USES:      North:      Willamette River  
                                 South:      Light industrial use  
                                 Southwest: Lumber/home supply store  
                                 Southeast: Multiple family residential  
                                 West:      Vacant restaurant  
                                 East:      Warehouse/Storage

**NOTICE INFORMATION**

A notice of public hearing was mailed to surrounding property owners on April 23, 2008. The site was posted on April 24, 2008, in accordance with Section 1.410 of the Albany Development Code. Two legal notices have been or will be published in the *Albany Democrat-Herald* on April 21, and 28, 2008, in accordance with Oregon Revised Statute (ORS) 271.110. At the time this staff report was prepared (May 7, 2008), the Albany Planning Department had received no written comments.

**PLANNING COMMISSION RECOMMENDATION**

The Albany Planning Commission recommended APPROVAL WITH CONDITIONS of this Vacation application for portions of the Jackson Street NE and Jefferson Street NE rights-of-way, north of Water Avenue NE (File VC-01-08). The proposed conditions are found in this staff report.

**CITY COUNCIL DECISION**

MOTION TO APPROVE

*If the findings in the staff report adequately address testimony presented at the public hearing, the City Council may approve the application based on the findings and conclusions of the staff report.*

I MOVE that the City Council APPROVE WITH CONDITIONS the application that would result in the vacation of portions of the Jackson Street NE and Jefferson Street NE rights-of-way, north of Water Avenue NE (File VC-01-08). This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

MOTION TO DENY

*If the City Council determines that there is insufficient evidence to demonstrate that the review criteria have been met, the City Council may deny the application.*

I MOVE that the City Council DENY the application for the vacation of portions of the Jackson Street NE and Jefferson Street NE rights-of-way, north of Water Avenue NE (File VC-01-08).

U:\Community Development\Planning\Current\2008\08vc01ordinance and ccsr.doc

**STAFF ANALYSIS**  
**Vacation File VC-01-08**

The Albany Development Code (ADC) contains the following review criteria which must be met for this application to be approved. Code criteria are written in *bold italics* and are followed by findings, conclusions, and conditions where conditions are necessary to meet the review criteria.

**OVERVIEW**

The areas in question include approximately 200-foot-long sections of unimproved public rights-of-way (Jackson Street NE and Jefferson Street NE) north of Water Avenue NE. The Jackson Street NE right-of-way has historically been used for access to what was once the Buzz Saw Restaurant to the west, and also included some of the parking spaces for the restaurant. The Dave Clark Riverfront path runs through this right-of-way. This section of Jackson Street right-of-way is 66 feet wide. The Jefferson Street NE right-of-way has been used for access to parcels on both sides of the right-of-way (the former Willamette Seed property and the former Borden Building site). This right-of-way is also 66 feet wide.

The owner of the property to the west of Jackson Street NE (Ohanamula LLC) is proposing to construct a development of primarily offices with a small restaurant on the first floor. The property between Jackson Street and Jefferson Street NE is intended to be developed by Glorietta Bay LLC as a residential development; either condominiums or apartments. (See Staff Report Attachment C.) There is no development proposal currently on file for the property east of Jefferson Street NE.

At the +February 13, 2008, City Council meeting, the Council agreed to initiate the vacation application. The affected property owners received notice of the proposed vacation and associated public hearings, and were given an opportunity to comment.

*Criterion (1): The requested vacation is consistent with relevant Comprehensive Plan policies and with any street plan, city transportation or public facility plan.*

**FINDINGS OF FACT**

1.1 The following Comprehensive Plan policies have been identified as relevant to this review criterion:

**GOAL 11: Public Facilities and Services**

- a. Prohibit the construction of structures over public water lines and easements.
- b. Prohibit the construction of structures over drainage improvements and easements.
- c. Prohibit the construction of structures over public wastewater lines and easements.

**GOAL 15: Willamette River Greenway**

- a. Protect, conserve, enhance and maintain the natural, scenic, historic, economic, and recreational qualities of the Willamette River, its banks, and adjacent land.

1.2 Sanitary Sewer. Sanitary sewer utility maps indicate that a deep 30-inch public sanitary sewer main runs along the south boundaries of the Ohanamula LLC and Glorietta Bay LLC properties, parallel to Water Avenue NE, and approximately 10 feet north of the north boundary of the Water Avenue NE right-of-way. This sewer main then changes direction and runs northeasterly from the southwest corner of the Jefferson Street NE right-of-way toward the northeast corner of the Jefferson Street NE right-of-way, where it once again runs parallel to Water Avenue NE through the Boock property. Public utility easements exist over the portion of this main that run through the Glorietta Bay LLC and Boock properties. This public sewer main is an important interceptor main that carries wastewater to the treatment plant from all of North Albany and much of west Albany.

- 1.3 Water. Water utility maps indicate that there are no public water facilities within the rights-of-way proposed for vacation. The public water main that serves the properties north of Water Avenue NE in this area is a 12-inch main on the south side of Water Avenue NE.
- 1.4 Storm Drainage. Storm drainage utility maps indicate that the only public storm drainage facility that exists within either of these rights-of-way is a catch basin and associated outfall pipe (to the river) at the north end of Jackson Street. It appears that this catch basin only collects a portion of the runoff from this section of Jackson Street. If the right-of-way is vacated, then this facility would no longer need to be public and would likely be removed or replaced in conjunction with future development on the adjacent parcels.
- 1.5 Other Utilities. City staff has contacted the various franchise utility providers about the proposed rights-of-way vacation. The only utility company to respond to our notification was Northwest Natural Gas, which stated that they have no facilities within these rights-of-way. Based on the lack of response from other franchise utilities, it is assumed that the location of franchise utilities in this area is limited to the Water Avenue NE right-of-way.
- 1.6 Transportation. The rights-of-way proposed for vacation are dead-end sections of Jackson Street NE and Jefferson Street NE located north of Water Avenue NE. The lengths of these sections of rights-of-way are about 200 feet. The streets are classified as local streets and are not improved to City standards. The streets currently provide vehicle access only to the adjacent parcels. A portion of the Jackson Street NE right-of-way has historically been incorporated into the off-street parking area used by the former restaurant west of the right-of-way. The Jefferson Street NE right-of-way had been used by the former Willamette Seed plant for a loading dock and access to the dock, as well as for access to the parcel to the east. The rights-of-way also provide pedestrian and bicycle access to the riverfront path. In fact, a portion of the path currently runs along the east side of the Jackson Street NE right-of-way. The owner of the property west of Jackson Street NE is proposing to relocate this portion of the path to the north boundary of the parcel when development occurs on the property.
- 1.7 Transportation. Albany's Transportation System Plan TSP does not identify these portions of Jackson Street NE and Jefferson Street NE as being a part of the City's arterial/collector street system, nor does it anticipate linking or connecting these streets with other streets.
- 1.8 Transportation. On March 26, 2008, the City Council adopted a streetscape plan for Water Avenue NE that includes the Water Avenue/Jackson Street and Water Avenue/Jefferson Street intersections. That plan envisions that Jackson Street NE would remain open in the future to provide access to adjoining parcels and the Dave Clark Riverfront Path, and that Jefferson Street NE would be closed to traffic north of Water Avenue NE.
- 1.9 The City's Comprehensive Plan (Goal 15) discusses issues relating to the Willamette River Greenway. The Goal presented in the Comprehensive Plan is to "[p]rotect, conserve, enhance and maintain the natural, scenic, historic, economic, and recreational qualities of the Willamette River, its banks, and adjacent land." One of the policies listed under Goal 15 states: "Protect and preserve the natural and scenic qualities of the publicly-owned properties along both banks of the Willamette to provide for future recreation opportunities and other uses compatible with Greenway values."
- 1.10 Part of the Goal for the Willamette Greenway is to preserve and protect the scenic/visual connection to the river. Maintaining a "view corridor" to the river from Water Avenue is one way to preserve this visual connection. A public access easement over the areas to be vacated will prohibit the construction of any permanent structures within those areas and will maintain a separation between buildings so that the view to the river is open to the public at various locations.

## CONCLUSIONS

- 1.1 There is a major 30-inch public sanitary sewer interceptor main along the southern edge of the Jackson Street NE right-of-way, and diagonally along the full length of the Jefferson Street NE right-of-way proposed for vacation. A catch basin and short length of 6-inch storm drainage piping lie within the northern portion of the Jackson Street NE right-of-way. No public water facilities currently exist in either of the rights-of-way proposed for vacation. (See Staff Report Attachment D.) Because of the location of the existing public sanitary sewer facilities, staff recommends that a 40-foot public utility easement (centered on the main) be maintained over the main within the areas proposed for vacation. This easement would provide access rights to the City and would prohibit the construction of any permanent structures within this easement.
- 1.2 In order to preserve a “view corridor” to the river, public access easements will be retained over the entire width of the rights-of-way to be vacated.
- 1.3 The proposed vacation does not conflict with Albany’s Transportation System Plan (TSP) or the Water Avenue NE streetscape plan.

## CONDITIONS

- 1.1 The City will retain a public utility easement over the existing public sanitary sewer main that runs through the areas to be vacated. This easement will allow legal access to the area for maintenance of the sewer main and will prohibit the construction of any permanent structures within this easement.
- 1.2 The City will retain public access easements over the entire width of the Jackson Street NE and Jefferson Street NE rights-of-way proposed for vacation. These easements will provide legal access for pedestrians and bicyclists to the river, and will maintain “view corridors” to the river at these locations.

***Criterion (2): The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities or utilities.***

## FINDINGS OF FACT

- 2.1 The areas proposed for vacation are sections of Jackson Street NE and Jefferson Street NE rights-of-way north of Water Avenue NE. These portions of public rights-of-way are approximately 200 feet long and lie between Water Avenue NE and the Willamette River. The rights-of-way currently provide access only to adjacent properties, the owners of which are the applicants for this vacation request. These rights-of-way are not improved to City standards. The portions of Jackson Street NE and Jefferson Street NE proposed for vacation do not form connections between any other public streets or rights-of-way, but do provide access to the adjoining parcels and public pedestrian/bicycle access to the Dave Clark Riverfront Path.
- 2.2 The parcels adjacent to these sections of rights-of-way are zoned Central Business (CB) west of Jackson Street NE, and Waterfront (WF) east of Jackson Street NE. The parcel west of Jackson Street NE includes a vacant restaurant. The buildings on the parcel between Jackson Street NE and Jefferson Street NE have recently been removed. The parcel east of Jefferson Street NE is being used mainly for warehousing and storage.
- 2.3 There is a public sanitary sewer main that runs through these portions of rights-of-way. (See Findings under Criterion 1.) In order to maintain access to this main a public utility easement must be retained over the sewer main.
- 2.4 The applicants’ findings state that the vacated Jackson Street NE right-of-way will serve as a joint-use accessway and parking area for the future Ohanamula LLC and Glorietta Bay LLC developments. (See Attachment C.) The vacated Jefferson Street NE right-of-way will be utilized by the Glorietta Bay LLC



development for an emergency vehicle accessway only and as access to the Boock property until such time that the railroad crossing is closed. At that time, the joint accessway will be closed to all vehicles except emergency vehicles. The Boock property also has access to Thurston Street SE to the east.

- 2.5 The Dave Clark Riverfront Path currently runs along the south boundary of the Ohanamula LLC property, along the east side of the Jackson Street NE right-of-way, and along the top of the riverbank east of Jackson Street NE. The applicants state that the portion of the riverfront path that runs along the south and east sides of the Ohanamula parcel will be relocated to the Willamette River side (north) of that property as part of the redevelopment of the site, matching the location of the rest of the path along the river. In addition to relocating the path, the applicant is proposing to construct a pedestrian sidewalk (or maintain the existing path) along the east boundary of the vacated Jackson Street NE area to provide continued access to the riverfront path from Water Avenue NE. A similar sidewalk is being proposed within the vacated Jefferson Street NE area with development of the Glorietta Bay LLC property. In order to allow legal use of these sidewalks to the general public, public access easements must be provided/retained over these areas.

#### CONCLUSIONS

- 2.1 The areas proposed for vacation are not needed for connectivity for vehicular traffic between public rights-of-way.
- 2.2 Public utility easements will be maintained over the existing public sanitary sewer mains to allow legal access to the sewer mains within these areas.
- 2.3 Public access easements will be retained over the entire Jackson Street NE and Jefferson Street NE areas proposed for vacation to provide pedestrian and bicycle access between Water Avenue NE and the riverfront path, as well as for maintaining a "view corridor" to the river for the public.
- 2.4 The applicants must provide private joint-use access and maintenance easements/agreements for the vacated areas for the benefit of the adjacent parcels.

#### CONDITIONS

- 2.1 The City will retain a public utility easement over the existing public sanitary sewer main that runs through the areas to be vacated. The easement will be 20 feet on both sides of the centerline of the sewer main.
- 2.2 The City will retain public access easements over the entire width of the Jackson Street NE and Jefferson Street NE rights-of-way proposed for vacation. These easements will provide legal access for pedestrians and bicyclists to the river, and will maintain "view corridors" to the river at these locations.
- 2.3 The applicants must prepare joint-use access and maintenance agreements for the shared accesses proposed in the vacated Jackson and Jefferson Streets NE. These agreements must be signed by all affected parties before the second reading of the vacation ordinance.
- (3) *The requested vacation will not have a negative effect on traffic circulation or emergency service protection.*

#### FINDINGS OF FACT

- 3.1 The areas proposed for vacation are unimproved streets terminating in dead-ends at the river. These streets only serve as vehicular accesses to the adjacent parcels and pedestrian/bicycle access to the riverfront path from Water Avenue NE.

- 3.2 Emergency services vehicles must have legal access to all of the adjacent parcels. The required private joint-use access easements must include clauses that allow legal access for emergency service vehicles.
- 3.3 When vacated, private access easements must be provided over both Jackson Street NE and Jefferson Street NE. Both areas will initially remain open to vehicle, pedestrian, and emergency vehicle access. At some point in the future, when Water Avenue NE is improved, Oregon Department of Transportation (ODOT) Rail may require the closure of the rail crossing at Jefferson Street NE. That possibility exists regardless of whether or not the right-of-way is vacated.

#### CONCLUSIONS

- 3.1 The requested vacation will not have a negative effect on traffic circulation as the streets in question only provide access to the adjacent parcels.
- 3.2 Emergency vehicle access will be maintained through language in private access agreements between the owners of properties adjacent to the vacated rights-of-way.

#### CONDITION

- 3.1 The required joint-use access agreements that the affected property owners must enter into must include language that provides legal access to the vacated areas for emergency services vehicles.
- (4) *The portion of the right-of-way that is to be vacated will be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.*

#### FINDINGS OF FACT

- 4.1 The rights-of-way to be vacated will be incorporated into the parcels directly abutting it, or revert back to the owners of the properties from which the rights-of-way were dedicated. The areas to be vacated were initially dedicated as public rights-of-way with the Hackleman's Addition subdivision plat. Half (33 feet) of each right-of-way will revert back to the parcels adjacent to those sections along the property frontages. This property distribution is shown on Staff Report Attachment E.
- 4.2 The areas to be vacated are currently being used by adjacent property owners for access to their parcels. The vacated areas will continue to be used for access to the adjacent parcels, and the affected property owners will be required to enter into joint-use access and maintenance agreements. These agreements must assure legal access through the areas for emergency services vehicles. (See Condition 3.1.)
- 4.3 The areas proposed for vacation would not become part of the adjacent properties "front yard" setback, and therefore will not require additional landscaping, etc.
- 4.4 The preliminary site plan drawings for the proposed developments on the parcel west of Jackson Street NE and the parcel between Jackson Street NE and Jefferson Street NE show parking lot improvements, landscaping, and public pedestrian/bicycle paths between Water Avenue NE and the riverfront path. Details of the actual improvements within these areas will be further reviewed in conjunction with the land use applications for each development.

#### CONCLUSIONS

- 4.1 No additional landscaping will be necessary if the areas are vacated because the property adjacent to the vacated areas will no longer be considered "front yards" for the adjacent parcels.

- 4.2 Preliminary site plan drawings show that proposed improvements within the vacated areas are to include parking lots, landscaping, and public pedestrian/bicycle paths between Water Avenue NE and the riverfront path. These preliminary plans have not yet been approved by the City.

CONDITION

- 4.1 See Conditions 2.3 and 3.1.

(5) *The public interest, present and future, will be best served by approval of the proposed vacation.*

FINDINGS OF FACT

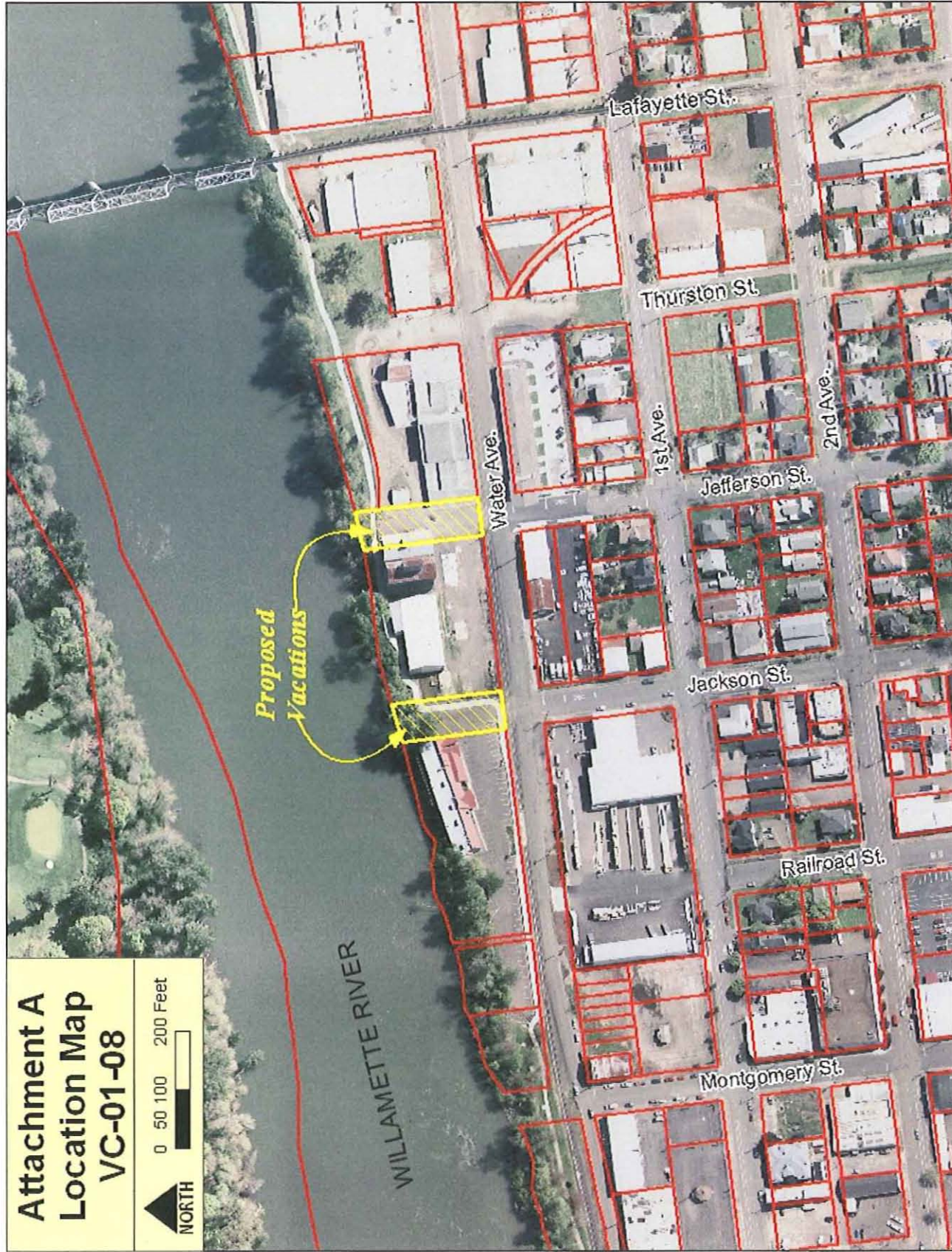
- 5.1 The areas proposed for vacation are unimproved rights-of-way. The areas to be vacated are currently being used by adjacent property owners for access to their properties.
- 5.2 Retaining public utility easements over the existing sewer will provide the City the right to access these utilities within the areas to be vacated.
- 5.3 Upon final approval of the vacation, the City will no longer have any street maintenance responsibility over the vacated areas.
- 5.4 It is in the City's interest to maintain legal access for pedestrians and bicyclists between Water Avenue NE and the riverfront path through the areas proposed for vacation.
- 5.5 It is in the City's interest to maintain a "view corridor" to the river at a variety of locations. Maintaining an easement over the width of the rights-of-way to be vacated, the City assures that no permanent structures will be constructed that may obstruct the view to the river at these locations.

CONCLUSION

- 5.1 Vacating these portions of the Jackson Street and Jefferson Street rights-of-way will not adversely impact the public interest, if the conditions of approval are satisfied.

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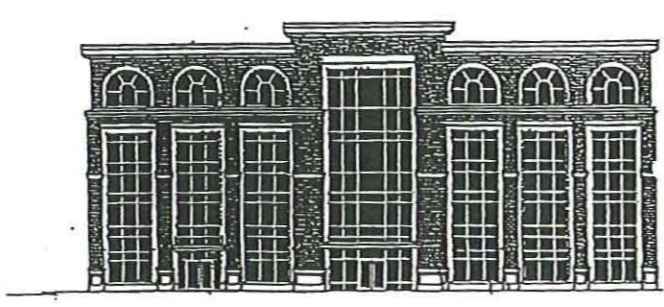
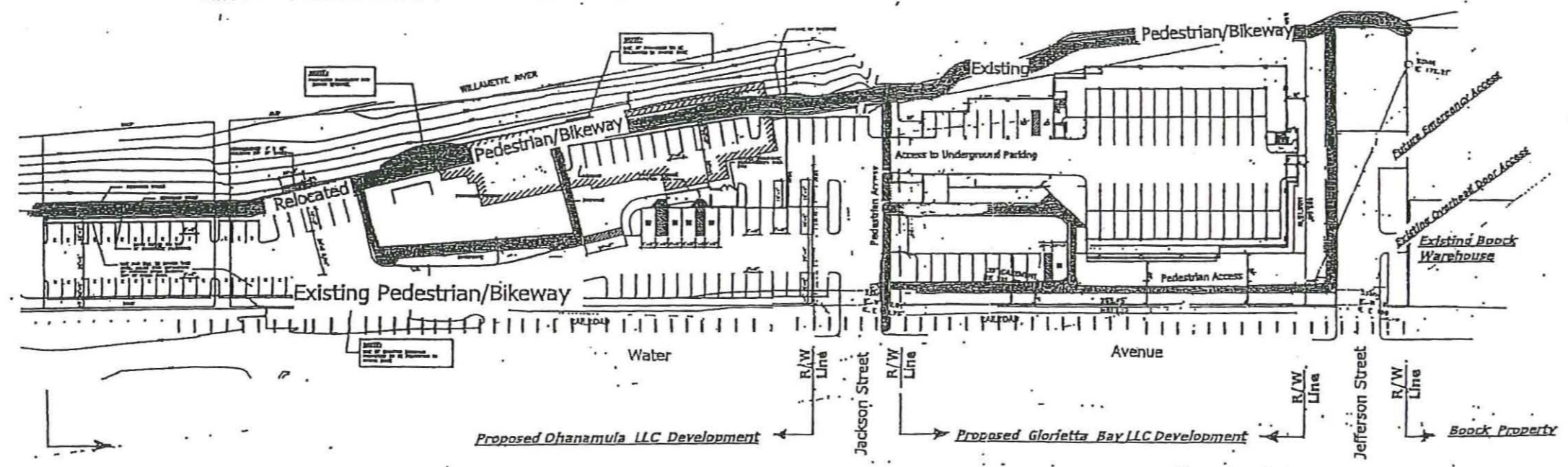
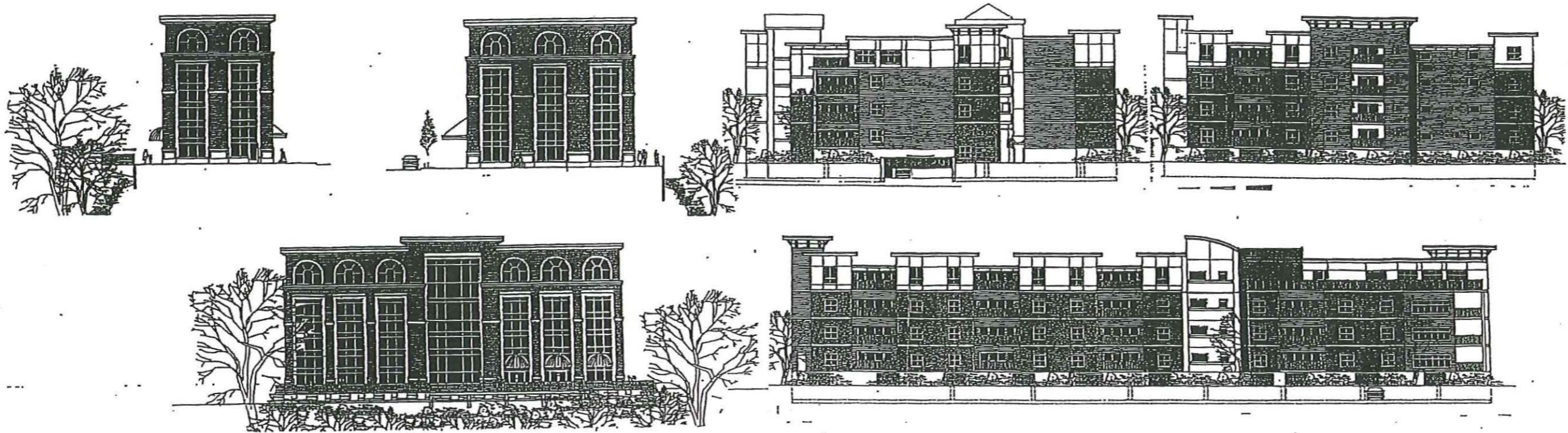
Attachment A – Location Map



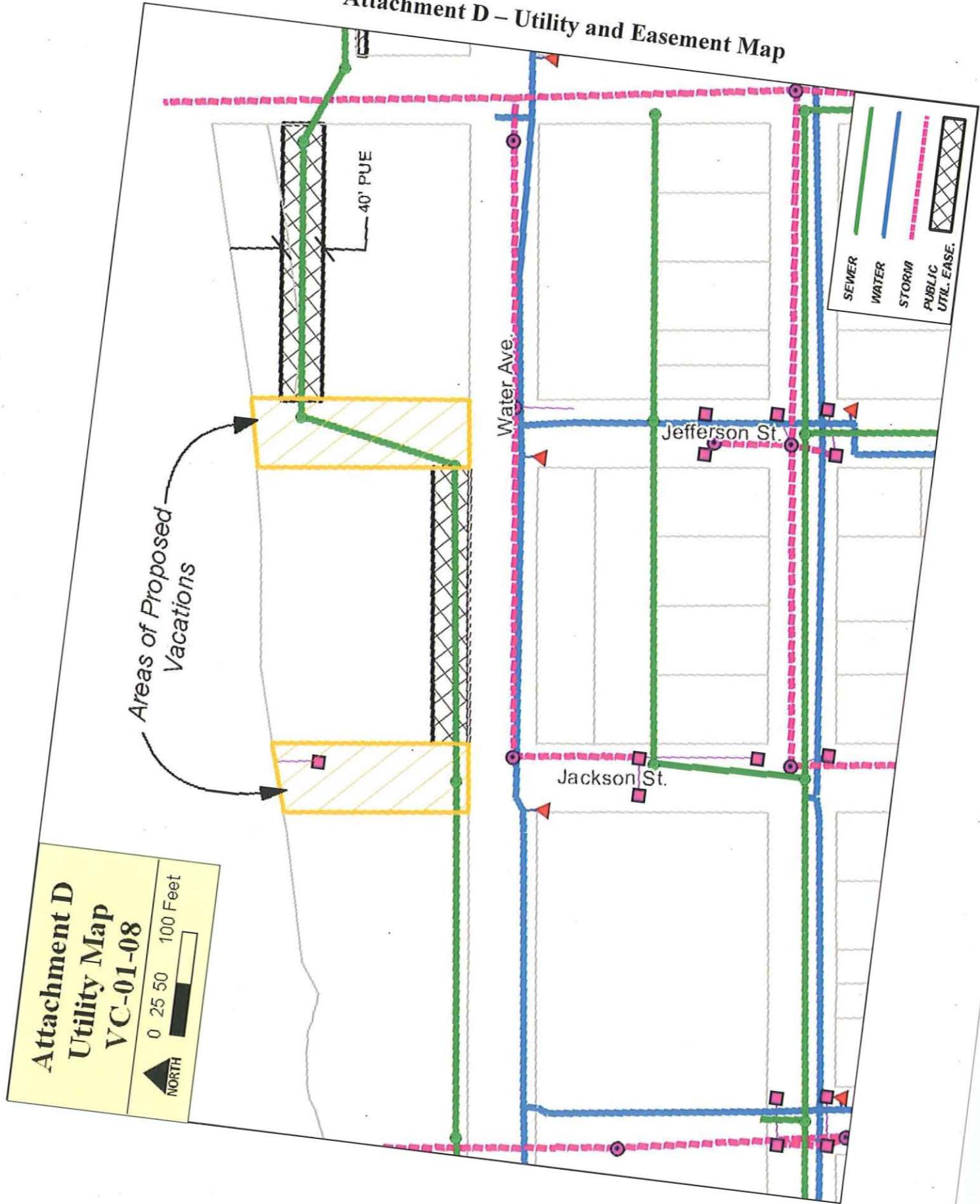
Attachment B – Zoning Map



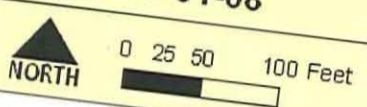
ATTACHMENT C  
 Preliminary Site Plan  
 with Elevation Drawings



Attachment D – Utility and Easement Map



**Attachment E  
Property Distribution  
VC-01-08**



WILLAMETTE RIVER

11S03W06DC  
Tax Lot 6901  
City of Albany

11S03W06CD  
Tax Lot 11500  
Ohananmala LLC

11S03W06DC  
Tax Lot 100  
Glorietta Bay LLC

11S03W06DC  
Tax Lot 6900  
Boock

33' 33' Water Ave. 33' 33'

Jackson St.

Jefferson St.

1st Ave.

Attachment E - Property Distribution

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

AN ORDINANCE TO LEVY ASSESSMENTS AGAINST PROPERTY SPECIFICALLY BENEFITED BY SEWER AND WATER CONNECTIONS AND THE ASSESSMENT OF SEWER, WATER, TRANSPORTATION, AND PARKS SYSTEM DEVELOPMENT CHARGES FOR PROPERTY DESCRIBED AS TAX LOT 10303, OF PARCEL 11S-03W-07AB, AND SITE ADDRESS 873 6<sup>TH</sup> AVE SE, AND DECLARING AN EMERGENCY.

WHEREAS, the Sewer and Water System Development Charges, as referred to in this ordinance, are to provide sewer and water connections to serve the structure on this property; and

WHEREAS, the Transportation System Development Charge is intended to assess charges for future expansion or capacity increases to the system. This expansion is aimed at providing additional levels of service to the existing road network; and

WHEREAS, the Parks System Development Charge is intended to impose a portion of the public cost of capital improvements for parks upon properties where residential developments create the need, or increase the demand for park improvements; and

WHEREAS, these charges will be assessed on the property described as Tax Lot 10303, of Parcel 11S-03W-07AB, and site address 873 6<sup>th</sup> Ave SE.

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

Section 1: The Sewer, Water, and Transportation, System Development Charges and the assessments for the same will be levied according to the provisions of Albany Municipal Code, Chapter 15.16. The Parks System Development Charges and the assessment for the same will be levied according to the provisions of Albany Municipal Code, Chapter 15.20.

Section 2: The total cost of the Sewer, Water, Transportation, and Parks System Development Charges is \$7,958.26.

(See attached assessment sheets)

Section 3: The City Recorder is hereby directed to enter a statement of the assessments as provided above in the docket of the City liens and give notice thereof as provided by law.

Section 4: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health and safety of the City of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance will be in full force and effect immediately upon passage by the Council and approval by the Mayor.

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

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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

KAISER-CALLISON FAMILY LLC  
05/06/08 15:19:11

Name/Address	Description		
KAISER-CALLISON FAMILY L	HACKELMANS 2ND	11-03W-07AB-10303	
QUINN, MICHAEL & LINDA	Lot-004 Blk-039	873 6TH AVE SE	
4455 NW SUNSET RIDGE RD	05/14/08 0088159	12543	
ALBANY, OR 97321	SSDC042301*		2,376.00
KAISER-CALLISON FAMILY L	HACKELMANS 2ND	11-03W-07AB-10303	
QUINN, MICHAEL & LINDA	Lot-004 Blk-039	873 6TH AVE SE	
4455 NW SUNSET RIDGE RD	05/14/08 0088159	12544	
ALBANY, OR 97321	SSDC042302*		1,719.00
KAISER-CALLISON FAMILY L	HACKELMANS 2ND	11-03W-07AB-10303	
QUINN, MICHAEL & LINDA	Lot-004 Blk-039	873 6TH AVE SE	
4455 NW SUNSET RIDGE RD	05/14/08 0088159	12545	
ALBANY, OR 97321	SSDC042303*		1,840.26
KAISER-CALLISON FAMILY L	HACKELMANS 2ND	11-03W-07AB-10303	
QUINN, MICHAEL & LINDA	Lot-004 Blk-039	873 6TH AVE SE	
4455 NW SUNSET RIDGE RD	05/14/08 0088159	12546	
ALBANY, OR 97321	SSDC042304*		2,023.00

Report total... 7,958.26

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

NW1/4 NE1/4 SEC.07 T.11S. R.03W. W.M.  
LINN COUNTY, OREGON

11-3W 7AB  
ALBANY

1" = 100'

SEE MAP 11 3W 6DC

CANCELLED TAX LOT NUMBERS:  
1701 INTO 1700  
2500-A1 INTO 2500  
2901 INTO 3100  
3001 INTO 2901  
5800 INTO 5300  
5800 TO HWY  
5800 INTO 6700  
6900 INTO 6700  
7300 TO HWY  
10001 INTO 10000  
10302 INTO 10100  
10501 INTO 10600  
10701 INTO 10800  
10900 INTO 10700  
11001-A1 INTO 11001  
11600 INTO 6501

2700	2800	2900	3000
3600	3500	3400	3300

3700	3800	3900	4000	4100
4500	4400	4300	4200	

8400	8500	8600	8700
9000	9001	8900	8800

9100	9200	9300	9400	9500
9800	9800	9700	9600	

1800	1801	1900	2001
2500	2500-A1	2400	2100

4600	4700	4800	4900
5200	5100	5001	5002

7600	7700	7800	7900
8300	8200	8100	8000

10000	10100	10201
10600	10500	10400

SEE MAP 11 3W 7BA

800	1000	1100	1200	1300
1600	1500	1400		

5400	5500	5600	5801	5900
5700	6000	6100		

7500			
7400			

10700	10800
11000	11000-A1

7TH ST  
SANTIAM

700	20
-----	----

5400	5500	5600	5801	5900
5700	6000	6100		

7500			
7400			

10700	10800
11000	11000-A1

PACIFIC BLVD

100	202	200	300
600	201	205	400
204	203		500

6400	6400-MI	30
------	---------	----

6600	6501	11101	11200	11300
6601	7000	11100S01	11500	11400
7200	6701	11501		

9TH ST  
SEE MAP 11 3W 7AC

SEE MAP 11 3W 7AA

MADISON ST

ALBANY  
11.3W 7AB



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Edward Boyd, Chief of Police  
Marilyn Smith, Management Assistant/Public Information Officer *mms*

DATE: May 7, 2008, for the May 14, 2008, City Council Meeting

SUBJECT: Abandoned Shopping Carts

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

Action Requested:

Adoption of an ordinance (attached) amending the Albany Municipal Code to establish procedures for retrieving and reclaiming abandoned shopping carts.

Discussion:

Abandoned shopping carts have created itinerant blight throughout Albany for many years.

The 2007 Oregon Legislature passed Senate Bill 645, which was sponsored in part by the Northwest Grocery Association. The bill gives local governments the authority to deal with abandoned shopping carts. It calls for all carts to be marked with the store name and a toll-free number to call when a cart is found abandoned. Signs are to be posted at each store advising the public that removing a cart is against the law. Cities can pick up the carts after 72 hours and charge the cart's owner a fee to get them back.

The Cities of Beaverton and Milwaukie have adopted ordinances that mirror the new state law. The City of Gresham is participating in a pilot program with other cities in the Portland metropolitan area, where at least one private business contracts to retrieve carts. The City of Salem is waiting to see how things work out in other communities.

A public hearing was held on a proposed Albany shopping cart ordinance at the April 9, 2008, City Council meeting. Two persons, one of them representing the Northwest Grocery Association, testified at that hearing. Based on matters brought up in their testimony, the ordinance before you has been revised as follows:

- Signs on carts and in stores will be required to carry a toll-free or local telephone number for reporting abandoned carts. The requirement for an e-mail address has been removed. Staff had included the e-mail address in the original ordinance as an added convenient way for someone to report an abandoned cart, but it is outside the scope of the new state law.
- The requirement that stores contract for retrieval of abandoned carts has been removed.
- Language describing monthly billing and escalating fees for carts that have been unclaimed by stores after the required 72-hour notice has been removed.

The purpose of the ordinance is to get abandoned shopping carts off public streets, rights-of-way, and private property; and back to where they belong or to ultimately dispose of them, quickly and with as little hassle as possible.

Our Parks Maintenance crews will continue to retrieve abandoned carts from city rights-of-way and other city property and return them, free of charge, as a courtesy to the store that owns them.

The proposed ordinance does not include the emergency clause in order to allow the stores some time to get the phone line setup, do signage on their premises, and mark their carts accordingly. If adopted at this meeting, the ordinance would take effect on June 13, 2008.

Copies of the revised ordinance were mailed to Albany businesses that use shopping carts and to the Northwest Grocery Association prior to this meeting.

Budget Impact:

None.

EHB:MMS:de

Attachment

c: Jim Delapoer, City Attorney  
Ed Boyd, Chief of Police  
Ed Hodney, Parks & Recreation Director  
Dick Conolly, Parks & Facilities Maintenance Manager

*U:\Administrative Services\City Manager's Office\Shopping Carts Memo for 5-14-08.doc*

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE TITLE 7.84, PUBLIC NUISANCE, BY ADDING SECTION 7.84.200 RELATING TO SHOPPING CARTS

WHEREAS, local governments may enact ordinances to provide for the salvage or reclamation of an abandoned shopping cart; and

WHEREAS, shopping carts frequently litter public streets, sidewalks, and parks and are found abandoned in ditches and waterways.

NOW, THEREFORE, the Albany City Council does ordain as follows:

AMC 7.84.200 shall be known and may be cited as the "Shopping Cart Ordinance."

Section 1. AMC 7.84.200 is hereby added to read as follows:

**Section 7.84.200 SHOPPING CARTS**

**7.84.210 Requirements for Shopping Cart Providers**

- A. A person that supplies shopping carts for public use at the person's business shall:
1. Post signs in sufficient number to give notice to members of the public entering onto or leaving the business premises that unauthorized appropriation of a shopping cart is a crime under ORS 164.015 and provide a toll-free **or local** telephone number ~~and an e-mail address~~ that members of the public may use to report abandoned shopping carts.
  2. Identify the person's business on each shopping cart and post a sign on the shopping cart that:
    - a. notifies any member of the public using the shopping cart that unauthorized appropriation of a shopping cart is a crime under ORS 164.015;
    - b. provides a toll-free **or local** telephone number ~~and an e-mail address~~ for use in reporting an abandoned shopping cart.
  3. Establish, maintain, and make available to the public, at the person's own expense, a toll-free **or local** telephone line ~~and e-mail address~~ for the purpose of reporting abandoned shopping carts. The person shall forward each report the person receives concerning an abandoned shopping cart to the owner of the shopping carts and to the **Albany Police Department** Community Resource Unit.
  4. Retrieve ~~or contract for the retrieval of~~ abandoned shopping carts.

**7.84.220 Retrieval and Disposal of Carts; Fees.**

- A. A person may agree with other persons to share and to pay expenses related to the toll-free **or local** telephone line ~~and e-mail address~~ described in AMC 7.84.210(A)(3). The agreement shall provide that any person designated to operate the toll-free **or local** telephone line ~~and monitor the e-mail account~~ and receive reports concerning abandoned shopping carts must forward the reports in accordance with AMC 7.84.210(A)(3).
- B. A person shall retrieve a shopping cart that the person owns within 72 hours after receiving notification that the shopping cart has been abandoned.
- C. If the City identifies, salvages, or reclaims an abandoned shopping cart, it shall use the toll-free **or local** telephone line ~~or e-mail address~~ described in AMC 7.84.210(A)(3) to report the existence and location of an abandoned shopping cart, if the owner is identifiable.

- D. The City may take custody of an abandoned shopping cart and impose a fine of \$50 on the owner of the shopping cart if the owner does not retrieve the shopping cart within 72 hours after the City makes a report under subsection (C ) or after the owner receives a report under AMC 7.84.210(A)(3).
- E. The City may release a shopping cart in the City of Albany's custody to the owner upon payment of the \$50 fine.
- F. The City may take title to a shopping cart in the City of Albany's custody and dispose of the shopping cart as the City of Albany deems appropriate if the owner does not claim the cart within 30 days.
- G. ~~If the shopping cart owner fails to claim their cart within 30 days, the City may levy an additional \$50 fine, by mail. The assessed fines will double every 30 days for nonpayment. The City may also pursue other civil penalties as allowed by statute.~~

Section 2. The sections and subsections of this ordinance are severable. If any part of this ordinance is held unconstitutional or otherwise invalid, the remaining parts shall remain in force.

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

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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



TO: Albany City Council

VIA: Wes Hare, City Manager  
Don Donovan, Planning Manager *DD*

FROM: Heather Hansen, Planner *HH*

DATE: May 7, 2008, for the May 14, 2008, City Council Meeting

SUBJECT: DLCD Grant to Complete Mandatory Periodic Review Goal 5 Tasks

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods  
• A Safe City

Action Requested:

Approve a Resolution endorsing submittal of an application for a Department of Land Conservation & Development (DLCD) Periodic Review Grant in the amount of \$25,000 for the purpose of supporting the completion of the Goal 5 tasks in the City's periodic review work program.

Background:

Oregon's statewide land use planning program addresses 19 Statewide Planning Goals. State law requires each city to adopt a comprehensive plan and implementing codes that are consistent with the Statewide Planning Goals.

"Periodic review" is a process for local governments to examine, and as necessary, update their comprehensive land use plans and implementing codes. The City is currently under periodic review, which began in 1998. The City has an approved periodic review work program that includes all the mandatory tasks required to complete periodic review. The City's existing periodic review work program includes outstanding mandatory Goal 5 tasks (related to Natural Resources, Scenic and Historic Areas, and Open Spaces).

In September 2001, the City Council appointed a Natural Resource Advisory Committee (NRAC) to assist with Goal 5 tasks. They met regularly for two years and made a formal recommendation to the City Council in November 2003. Immediately prior to the NRAC recommendation, the 2003 State Legislature enacted SB 920-Periodic Review. At the onset, the bill was interpreted to mean that the Goal 5 tasks in the City's work program were no longer mandatory. The former Community Development Director submitted a request to DLCD to remove the Goal 5 tasks from our mandatory work program tasks. There was no official ruling on removal of the Goal 5 tasks, but it was assumed they would not be mandatory.

Rather than implement the NRAC recommendations, whether they were required or not, the City Council decided to shelve the NRAC recommendations out of concern for pending property rights legislation and takings claims in court at the time.

Discussion

In the last few months, we received verbal clarification from DLCD that the Goal 5 tasks ARE indeed mandatory and were never removed from our work program. Recently, our new DLCD regional representative recommended that we apply for a Periodic Review Grant to assist with completion of the Goal 5 tasks in a timely manner. The intent is to build upon the 2003 NRAC recommendations, not to start the process all over again.



The selected consultant will do the majority of the “Work to Complete Task” related to wetlands, riparian corridors, and wildlife habitat, and City staff will assist. The roles will switch for “Products,” with staff taking the lead and the consultant assisting as needed.

Goal 5 Tasks in Work Program	Work Previously Done	Work to Complete Task
<u>Wetlands</u> : Complete wetland inventories; develop an ordinance to protect significant wetlands	Local wetland inventories were completed in 1997-1999	Review and update inventories as needed, especially related to significant wetlands
<u>Riparian Corridors</u> : Apply safe harbor approach to identify the location of fish-bearing lakes and streams; develop an ordinance to protect fish-bearing lakes and streams	Riparian Corridor Inventories were completed in 1999-2001	Review and update inventories as needed, especially related to significance. Limited field work.
<u>Wildlife Habitat</u> : Compile inventories; develop ordinance to protect wildlife habitat.	Wildlife habitat was addressed in the abovementioned inventories, but was not inventoried more broadly. Significant habitat was not identified.	Inventory and assess significant wildlife habitat. Includes field work.
<u>Products</u> : Amended Comprehensive Plan and Zoning Ordinances to include new/updated Goal 5 inventories, text, policies and standards.	None	Adopt inventories, amend Comp Plan policies and Development Code to implement Goal 5 protection measures

The total DLCD grant project cost is estimated at \$35,000 (\$25,000 grant and \$10,000 match). An additional \$10,000 is identified in the City budget to allow flexibility for follow-up work and products, yet to be identified, that are outside the scope of the grant.

GRANT PROJECT SCOPE	
DLCD grant	\$25,000
Cash match	\$10,000
<b>GRANT TOTAL</b>	<b>\$35,000</b>
Additional work outside of grant scope	\$10,000
<b>PROJECT TOTAL</b>	<b>\$45,000</b>

Budget Impact (2008-09):

\$10,000 grant match; \$10,000 “contingency”

hah

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

A RESOLUTION IN SUPPORT OF AN APPLICATION TO THE OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT (DLCD) TO ASSIST WITH COMPLETION OF THE GOAL 5 TASKS IN THE CITY'S PERIODIC REVIEW WORK PROGRAM.

WHEREAS, the Periodic Review Grant Program, operated by the Oregon Department of Land Conservation and Development (DLCD), provides funds to assist completion of mandatory tasks in existing periodic review work programs; and

WHEREAS, there are outstanding mandatory tasks related to Statewide Planning Goal 5 in the City's periodic review work program that need to be completed to fulfill the State requirements and complete periodic review; and

WHEREAS, receipt of grant funds would support hiring technical expertise needed to complete the Goal 5 tasks.

NOW, THEREFORE, BE IT RESOLVED that the City of Albany approves and endorses the submittal of an application for a DLCD Periodic Review Grant of \$25,000 for the purpose of supporting the completion of the Goal 5 tasks in the City's periodic review work program; and

BE IT FURTHER RESOLVED that the City of Albany agrees to provide up to \$10,000 from the Community Development Department budget as grant match; and

BE IT FURTHER RESOLVED that the City of Albany authorizes the Mayor to sign the DLCD grant application on behalf of the City.

DATED AND EFFECTIVE THIS 14th DAY OF May 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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



TO: Albany City Council

VIA: Wes Hare, City Manager  
Diane Taniguchi-Dennis, P.E., Public Works Director *Diane*

FROM: Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer *MWS*  
Ronald G. Irish, Transportation Systems Analyst *R.G.*

DATE: April 28, 2008 for the May 14, 2008, City Council Meeting

SUBJECT: Downtown Parking Regulation Modification

RELATES TO STRATEGIC PLAN THEME: • A Healthy Economy.

Action Requested:

Staff recommends Council approve, by resolution, two modifications to downtown parking restrictions:

- Designate the first five spaces on the east side of Ferry Street south of Third Avenue as “3-Hour Customer Only” parking.
- Designate the first four spaces on the west side of Lyon Street south of First Avenue as “All Day Customer/Employee Permit” parking.

Discussion:

The Albany Downtown Association, through Parkwise, has recommended Council consider two modifications to the on-street parking restrictions in the downtown area. The requested changes are driven by the concerns of business owners within the downtown parking district.

Request No. 1

The east side of Ferry Street just south of Third Avenue is currently posted for “All Day Customer/Employee Permit” parking. Parkwise is requesting that the first five spaces south of Third Avenue be changed to “3-Hour Customer Only” parking. The change would provide for additional customer parking in the area for both business and the Downtown Carnegie Library.

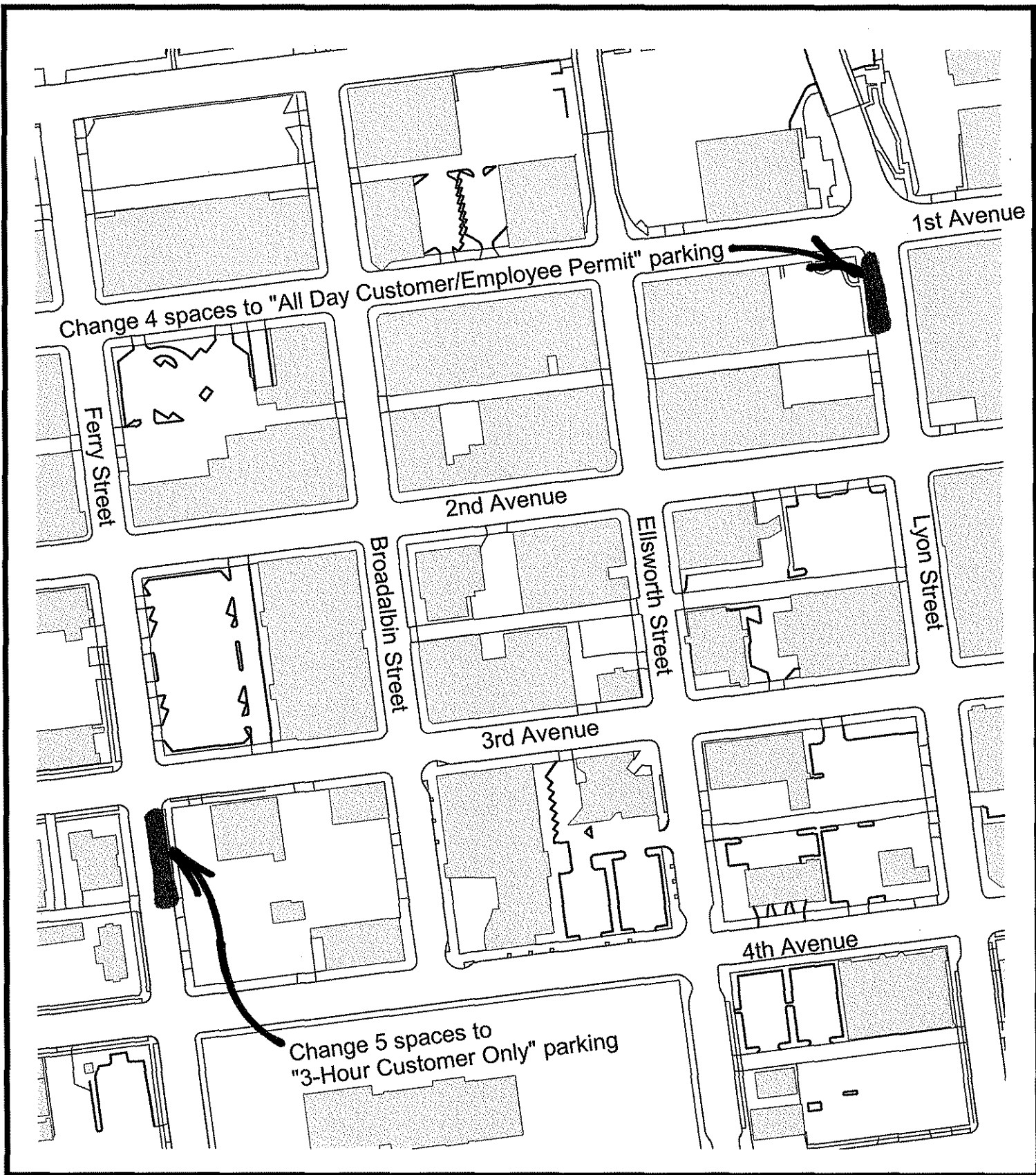
Request No. 2

The west side of Lyon Street just south of First Avenue is currently posted for “3-Hour Customer Only” parking. Parkwise is requesting that the first four spaces south of First Avenue be changed to “All-Day Customer/Employee Permit” parking. The change would restore some of the downtown employee parking that would be lost with the first request. The land adjoining this request is currently the site of a small private park/open space, and as a result the demand for customer parking at this location is low.

Budget Impact:

None.

RGI:prj  
Attachments



## Downtown Parking Modifications



Engineering

roni nil

Apr 25, 2008

The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



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

RESOLUTION AMENDING PARKING RESTRICTIONS WITHIN THAT AREA OF DOWNTOWN ALBANY WHERE PARKING ON PUBLIC STREETS IS ENFORCED AND MANAGED BY THE ALBANY DOWNTOWN ASSOCIATION.

WHEREAS, the Albany Downtown Association has been authorized by the City to provide management and enforcement services for parking in the downtown area of the City of Albany; and

WHEREAS, the Albany Downtown Association has requested certain modifications to parking restrictions in order to provide a more efficient utilization of parking resources.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the following parking restrictions:

1. Designate the first five parking spaces on the east side of Ferry Street south Third Avenue as "3-Hour Customer Only" parking.
2. Designate the first four parking spaces on the west side of Lyon Street south of First Avenue as "All day Customer/Employee Permit" parking.

DATED AND EFFECTIVE THIS 14<sup>th</sup> DAY OF MAY 2008.

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Mayor

ATTEST:

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City Clerk



TO: Albany City Council

VIA: Wes Hare, City Manager  
Diane Taniguchi-Dennis, P.E., Public Works Director *DSTD*

FROM: Mark Shepard, P.E., Assistant Public Works Director/City Engineer *MS*  
Jeff Woodward, P.E., Civil Engineer II *JW*

DATE: May 7, 2008, for the May 14, 2008, City Council Meeting

SUBJECT: ST-08-04, Infrastructure Improvements – Knox Butte Rd. to Somerset Dr.  
Submittal of Initial Engineer's Report

STRATEGIC PLAN: • Great Neighborhoods

Action Requested:

Staff recommends that Council review this Initial Engineer's Report including the assessment methodology and Financial Investigation Reports. After review of the preliminary methodology, staff requests that Council accept the Initial Engineer's Report and Financial Investigation Report and adopt the attached resolutions to schedule two public hearings for the May 28, 2008, City Council meeting.

The proposed formation of two Local Improvement Districts (LIDs) for the construction of public street, storm system, water, and sanitary sewer improvements between Somerset Drive and Knox Butte Road will be considered at the May 28, 2008, public hearings.

Discussion:

Background

On March 26, 2008, Council directed staff to prepare an engineer's report and financial investigation for the establishment of an LID to construct public street, storm water, water, and sanitary sewer improvements between Somerset Drive and Knox Butte Road. These improvements will benefit the adjoining properties including property owned by the Greater Albany Public Schools (GAPS).

GAPS received a Notice of Decision (NOD) for the construction of a new school north of Knox Butte Road on August 29, 2007. At the time the NOD was issued for the school, it was anticipated that a private development project (Brandis Village) was going to be constructed between the school site and Knox Butte Road. The Brandis Village development would have extended a road north from Knox Butte Road to the south boundary of the school property. In addition, the development would have extended a water line along Knox Butte Road and along the new road alignment to the school's south property line. The School District and the private developer would have also coordinated efforts to extend a sewer line from Somerset Drive to the south side of Knox Butte Road.

However, the developers of Brandis Village have withdrawn their application with the Community Development Department and the project is currently inactive. Without the development of Brandis Village, the School District is faced with a significantly increased responsibility to complete off-site public infrastructure improvements in order to serve the new school. The School District approached the City with the idea of formation of an LID to facilitate the construction of the public improvements while distributing the project costs equitably among the properties receiving special benefit from the projects.

The timeline for completion of the infrastructure projects is extremely short. The School District is targeting a fall of 2009 opening for the new school. In order to meet this deadline, GAPS needs to be able to start construction of the building in the early summer of 2008. GAPS will be able to gain temporary access to the new school site with a temporary gravel roadway in order to start construction of the school building. However, additional infrastructure will need to be completed in a very short time frame in order to facilitate the construction and opening of the school.

The timing requirements for completing the school dictate that the improvements are best done as two projects through separate LIDs. The northerly improvements between the new school and Somerset Drive can be completed as one project under one LID. The infrastructure improvements south of the school property to Knox Butte Road can be completed as a separate project and LID with its own schedule. Attachments A and B show the two proposed LIDs respectively.

In order to start construction of the school building, which is a wood-frame structure, the Albany Fire Department requires that fire protection, in the form of working fire hydrants, be in place. The closest water line to the school property is in Somerset Drive north of the school site. Therefore, GAPS will need to extend a water line approximately 1,850 feet before the school construction can start in earnest.

Further complicating the timing of infrastructure improvements is the fact that the sanitary sewer service to the school property must also come from a sewer extension originating at Somerset Drive. The sewer in this area is deep. Previous projects have shown that the soil in this area is poor. Therefore, the sewer needs to be constructed prior to the water line to avoid significant construction challenges and increased costs of trying to construct the sewer after and below the water line. Both of these extensions are driving the schedule for the northerly improvements and would be a part of the northerly LID.

GAPS can use their engineering consultant to design the street, storm system, water, and sanitary sewer improvements for the improvements for the northern LID project. This will allow the School District to get these improvements completed to meet their schedule requirements. GAPS would complete these LID improvements acting as the City's agent under an Intergovernmental Agreement (IGA). The improvements include installation of sewer, water, street, and storm water infrastructure between the school site and Somerset Drive.

The southerly improvements between the school and Knox Butte Road, including a roundabout, can be completed as a second project and LID. These southerly improvements will require wetland and water quality permitting that was not completed by GAPS in their permitting work for the new school. These permitting requirements will delay construction of the south improvements such that they cannot be completed by the school opening in the fall of 2009. The City would manage the design and construction of the improvements in this second LID.

With the proposed LIDs and the schedule required to permit the southerly improvements, the school's primary access will be from Somerset Drive. However, when the school was approved in its location north of Knox Butte Road it was understood that the main roadway access to the school would be from Knox Butte Road. As a result, the existing homeowners in the Somerset Drive area are not anticipating this connection serving as the main access to the school. Therefore, GAPS will hold a neighborhood meeting for people in the Somerset area to inform them that the main access to the school for the first year or more will be along Somerset Drive.

*Proposed Improvements*

Following is a description of the proposed improvements. The discussion has been broken out to define what work will be done in each LID with a description of the methodologies used in each LID.

North Local Improvement District (LID)

*Description of Improvements:*

- Transportation and Storm Drainage – Street and storm drain improvements will consist of the extension of Somerset Drive from its easterly terminus to a new north-south collector that will be constructed to the southerly GAPS property line. This section of street is approximately 1,850 feet long and will provide access to the new school until the fall of 2010. Somerset will be approximately 38-feet wide with parking on one side. The north-south collector will be 32-feet wide with two 11-foot-wide travel lanes and two 5-foot bikes lanes. Sidewalks will be constructed on both sides of the street. Additional storm system piping will be constructed along the northern property line of the GAPS property to the drainage way on the east side of the GAPS property. This portion of the storm system is required to properly route drainage from the new street improvements and will consist of approximately 195 feet of 18-inch storm line and approximately 773 feet of 24-inch storm line.
- Water – A 24-inch water line will connect to the existing line on Somerset Drive and extend approximately 400-feet east, and then a 12-inch water line will extend approximately 1,600-feet south along the right-of-way to the southerly GAPS property line. The placement of the water line along with this LID will allow the School District to begin building construction while meeting fire protection requirements.
- Sewer – The school and future developments will be served by a sewer that is currently installed to the eastern end of Somerset Drive. A 15-inch sewer will be extended approximately 400-feet east, and then a 12-inch sewer will extend approximately 1,590 feet south along the right-of-way to the southerly GAPS property line.

*Assessment Methodology:*

- Transportation, Storm Drainage, Water, and Sewer – Assessment of the transportation, storm drainage, water, and sewer costs are distributed on an area basis. There are two properties that will be affected by this development. The northwest property will be assessed for an area 150-feet deep, a standard lot depth, along the full length of the property fronting the north and east sections of the right-of-way, and for the entire developable property area southwest of the right-of-way. The GAPS property will be assessed for their entire property area. There are areas within the LID boundaries that are dedicated as greenways. These areas are undevelopable and as such have been removed from the assessable area. Attachment A shows the properties that will be included in the LID boundary.

It is estimated that the City could potentially contribute approximately \$76,000 for construction of the 12 and 24-inch water lines since they are identified as SDCi eligible in the City's adopted water SDC methodology. It is also estimated that the City could potentially contribute approximately \$16,000 for construction of the 15-inch sewer in Somerset since it is identified as an SDCi eligible project in the City's adopted sewer SDC methodology. However, the City's ability to participate at these levels is dependent on SDC revenues and other SDC fund obligations.



*Summary of Estimated Costs:*

The transportation and storm drainage improvement cost is estimated to be \$1,766,000. The preliminary cost for the water improvements and sanitary sewer are estimated to be approximately \$290,000 and \$992,000 respectively.

The City could potentially contribute approximately \$76,000 from Water SDCi funds for water pipe oversizing. Additionally, the City could potentially contribute approximately \$16,000 from sewer SDCi funds for sanitary sewer pipe oversizing.

The total estimated project costs for the North LID are summarized below. The project costs and assessable costs are shown on the assessment computation sheet shown on Attachment C.

Transportation and Storm Drainage	\$1,766,000
Water	\$290,000
Sewer	\$992,000
Total Project Cost Estimate	\$3,048,000
City - Water SDCi Contribution	(\$76,000)
City - Sewer SDCi Contribution	(\$16,000)
Estimated Net Assessable Costs	\$2,956,000

The estimated costs and assessments are based on preliminary design concepts and costs of similar work on other City of Albany projects. The final assessment amounts will be based on the actual final project costs for construction and administration and are expected to vary from this estimate. Assessments will be made on a cost per square foot basis.

*Proposed Project Schedule:*

As previously discussed, if the North LID is formed at the May 28, 2008, City Council meeting, an IGA with GAPS will also be presented to Council at the same meeting so that GAPS can begin construction of the school in the early summer of 2008, and thus be on track to open the new school in the fall of 2009.

The actual final project costs and final assessments will not be known until construction is complete and final accounting is done. Once construction is completed on the North LID during the summer of 2009, the final calculations will be completed in late 2009 or early 2010, with the first assessment payments due in early 2010.

South Local Improvement District (LID)

*Description of Improvements:*

- Transportation and Storm Drainage – Street and storm drain improvements will consist of completing the remainder of the collector street starting at the southerly GAPS property line and continuing to Knox Butte Road. This section of street is approximately 1,000 feet long and will provide the primary access to the new school. This street section will be 32-feet wide with two 11-foot-wide travel lanes and two 5-foot bikes lanes. Sidewalks will be constructed on both sides of the street. Intersection improvements will be made where the new street connects to Knox Butte Road. The intersection improvements will consist of a single lane roundabout.
- Water – Approximately 700 feet of 24-inch water line will be extended along Knox Butte Road east to the roundabout, and then approximately 1,150 feet of 12-inch water line will be extended north to the southerly GAPS property line. The placement of the water line

along with this LID will minimize the need for future development to cut through the new street in order to install water system improvements.

- Sewer – Approximately 1,150 feet of 12-inch sewer will be extended along the right-of-way starting at the southerly GAPS property line and continues across Knox Butte Road. Extending the sewer across Knox Butte Road will prevent future development in the area from cutting through the new street and roundabout to extend the sewer system.

*Assessment Methodology:*

- Transportation and Storm Drainage – Assessment of the transportation and storm drainage costs are distributed on an area basis. The intersection improvements are needed to make the transportation system work for all properties and are a benefit to all of the properties in the LID. Therefore, the construction costs of the roundabout on Knox Butte Road will be assessed to the full developable area of all four properties within the LID boundary. There are areas within the LID boundaries that are dedicated as greenways. These areas are undevelopable and as such have been removed from the assessable area.
- The construction costs of the road between Knox Butte Road and the southerly property line of the GAPS property will be assessed to the property fronting the new street north of Knox Butte Road. Attachment B shows the properties that will be included in the LID boundary.
- Water – Assessment of the water line costs are distributed on an area basis. There are two properties located on either side of Knox Butte Road that will be affected and assessed. The property north of Knox Butte Road will be assessed for an area 150-foot deep along the new road frontage for the 12-inch water line, and for an area 150-foot deep along the length of the property fronting Knox Butte Road from its westerly edge to the end of the roundabout for the 24-inch water line. The property south of Knox Butte Road will be assessed for an area 150-foot deep along the length of the property fronting Knox Butte Road from its westerly edge to the end of the roundabout for the 24-inch water line. It is estimated that the City could potentially contribute approximately \$29,000 for construction of the 12-inch and contribute approximately \$64,000 for construction of the 24-inch water line since they are identified as SDCi eligible in the City's adopted water SDC methodology. However, the City's ability to participate at this level is dependent on SDC revenues and other SDC fund obligations. Attachment B shows the properties that will be assessed.
- Sewer – Assessment of the sewer costs are distributed on an area basis. The single property North of Knox Butte Road will be affected and assessed for their full area. Attachment B shows the properties that will be assessed.

*Summary of Estimated Costs:*

The transportation and storm drainage improvement cost is estimated to be \$1,290,000. The preliminary cost for the water improvements and sanitary sewer are estimated to be approximately \$448,000 and \$623,000 respectively.

The City could potentially contribute approximately \$93,000 from Water SDCi funds for water system improvements.

The total estimated project costs for the South LID are summarized below. The project costs and assessable costs are shown on the assessment computation sheet shown on Attachment D.

Transportation and Storm Drainage:	
- Collector Street	\$765,000
- Roundabout	\$525,000
Water 12-inch	\$120,000
Water 24- inch	\$328,000
Sewer	<u>\$623,000</u>
Total Project Cost Estimate	\$2,361,000
City - 12-inch Water SDCi Contribution	(\$29,000)
City - 24-inch Water SDCi Contribution	<u>(\$64,000)</u>
Estimated Net Assessable Costs	\$2,268,000

The estimated costs and assessments are based on preliminary design concepts and costs of similar work on other City of Albany projects. The final assessment amounts will be based on the actual final project costs for construction and administration and are expected to vary from this estimate. Assessments will be made on a cost per square foot basis.

*Proposed Project Schedule:*

If the South LID is formed at the May 28, 2008, City Council meeting, City staff will then assume the responsibility of designing and constructing the improvements of the South LID by the beginning of the fall of 2010.

The actual final project costs and final assessments will not be known until construction is complete and final accounting is done. Once construction is completed on the South LID during the summer of 2010, the final calculations will be complete in late 2010 or early 2011, with the first assessment payments due in early 2011.

Budget Impact:

The costs of the improvements for both LIDs will be assessed to the benefiting properties. The City will participate in paying over sizing costs for the water and sewer improvements as outlined in the applicable SDCi methodologies. However, the City's ability to participate at the identified levels is dependent on SDC revenues and other SDC fund obligations.

*Council Questions*

During the City Council Meeting in which Council authorized staff to develop the engineer's report, questions about roadway width, alignment, and tree felling were brought up. Both the roadway width and alignment were analyzed by staff during the land use application process for the new school and the Brandis Village development. Staff considered safety and land use to develop the standards to be used for the roadway width and alignment. Staff has also looked at alignment of the street to ensure a limited amount of trees will be affected by the new street.

Proposed Street Width. The street between Knox Butte Road and Somerset Drive is classified as a major collector in the City's Transportation System Plan (TSP). The land use approval for the new school calls for the public roadway to have a curb-to-curb width of 32-feet. The approval specified use of 11-foot-wide travel lanes and 5-foot-wide bike lanes. There will be no on-street parking. A significant amount of consideration was given in determining an appropriate roadway width.

Staff considered a wider street section of 34-feet with 11-foot travel lanes and 6-foot bike lanes, which would match what was constructed on Clover Ridge Road when it was improved north of

Knox Butte Road. However, staff selected a narrower design because of the speed problems being observed on Clover Ridge Road, and to keep bike lanes narrow enough to prevent drivers from being able to park in it. Staff is comfortable that the road width will accommodate school buses.

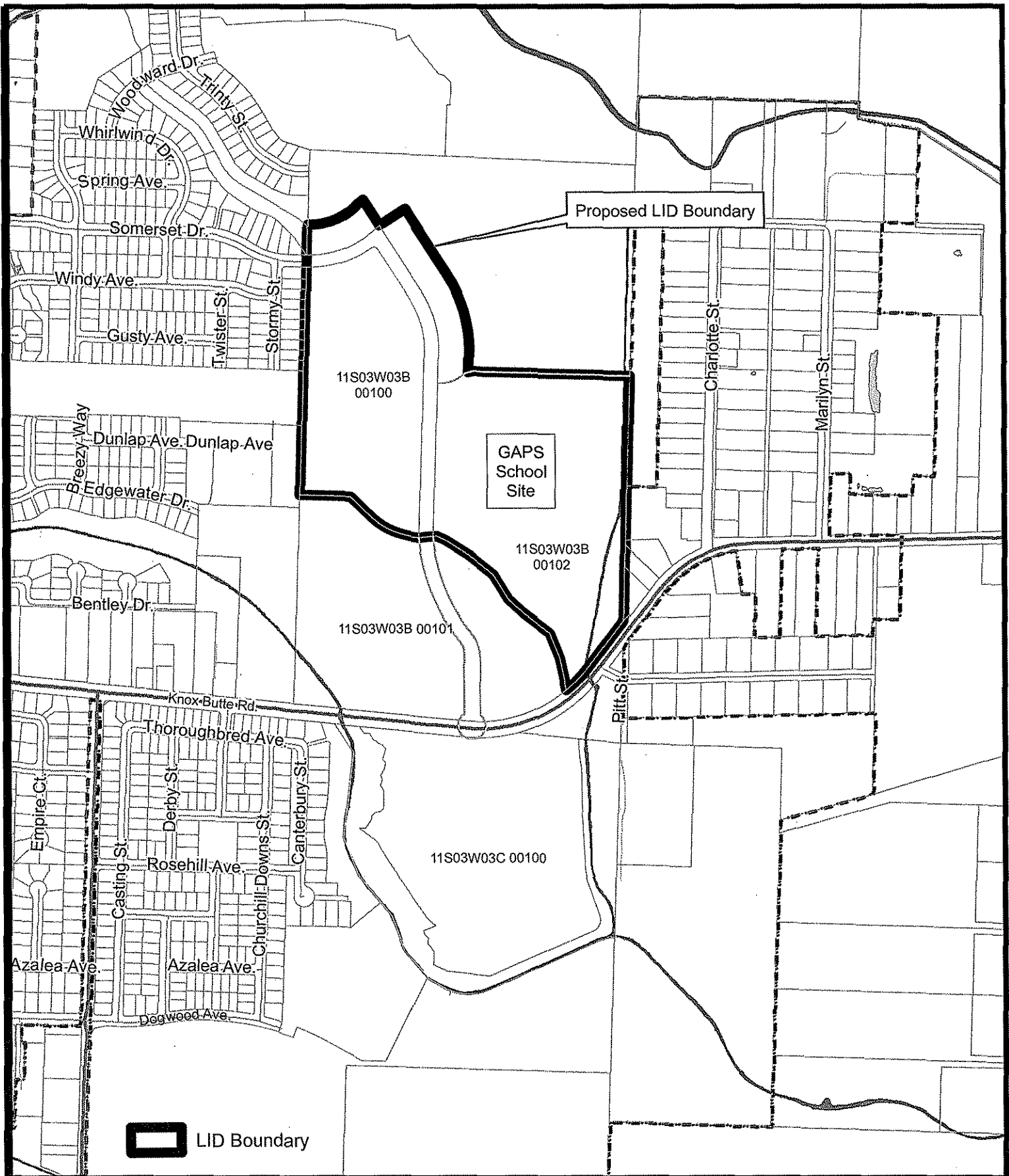
On Clover Ridge Road, Linn County dropped the speed limit from 40 to 25 mph when the road was improved. A rigorous speed enforcement effort was made. However, these efforts have been unable to keep the speeds down to residential street levels. The new roadway built with the school will have fewer driveways and intersections than Clover Ridge, so it is likely that a roadway with a width similar to Clover Ridge Road with fewer conflicts (intersections and driveways) would result in even higher speeds than are experienced on Clover Ridge Road. Having a roadway section that may encourage higher speeds did not seem appropriate for a road leading to a school. The intent is to try and keep speeds down closer to 25 mph by using a slightly narrower section. There are several examples of where narrow lane widths have been used on collector streets in Albany.

- Waverly Drive south of Grand Prairie: 11-foot travel lanes, 6-foot bike lanes
- Hill Street south of 12<sup>th</sup> Avenue: 10.5-foot travel lanes, 5-foot bike lanes
- Del Rio Avenue west of Waverly Drive: 9-foot travel lanes, 5-foot bike lanes
- Ferry Street south of Queen Avenue: 11-foot travel lanes, 5-foot bike lanes (on street parking)

Street Alignment and Roundabout Location. Another question that came up at the March 26 Council Meeting was regarding the alignment of the roadway south of the school property and the location of the roundabout on Knox Butte Road. The right-of-way for the proposed road alignment has already been dedicated and accepted by the City. The right-of-way was dedicated in order to facilitate the construction of the new school. The right-of-way alignment mirrors both the alignment shown in the City's TSP and the alignment in the master plan developed for the area with the Brandis Annexation. The location of the roundabout on Knox Butte Road is also consistent with what is shown in the TSP and the Brandis Annexation master plan. The intersection was located to allow for a strip of medium density residential development south of Knox Butte between the west side of the road and a riparian corridor along Burkhart Creek.

The question was asked if the roadway should be or could be straightened out such that the roundabout was shifted west away from the "S" curve in Knox Butte Road. Although changing the road's alignment and the location of the roundabout is possible, staff would not recommend this change. Shifting the intersection to the west would not leave enough land between the north/south road and the creek to allow for any development. As a result this would likely be opposed by the property owner and leave a portion of property with little development potential. Staff had a traffic engineering consultant, Kittelson & Associates, review the roundabout location. They reviewed the operation and performance of a roundabout and found that the design had adequate sight distance and would function well at the proposed location.

Tree Felling. The alignment of the proposed improvements limits the number of trees affected by this project to the lowest level possible. The only trees affected by this new street are located at the end of Somerset Drive. At this location the road will cross perpendicular to the existing tree bank thus reducing the amount of trees to be removed to a minimum. In addition, south of the GAPS property is a large bank of trees that will not be affected because the new street alignment will pass directly through a gap where no trees are located.



Proposed LID Boundary: ST-08-04, Infrastructure Improvements, Somerset to School

Attachment A



Engineering

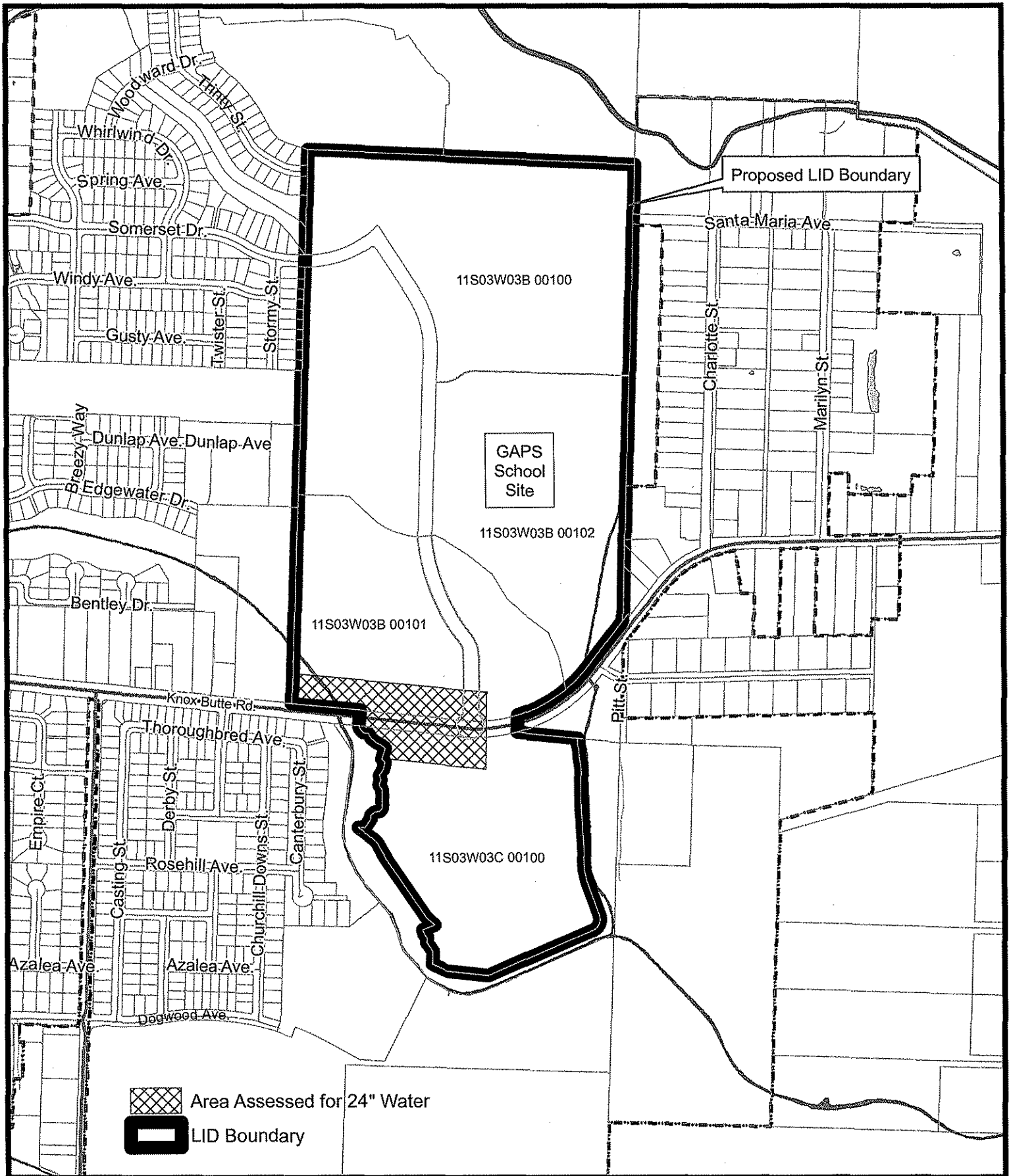
Jeff Woodward

1 inch equals 600 feet

Tuesday, March 18, 2008 8:41:54 AM  
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The City of Albany's infrastructure records, drawings, and other documents have been gathered from many sources, using differing standards for quality control, documentation, and verification. All the information provided represents current information to the best of our knowledge. While the information provided is generally believed to be accurate, occasionally data information proves to be incorrect, and this is not always our fault. This disclaimer may apply to other documents or other information based in full or in part upon the information provided. It is specifically advised that you and your liability may vary from information contained within our records.





Proposed LID Boundary: ST-08-06, Infrastructure Improvements, School to Knox Butte

Attachment B

	<p>Engineering</p>	<p>Jeff Woodward</p> <p>Wednesday, April 30, 2008 10:16:57 AM          U:\Shared\GIS\Engineering\Chris Goins\Proposed LID South.mxd</p>	<p>1 inch equals 600 feet</p>	
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The City of Albany's infrastructure records, drawings, and other documents have been prepared over many decades, using different standards for survey control, measurement, and depiction. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasional discrepancies may be present and their accuracy is not warranted. Prior to making any property purchase or other investments based in total or in part upon the information provided, it is specifically advised that you independently verify the information contained within our records.

INITIAL ENGINEER'S REPORT		ST-08-04, "Infrastructure Improvements - Somerset to School"							ATTACHMENT C		
									CITY OF ALBANY		
		Street	Total	San Sew	Total	Water	Total	Total	ST-08-04		
Assessor's Map		Unit	Street & St Dr	Unit	San Sew	Unit	Water	Estimated	Estimated Assessments		
Name	Tax Lot	(Ac)	Assm't	(Ac)	Assm't	(Ac)	Assm't	Assm't	May 2008		
									NET ASSESSABLE COSTS		
Greater Albany Public School Dist	11S03W03B 00102	20.28	\$1,025,615.12	20.28	\$566,817.87	20.28	\$124,281.79	\$1,716,714.78			
									Street and Strom Drain		\$1,766,000.00
									Sanitary Sewer		\$992,000.00
									City Participation: San Sewer		(\$16,000.00)
									Water		\$290,000.00
Evelyn F Brandis Trust 1	11S03W03B 00100	14.64	\$740,384.88	14.64	\$409,182.13	14.64	\$89,718.21	\$1,239,285.22	City Participation: Water		(\$76,000.00)
									Total Project Cost		\$2,956,000.00
									NET UNIT ASSESSMENTS		
									Street and Strom Drain		
									Est. Cost		\$1,766,000.00
									Unit		34.92 Ac
									Unit Cost		\$50,572.74 per Ac
									Sanitary Sewer		
									Est. Cost		\$992,000.00
									City Particip.		(\$16,000.00)
									Net Cost		\$976,000.00
									Unit		34.92 Ac
									Net Unit Cost		\$27,949.60 per Ac
									Water		
									Est. Cost		\$290,000.00
									City Particip.		(\$76,000.00)
									Net Cost		\$214,000.00
									Unit		34.92 Ac
TOTALS		34.92	\$1,766,000.00	34.92	\$976,000.00	34.92	\$214,000.00	\$2,956,000.00	Net Unit Cost		\$6,128.29 per Ac

INITIAL ENGINEER'S REPORT		ST-08-06, "Infrastructure Improvements – School to Knox Butte"										ATTACHMENT D		
												CITY OF ALBANY		
		Street	Total	Roundabout	Total	San Sew	Total	Water 12"	Total	Water 24"	Total	Total	ST-08-04	
Assessor's Map	Unit	Street & St Dr	Unit	Roundabout	Unit	San Sew	Unit	Water 12"	Unit	Water 24"	Estimated	Estimated Assessments		
Name	Tax Lot	(Ac)	Assm't	(Ac)	Assm't	(Ac)	Assm't	(Ac)	Assm't	(Ac)	Assm't	Assm't	May 2008	
Greater Albany Public School Dist	11S03W03B 00102			20.28	\$121,513.35							\$121,513.35	NET ASSESSABLE COSTS	
													Street and Storm Drain	\$765,000.00
													Roundabout	\$525,000.00
													Sanitary Sewer	\$623,000.00
													12-inch Water	\$120,000.00
													City Participation: 12-inch Water	(\$29,000.00)
													24-inch Water	\$328,000.00
Evelyn F Brandis Trust 1	11S03W03B 00100			34.98	\$209,592.56							\$209,592.56	City Participation: 24-inch Water	(\$64,000.00)
													Total Project Cost	\$2,268,000.00
													UNIT ASSESSMENTS	
													Street and Storm Drain	
													Est. Cost	\$765,000.00
													Unit	22.96 Ac
													Unit Cost	\$33,318.82 per Ac
Evelyn F Brandis Trust 1	11S03W03B 00101	22.96	\$765,000.00	19.30	\$115,641.41	19.30	\$623,000.00	7.92	\$91,000.00	3.10	\$158,400.00	\$1,753,041.41	Roundabout	
													Est. Cost	\$525,000.00
													Unit	87.62 Ac
													Unit Cost	\$5,991.78 per Ac
													Sanitary Sewer	
													Est. Cost	\$623,000.00
													Unit	19.30 Ac
													Unit Cost	\$32,279.79 per Ac
Mary Morris Trust 1	11S03W03C 00100			13.06	\$78,252.68					2.07	\$105,600.00	\$183,852.68	Net 12-inch Water	
													Est. Cost	\$120,000.00
													City Particip.	(\$29,000.00)
													Net Cost	\$91,000.00
													Unit	7.92 Ac
													Net Unit Cost	\$11,489.90 per Ac
													Net 24-inch Water	
													Est. Cost	\$328,000.00
													City Particip.	(\$64,000.00)
													Net Cost	\$264,000.00
													Unit	5.17 Ac
													Unit Cost	\$51,113.26 per Ac
													TOTALS	
		22.96	\$765,000.00	87.62	\$525,000.00	19.30	\$623,000.00	7.92	\$91,000.00	5.17	\$264,000.00	\$2,268,000.00		



FINANCIAL INVESTIGATION REPORT (Cont.)  
ST-08-04, Infrastructure Improvements – Somerset to School  
(As of May 7, 2008)

*Section 3. Number of similar lots and property held by the City through foreclosure.*

The City is not holding any properties obtained through foreclosure. Fewer than ten properties are delinquent more than one year.

*Section 4. Delinquency rate of assessments and taxes in the area.*

Ninety-five percent of City assessments are current. Property tax collections are projected to be from 94 to 96 percent of current taxes levied.

*Section 5. Real estate value trends in the area.*

Real estate values within the City remain stable. Residential construction has been in a decline for the past six to nine months. Building activity is expected to continue at a slow pace during FY 2008-2009 due to the slowdown in the real estate market.

*Section 6. Tax levy trends and potential financial impact on the proposed LID.*

Taxes will remain stable. A small increase should be expected from an estimated four percent increase in property values.

*Section 7. Does the project conform to the City Comprehensive Plan?*

This project conforms to the City's Comprehensive Plan.

*Section 8. Status of City's debt.*

Costs attributable to this project will be incorporated into the final assessment roll.

*Section 9. Estimated cost of financing.*

The City's practice is to charge the property owners 1.50 percent more than the rate on the bonds to pay for the costs associated with billing the property owners and administering the LID. In 2002, assessment bonds sold at 5.05 percent; therefore, property owners paid 6.55 percent interest.

*Section 10. General credit worthiness of property owners within the LID.*

The estimated total assessments range from \$1,239,285.22 to \$1,716,714.78. The monthly payment for the proposed assessments project to range from \$14,103.14 to \$19,536.31 for a ten year term.

*Note: Financing under ORS223.215 provides financing for a longer term.*

**FINANCIAL INVESTIGATION REPORT**  
**ST-08-04, Infrastructure Improvements - Somerset to School**  
*(As of May 7, 2008)*

OWNER OF RECORD	PROPERTY DESCRIPTION	% OF PROJECT	TOTAL ASSESSMENT	BOND MAXIMUM	TRUE CASH VALUE 2007/2008			OTHER ASMNTS	ASMNT % TO TCV	10 YEAR MONTHLY PAYMENTS AT 6.55%
					LAND	IMPROVMENTS	TOTAL			
Brandis, Trust 1, Evelyn F c/o John S Brandis, et al PO Box 1087 Corvallis, OR 97339	11S03W03B 00100 Site: Acreage, Lot	41.92%	1,239,285.22	4,870,780	2,435,390	-	2,435,390	-	50.89%	14103.14
Greater Albany Public School District c/o Russell Allen 718 7th Avenue SW Albany, OR 97321	11S03W03B 00102 Site: Acreage, Lot	58.08%	1,716,714.78	-	-	-	-	-	0.00%	19536.31
Totals			2,956,000.00	4,870,780	2,435,390	-	2,435,390		50.89%	33,639.45

FINANCIAL INVESTIGATION REPORT (Cont.)  
ST-08-06, Infrastructure Improvements – School to Knox Butte Road  
(As of May 7, 2008)

*Section 3. Number of similar lots and property held by the City through foreclosure.*

The City is not holding any properties obtained through foreclosure. Fewer than ten properties are delinquent more than one year.

*Section 4. Delinquency rate of assessments and taxes in the area.*

Ninety-five percent of City assessments are current. Property tax collections are projected to be from 94 to 96 percent of current taxes levied.

*Section 5. Real estate value trends in the area.*

Real estate values within the City remain stable. Residential construction has been in a decline for the past six to nine months. Building activity is expected to continue at a slow pace during FY 2008-2009 due to the slowdown in the real estate market.

*Section 6. Tax levy trends and potential financial impact on the proposed LID.*

Taxes will remain stable. A small increase should be expected from an estimated four percent increase in property values.

*Section 7. Does the project conform to the City Comprehensive Plan?*

This project conforms to the City's Comprehensive Plan.

*Section 8. Status of City's debt.*

Costs attributable to this project will be incorporated into the final assessment roll.

*Section 9. Estimated cost of financing.*

The City's practice is to charge the property owners 1.50 percent more than the rate on the bonds to pay for the costs associated with billing the property owners and administering the LID. In 2002, assessment bonds sold at 5.05 percent; therefore, property owners paid 6.55 percent interest.

*Section 10. General credit worthiness of property owners within the LID.*

The estimated total assessments range from \$121,513.35 to \$1,753,041.41. The monthly payment for the proposed assessments project to range from \$1,382.83 to \$19,949.71 for a ten year term.

*Note: Financing under ORS223.215 provides financing for a longer term.*

**FINANCIAL INVESTIGATION REPORT**  
**ST-08-06, Infrastructure Improvements - School to Knox Butte Road LID**  
*(As of May 7, 2008)*

OWNER OF RECORD	PROPERTY DESCRIPTION	% OF PROJECT	TOTAL ASSESSMENT	BOND MAXIMUM	TRUE CASH VALUE 2007/2008			OTHER ASMNTS	ASMNT % TO TCV	10 YEAR MONTHLY PAYMENTS AT 6.65%
					LAND	IMPROVMENTS	TOTAL			
Brandis, Trust 1, Evelyn F c/o John S Brandis, et al PO Box 1087 Corvallis, OR 97339	11S03W03B 00100 Site: Acreage, Lot	9.30%	209,592.56	4,870,780	2,435,390	-	2,435,390	-	8.61%	2385.18
Brandis, Trust 1, Evelyn F c/o John S Brandis, et al PO Box 1087 Corvallis, OR 97339	11S03W03B 00101 Site: Acreage, Lot	80.46%	1,753,041.41	-	-	-	-	-		19949.7
Greater Albany Public School District c/o Russell Allen 718 7th Avenue SW Albany, OR 97321	11S03W03B 00102 Site: Acreage, Lot	5.39%	121,513.35	-	-	-	-	-		1382.83
Morris, Trust 1, Mary c/o Timberhill Corp 5737 SW Corbett Avenue Portland, OR 97329	11S03W03C 00100 Site: 4350 Knox Butte Rd E Acreage, Lot	4.85%	183,852.68	5,336,340	2,646,110	22,060	2,668,170	-	6.89%	2092.25
<b>Totals</b>			<b>2,268,000.00</b>	<b>10,207,120</b>	<b>5,081,500</b>	<b>22,060</b>	<b>5,103,560</b>		<b>15.50%</b>	<b>25,809.96</b>

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

A RESOLUTION ACCEPTING THE ENGINEER'S REPORT AND FINANCIAL INVESTIGATION REPORT FOR ST-08-04, INFRASTRUCTURE IMPROVEMENTS – SOMERSET TO SCHOOL AND SETTING A PUBLIC HEARING.

WHEREAS, the Albany City Council directed by Resolution No. 5583 that an Engineer's Report and Financial Investigation Report be prepared for ST-08-04, Infrastructure Improvements – Somerset to School; and

WHEREAS, these reports have been received by and meet with the Albany City Council's approval.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby directs that a public hearing be scheduled for Date at 7:15 p.m. to consider the proposed project ST-08-04, Infrastructure Improvements – Somerset to School and that notices of the public hearing be in compliance with AMC Section 15.04.060.

DATED AND EFFECTIVE THIS 14TH DAY OF MAY 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

A RESOLUTION ACCEPTING THE ENGINEER'S REPORT AND FINANCIAL INVESTIGATION REPORT FOR ST-08-06, INFRASTRUCTURE IMPROVEMENTS – SCHOOL TO KNOX BUTTE AND SETTING A PUBLIC HEARING.

WHEREAS, the Albany City Council directed by Resolution No. 5583 that an Engineer's Report and Financial Investigation Report be prepared for ST-08-06, Infrastructure Improvements – School to Knox Butte; and

WHEREAS, these reports have been received by and meet with the Albany City Council's approval.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby directs that a public hearing be scheduled for Date at 7:15 p.m. to consider the proposed project ST-08-06, Infrastructure Improvements – School to Knox Butte and that notices of the public hearing be in compliance with AMC Section 15.04.060.

DATED AND EFFECTIVE THIS 14TH DAY OF MAY 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED:

CITY OF ALBANY  
CITY COUNCIL (WORK SESSION)  
Municipal Court Room  
Monday, March 10, 2008  
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Dan Bedore called the meeting to order at 4:00 p.m.

ROLL CALL

Councilors present: Councilors Floyd Collins, Jeff Christman, Bessie Johnson, Dick Olsen, and Sharon Konopa.

Councilors absent: Councilor Ralph Reid Jr.

BUSINESS FROM THE PUBLIC

There was no business from the public.

WATER ISSUES OF MUTUAL INTEREST

Linda Modrell, Benton County Commissioner, said that how we manage the water we have is critical to the livability and economic viability of communities in our valley. Unfortunately there are ever-growing mismatches in policies between agencies. As population and water use increases, mismatched policies can lead to serious water issues in the future.

Councilor Jeff Christman arrived at 4:02 p.m.

Modrell said Benton County is developing a cross jurisdictional water supply policy. Watersheds cross political boundaries. She is hoping this approach will set up a framework for the future. Ideally there would be a policy that applies to the whole county, but that is too big a project right now so she is starting with a policy regarding the headwaters. She passed out a yellow map which showed Polk, Marion, Lincoln, Benton, Linn, and Lane counties (see agenda file). Modrell has been reaching out to Linn County Commissioners to work together on data collection. Eugene Water & Electric Board (EWEB) is collecting data for Lane County.

Modrell reviewed with the Council a proposed draft Memorandum of Cooperation between Benton County and the City of Albany for a Water Policy and Supply Plan (see agenda file). The objective is to find out what the community values (good drinking water, fish, water rights, farm irrigation, wastewater, etc). The question is, how can we take the water we have and use it most efficiently and effectively? There is no regulatory authority, so Benton County is acting as a convener. The draft memorandum is framed within the water rights we already have. Right now we are one of three states without a water supply policy. We recognize that we are likely to have a problem if we do not manage our resources.

Councilor Floyd Collins asked, do you see this project addressing the proliferation of uses in the far extremes of North Albany, such as wells drying up in the summer? Modrell said, it could.

Councilor Sharon Konopa asked, is this part of the Oregon Water Resources Department (OWRD)? Modrell said yes. Konopa said she asked OWRD awhile ago about the long-range plan; they said there is no long-range plan due to lack of funding. Modrell said there is some funding available now, and Benton County has some one-time money they are investing as well.

Councilor Bessie Johnson asked, do you anticipate having a task force? Modrell said yes; she is working with the institute of watersheds at Oregon State University (OSU) to find the best format.

Staff will review the memorandum and bring it back to the Council.

OVERVIEW OF REGIONAL WATERSHED COUNCILS

Public Works Water Quality Control Supervisor Chris Bailey introduced Erica Lang, a representative of the North and South Santiam Watershed Councils and Tara Putney, a representative of the Calapooia Watershed Council. Eric Hartstein is the Coordinator for South Santiam.

Lang gave a Power Point presentation (see agenda file).

Bailey said that May 17 is Down by the Riverside Day at Bryant Park. Volunteers will be removing ivy along the river. There will also be a Living on the Land workshop in Lebanon in April and May. Discussion followed regarding ivy and blackberry removal.

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Collins is concerned about woody debris removal being counterproductive to fish habitat. Putney will research the issue.

#### SAFETY IMPROVEMENTS TO PACIFIC BOULEVARD

Transportation System Analyst Ron Irish said that after many contacts with the Oregon Department of Transportation (ODOT) staff and neighborhood meetings, the solutions for safety improvements to Pacific Boulevard have been narrowed down.

Irish introduced Gary Wolcott from ODOT.

Wolcott said ODOT's intention for Pacific Boulevard is to correct the safety issues. Dangerous intersections are between Geary Street and the Union Pacific Railroad, and Madison Street and Sherman Street, as outlined in the staff report. Geary Street is the number one accident site in the state. ODOT is responsible for highway safety and the City is responsible for street safety, so together we have a responsibility to act.

Wolcott said that Geary can be fixed with striping. A March 5, 2008, ODOT letter explained how the crossovers can be fixed from the most effective to the least effective way (see agenda file). The ODOT project calls for proposed striping, as in Exhibit 1 (see agenda file). He has made a couple of changes since the last presentation of this design to the Council.

Exhibit 2 shows that the on ramp would be closed to all traffic except emergency vehicles, with a small speed bump (see agenda file). The speed bump is a visual indicator so that if a vehicle is approaching at night, it will draw their attention to the sign. Wolcott said they recognize that by doing this, traffic will be backed up downhill.

Exhibit 3 shows an enhanced signal at Hill Street and Madison Street (see agenda file), as a way to encourage drivers to make a right turn on Hill Street.

Wolcott discussed large truck radius with Exhibit 4 (see agenda file). If the road can't be designed to avoid impact to the house on the corner of Hill Street and Madison Street, then staff will come back to the Council.

Exhibit 5 shows Main Street and Pacific Boulevard, where most of the t-bone accidents occur (see agenda file). The decision to make it a dead-end was unanimous. A pork-chop entry is not as effective. Wolcott stressed that it is important for public safety that we make this the most effective fix possible. They considered putting in traffic lights but it did not pass design standards for downtown.

Johnson is concerned about closing the on-ramp to traffic and rerouting it to Hill Street, as it will increase traffic on Hill Street. Wolcott described the discussion surrounding the decision and the experts that visited the site affirmed that Hill Street can handle the increased flow, well into the future. The timing of the traffic lights will be adjusted also.

Exhibit 6 is an aerial view of the Chicago-SPRR project (see agenda file).

A pork-chop on Sherman Street, as shown in Exhibit 7 (see agenda file), should balance out the traffic by allowing half to turn on Pacific Boulevard and the other half to head downtown.

Collins asked, what is the traffic split between Santiam Boulevard and Pacific Highway? Irish said they are about even. Discussion followed.

Olsen asked, how many vehicles traveling north on Hill Street turn left on Pacific Boulevard to go downtown? Wolcott said 1,203 a day. Olsen asked, how many vehicles travel south on Hill Street? Wolcott said about 700 a day. Olsen said currently, he has to wait through two lights before he can make a left turn. Wolcott said it would be a protected light so it would clear out faster.

Collins asked what the community input has been. Wolcott said after the initial community input they made some changes, and mailed notices. After the second mailing, they received just one call.

Konopa asked, if we don't approve this will it force ODOT to make changes to the overpass? Wolcott said no, it will not; if you do not use the money that the state is making available to you now for this project, the money will be returned to the federal government in September 2009.

Johnson doesn't want to lose the opportunity to use the money, so long as the changes do not hurt local businesses. Wolcott said he doesn't think these solutions will please everyone, but with all the input received, this is a good solution that would work for most people.

Collins said for the two critical problems, this is an interim solution. The ultimate solution is the overpass, but the funding is not available for it now. This Council decision relates to the degree of risk we want to subject the motorists to. If this would decrease motorists' risk, then we should move forward; but he does not want it to be considered a permanent solution.



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Wolcott passed out a March 5, 2008, summary titled: Safety Improvements for Pacific Boulevard (HWY 99E): What Else Was Considered? (see agenda file).

The Council asked City staff for an opinion. Irish said he likes the striping changes. He also likes the idea for addressing the crossover problem on Main Street and believes a lot of thought went into the solution. The gas station owners were interested in not restricting movement on the south side. On the north side the property owner that called has driveway access to Pacific Boulevard, but it would not be closed. Irish said the Sherman Street pork-chop is not as effective, but it does allow for some access and adds some connectivity that closing the street would not provide. He is concerned about the gull-wing being open to emergency vehicles only, because it would reroute truck traffic to Hill Street and he is not sure what the impact will be. He does like the intersection treatments for Sherman Street and Main Street.

Collins asked, would ODOT pay for all the improvements presented today? Irish said yes, they just need our permission for our side streets. However, ODOT does not need our permission for changes to Pacific Boulevard. Both agencies can veto each other.

Olsen asked, can 7<sup>th</sup> Avenue handle truck traffic structurally? Irish is not sure. Discussion followed.

Bedore asked, is the closure of the on-ramp a firm decision? Wolcott said Albany would have a difficult time getting an agreement without it.

Collins asked, can we condition approval on the structural assessment of 7<sup>th</sup> Avenue and Hill Street? Wolcott said that if those streets needed to be redone to support truck traffic, ODOT would pay for it.

MOTION: Collins moved to approve the preferred design with the stipulation that this is an interim solution until the overpass is analyzed and that any structural modifications necessary to 7<sup>th</sup> Avenue and Hill Street, to accommodate heavier traffic loads, be the responsibility of ODOT. Christman seconded the motion.

Konopa will support the motion but thinks this is a mistake because it will not fix the problems.

Bedore agrees that it is not a cure all, but thinks it will alleviate a good chunk of the safety problems. He appreciates the open process ODOT uses for city and community input.

VOTE: A vote was taken on the motion and it passed 4-1 with Olsen voting no.

#### BOYS & GIRLS CLUB LAND TRANSFER

Parks & Recreation Director Ed Hodney explained that on December 10, the Council authorized the City to work with the Boys & Girls Club (Club) of Albany on details of the land transfer. Hodney is here tonight to seek Council approval of the resolution. If the Council is comfortable with moving forward by formal acceptance at the next Council meeting, it would allow the City to accept the property and we would begin to develop a park with all the funding in place.

Hodney said that one issue that came up is the topic of what we want to do with Oak Street, and when. He said that since that original discussion, Public Works Director Diane Taniguchi-Dennis suggested we resurface Oak Street with chip seal to improve the surface. It will not accomplish the full goal of an urban upgrade, but in the interim it would look and feel like a road.

Konopa asked, would we allow a developer to construct on an unimproved road? Dennis said no. Konopa is concerned that it is not fair, then, if the City proceeds with this project. Hodney said, we have a choice to make, as we have an opportunity to accomplish an element of the Parks & Recreation Master Plan with fairly significant leveraging of funding from the state grant, but it would not help Oak Street. Hodney had suggested on December 10 that if a funding mechanism is required, that 1,000 feet of park frontage be appropriately assessed and we could treat it as a Parks System Development Charges (SDC) reimbursement expense.

Hodney said that all the conditions outlined by the Council on December 10 have been met and the Boys & Girls Club is ready to execute the deed. Staff needs Council direction on whether to proceed.

Collins declared a conflict of interest, as he is a Board Member of the Club. He will not be voting, but he offered his opinion: the City would be picking up a 12 acre park and with it, the improvements to the property the Club has made already. This is an asset. We are assuming some unknown future liability, but it would be less than the asset we are acquiring. It is to our advantage in the long-term and fulfills a portion of our Parks Master Plan.

Konopa wants to move ahead with the park because we don't have enough of them, but before we start using it and bringing in extra traffic, we need to do something to Oak Street. She doesn't think resurfacing is enough.

Johnson said since it is only 3,000 feet long, maybe we can include it as a street to be fixed in the future. She doesn't see how the City can turn this down, based on the property. Discussion on possible funding for Oak Street followed.

Konopa asked, could the development of the park be delayed until Oak Street is improved? Hodney said, if we adopt that strategy then we will not be securing the grant funds awarded to us. Our window to receive the funds is closing

Albany City Council Work Session  
Monday, March 10, 2008

and it would table the development from the City's perspective. Also, it is likely the Club would withdraw their offer because they can build facilities if they meet the conditions in the conditional use permit. Hodney said, we would need to open the park by the end of the calendar year.  
Konopa wants the Council to aggressively seek improvement options for Oak Street.

Councilor Christman said this emphasizes the continued need to get Transportation System Plan (TSP) completed and prioritized.

This item will come back to the March 12 City Council meeting.

#### REQUEST TO RECLASSIFY POSITION IN PARKS MAINTENANCE

Hodney said there is a vacant Park Maintenance II position that needs to be elevated to a lead worker position. The position is responsible for landscape maintenance and tree services. The reclassification will aid recruitment efforts. The fiscal impact of this reclassification is negligible.

This item will come back to the March 12 City Council meeting.

#### OVERVIEW OF WILLAMETTE BASIN TMDL REQUIREMENTS

Environmental Services Manager Herb Hoffer gave a Power Point presentation on the overview of Albany's response to the Department of Environmental Quality (DEQ) requirements to develop a TMDL implementation plan (see agenda file).

Dennis said that right now, the plan is paid for by streets, water, and sewer. In the next budget process the project will be listed in street capital for \$75,000. They are on track to create a stormwater SDCs. She noted that sewer SDCs cannot pay for this project.

#### STRATEGIC PLAN UPDATE TIMELINE

Hodney said a draft of the Strategic Plan will be reviewed at the April 7, 2008, work session.

#### COMMUNITY ATTITUDE SURVEY DISCUSSION

Public Information Officer/Management Assistant Marilyn Smith asked if the Council had any questions.

Konopa asked, will the survey be dispersed evenly throughout town? Smith said yes.

The Council reviewed the survey and made changes.

#### COUNCILOR COMMENTS

The Council discussed a timeline for the Central Albany Revitalization Area (CARA) meeting scheduled for next week to enable the Council to attend a meeting about housing for the mentally ill in Albany. Smith will check with staff and update the Council at the Wednesday meeting.

Konopa asked what the format will be for the North Albany Neighborhood Association (NANA) meeting to be held at Ciddici's Pizza on March 18. Smith said the meeting starts at 6:00 p.m. and her understanding is that NANA wants staff to briefly explain what they do. Smith is not sure what questions they will have for the Council.

Collins said that Roger Kroening, retired from Umpqua Bank, met with Urban Renewal Coordinator Kate Porsche to discuss due diligence. Kroening was impressed with Porsche's background in real estate and loans. Collins said that as a person with a background in finance, Kroening left the meeting feeling confident about the process we are using for CARA.

Bedore will not be able to attend the March 26 Council meeting.

#### CITY MANAGER PRO TEM REPORT

Dennis said that Albany has received the American Academy of Environmental Engineers award for plans to improve the water quality of the Willamette River by creating an integrated wetland treatment system. The award will be presented in Washington DC.

Hodney said that Mayor Bedore will be accompanying City staff members to a luncheon in Salem for the Oregon Festival and Events Association. Albany has been nominated for awards in six different categories.

Hodney said the Albany Rotary Club invited Peter DeFazio to speak at their next meeting on March 11, 2008. The meeting is at 12:00 p.m. at Pop's Branding Iron. Hodney invited the Council and asked that Councilors let him know if they plan to attend.

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Bedore said he received notice that Albany will be named "Tree City USA" again this year. The award is generally presented at a Council meeting during Arbor Week.

ADJOURNMENT

There being no other business, the Work Session adjourned at 6:27 p.m.

Respectfully submitted,

Mary A. Dibble, CMC  
Deputy City Clerk

Reviewed by,

Stewart Taylor  
Finance Director

APPROVED:

CITY OF ALBANY  
CITY COUNCIL (WORK SESSION)  
Municipal Court Room  
Monday, March 24, 2008  
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Dan Bedore called the meeting to order at 4:00 p.m.

ROLL CALL

Councilors present: Councilors Ralph Reid Jr., Floyd Collins, Jeff Christman, Bessie Johnson, Dick Olsen, and Sharon Konopa.

BUSINESS FROM THE PUBLIC

There was no business from the public.

BICYCLE RACE PROPOSAL

Jim Lawrence, Bicycle & Pedestrian Advisory Commission, introduced Robert Hughes, a member of the Oregon Bicycle Racing Association (OBRA), and Steve Boyd, of Maier Roofing. Lawrence said he was asked by former Mayor Doug Killin a year ago if there was a way to do a bicycle race downtown Albany.

Lawrence is proposing a spectator-friendly type of event mapped in such a way that there would be multiple opportunities for the public to watch. Closed circuit courses are typically run in residential areas. The race would be organized by a committee comprised of the Chair of the Bicycle & Pedestrian Advisory Committee, City staff, Albany Downtown Association staff, and Albany Visitors Association staff. It is scheduled for Sunday, May 25, which is the same weekend as Rivers Gone Wild.

Lawrence hopes this will be an annual event. They expect about 1,000 racers, vendors, and their families, in addition to spectators. He passed out a map of the proposed bike route (see agenda file). Lawrence said Transportation Analyst Ron Irish reviewed the one kilometer course and approved it, stating that it was no more disruptive than other downtown events. Fire Chief Kevin Kreitman also approved the course. Lawrence is encouraging downtown restaurants to open for this Sunday event.

Lawrence said they may need help from the City's street crew for barricades and street closures. He has not talked to the Police Chief yet.

Hughes explained that there are several classes of riders, from beginners to professionals. The categories are by skill levels so there is competition. He is thinking of 6-7 different races, maybe more categories, depending on how many sign up. He explained how the event works.

Councilor Sharon Konopa asked, will you be coordinating with downtown churches? Lawrence said he has talked to Saint Mary's and Whitespires. He has not talked to the Presbyterian Church yet, though the event will be a block away from them. Konopa suggested they also talk to Fisher Funeral home.

Bedore asked, will this event involve vendors? Hughes said ultimately it is the City's choice, although he thinks inviting vendors would be a good idea.

Councilor Floyd Collins asked, do we need additional insurance since this is a special event? Hughes will be applying for insurance and will be sure it is reviewed by OBRA and City Attorney Jim Delapoer.

CONSENSUS: The Council supported the event.

Lawrence said that if there are businesses with cash or merchandise that would like to contribute prizes, they can contact him.

TRANSPORTATION SYSTEM PLAN UPDATE: 2030 ROADWAY NEEDS ANALYSIS

Civil Engineer III Jeni Richardson said she is at this work session to recap discussions of roadway projects for the Transportation System Plan (TSP). Over the past two months, Technical Memorandum #6C has been presented to the Council, various agencies, and the public. Staff has received many positive comments.

Richardson has four suggested points of clarification:

1. Change intersection projects 3 and 4 to a roundabout at Salem Road and Third Avenue and realign the intersection at Santiam Road and 4th Avenue. Reference the neighborhood meeting and note that the project designer will need to take a closer look at business access as each situation is unique.

2. Expand roadway project #6 on Waverly Drive to include an option with on-street bike lanes and an option with a parallel bike system. Future memos can present the impacts, benefits, and costs of each alternative for further community and Council discussion.
3. Add text to explain that the functional classification of Airport Road (page 23) would change from principal arterial to minor collector when a southbound on-ramp is built at the Knox Butte Road interchange.
4. Add text to explain that the Looney Lane extension (roadway project #29) has a low priority today and will be development driven. This project is in the current 1997 master plan and is intended to provide internal connectivity between the neighborhood, Linn-Benton Community College, and Highway 34. It is not intended to function as a diversion for outside trips to pass through the neighborhood. Design of this roadway should also carefully consider any crossing of the seasonal creek.

Collins said he went to all three public meetings and the Main Street neighborhood meeting and recalls that all who attended liked the roundabout alternative, with the exception of one or two people.

Konopa asked, will Airport Road be removed from the TSP later? Richardson said it is not our intent to have any traffic reroute through the Southshore Drive neighborhood. Konopa asked, even though it may not be the intent, what will prevent it? Public Works Director Diane Taniguchi-Dennis discussed connectivity and changing traffic behaviors. Staff is sensitive to the neighborhood's concerns. As Oregon Department of Transportation (ODOT) begins their work, City staff will be on guard for that.

Collins asked, was there an ultimate selection of reentry for rerouted Century Drive traffic to Knox Butte Drive? Richardson said there was a neighborhood meeting with follow up research with an outcome identifying the preferred route for Century Drive traffic to go east on Dunlap Drive and south on Expo Park Way to Knox Butte. Collins is concerned that the traffic lights may be too close together and asked for the Timber Street option to remain under consideration.

MOTION: Councilor Bessie Johnson moved to accept Memo #6C with the changes described and direct staff to develop Technical Memo #7 with planning level costs and an initial prioritization of all transportation system projects. Collins seconded the motion and it passed 6-0.

Taniguchi-Dennis asked for clarification of the motion: does the motion include for Timber Street to remain an option? Collins said yes.

#### CITY HALL CARPET REPLACEMENT

Parks & Facilities Maintenance Manager Craig Carnagey described the carpet replacement plan for City Hall, as outlined in the staff report. The plan calls for new carpet on the first and second floor main hallway, the Council Chambers, and the Municipal Court Room.

Councilor Dick Olsen said that since carpet life is shorter than tile, he would rather have tile even though it is more expensive. Carnagey noted that maintenance for tile is considerably higher than for carpet.

Collins thinks we should replace carpet in staff areas only if it is frayed, worn, or presents a safety hazard. He thinks the carpet in the Municipal Court Room and Council Chambers is still in good condition.

Johnson asked, isn't it less expensive to replace all of the carpet at the same time as opposed to replacing it piecemeal? Carnagey said that we have reasonable estimates for the repairs in the sections described. He agrees that Municipal Court and the Council Chambers' carpet does not show much wear, but there are other areas in the hallways and in the staff areas that are worn through. It is difficult to match this carpet because it is custom.

Konopa thinks the carpet needs to fit in with the design of the building. She suggested buying extra for future repairs.

Johnson thinks that if there are staff areas that are worn, they too should be replaced. It is better to do it all at once and get it over with, so there is less staff disruption.

Carnagey said it would reduce the cost by \$12,500 if the Council Chambers and Municipal Court carpet is not replaced.

The Council directed staff to replace carpet in the upstairs and downstairs main hallways and the staircase; and to replace carpet only as needed in the staff areas.

#### RESOLUTION SUPPORTING TEN-YEAR PLAN TO END HOMELESSNESS

Captain Ben Atchley said that when the boondoggle was cleared out, we started on a path which in the last two years has been exceptional, by showing that the community can work together to address homelessness. In the last few months, several counties and cities have resolved to end homelessness in ten years. Atchley said that cities and counties across the United States are joining in the effort.

Atchley said the regional goal is that each community will take responsibility that homelessness is everyone's issue, not just Albany's. Both Linn and Benton County are beginning to meet. Konopa and Linn County Commissioner Roger Nyquist will be Co-Chairs for Linn County and Jay Dixon is the Chair for Benton County. This will help us to address long-term issues, such as the mentally ill which comprise 50 percent of the homeless. Atchley said we are making great strides in Albany.

Collins asked, what is the "housing first" model referred to in the resolution? Atchley said it comes from the national council and is used effectively in larger cities by combining federal, state, and local dollars to create and support housing units such as apartment complexes. It brings a person into housing with a very supportive environment including health care and mental health services. Once they are off the street, then they have the opportunity to work on addictions, look for a job, etc. The goal is to get them off the street first, and then the rest will follow. Atchley said the local money comes from Health Maintenance Organization (HMOs) and hospitals.

Johnson asked, what will it cost local governments? Atchley said implementation of the plan will be funded by Community Services Consortium (CSC). They have an AmeriCorps vista volunteer for this year and have been guaranteed a volunteer for one more year. The plan should be finished by the time the second volunteer's time runs out. If there are action items within the plan, they could affect the local government. For example, currently there is no detoxification facility, but we are not far enough into the planning stage yet to see what agency will take that piece. Atchley said this resolution does not commit the City to any specific funding.

Konopa pointed out that we are already paying for the homeless in a variety of ways. If this reduces homelessness and still costs money, at least it is moving people forward in their lives.

Atchley noted that what we pay now, we pay in "crisis mode". For example, there was \$45,000 in emergency room visits from Helping Hands residents in just one month to Good Samaritan Hospital. This impacts our whole community and is absorbed by all of us, in our insurance costs. Atchley said that in an attempt to curtail this cost, there are nurse volunteers who now go to Helping Hands at no cost.

Councilor Ralph Reid will only support this if we have buy-in from other outlying areas. He does not want Albany to become a repository for the homeless. Atchley said he is involved with both the HEART and Love, Inc. steering committees. HEART has 40 people on the committee representing a variety of communities. The Love, Inc committee is smaller, but is already talking about how to reach out to outlying communities and draw them into their plan for Linn County. This is an opportunity to lay out a road map to reach out to the community. We will not eradicate homelessness entirely, but we can impact it by keeping folks from becoming homeless, and helping them to transition out of homelessness.

Atchley noted that by having a plan, we will have the opportunity to receive some federal funding.

Olsen asked, which is more expensive: to keep a person in prison or in a mental hospital? Atchley is not sure. Olsen said that the mental hospitals at Pendleton and Klamath Falls were closed and turned into prisons, so the mentally ill had nowhere to go. Atchley said that in 1980 there were 5,000 beds in Oregon for the mentally ill; now there are less than 500 beds. In 3-5 years two buildings will be built, but even then it won't be enough. At this point, a mentally ill person has to be homicidal or suicidal to get help.

Atchley said the Council will be getting a quarterly report from HEART.

MOTION: Councilor Jeff Christman moved to approve the resolution to develop a Linn County ten-year plan to address homelessness and Reid seconded it.

Johnson is concerned that the resolution calls to "end" homelessness. She said it should say reduce, since it is not possible to end it. Konopa suggested adding the word "chronic" before "homelessness."

Olsen said there is a certain part of our population that cannot take care of themselves. Perhaps the City should include funds in our budget, if the state won't do it.

Collins suggested that the League of Oregon Cities (LOC) and Oregon counties discuss this at the legislative level to see what services can be centralized and what can be decentralized.

Christman said that before we allocate money to this, we need to hear more from HEART and Love, Inc. He has attended a HEART meeting and was very encouraged.

VOTE: A vote was taken on the motion and it passed 6-0 and was designated Resolution No. 5580.

#### NEW POLICE K-9

Police Chief Ed Boyd said that former police dog Draco has retired due to illness and funds have already been set aside for a replacement. A new dog, Rulon, has been purchased and will be partnered with Police Officer Dan Kloss.

The Council would like to have Rulon brought into a Council meeting.

COUNCILOR COMMENTS

Steve Boyd from Western States spoke about the new library building. He has been doing maintenance on it for 6-7 years. He said he gave input to City employees about what has been done in the past regarding roof upgrading, etc, and has been trying to get a formula put together so there is not a difference in materials. Boyd is concerned that the advice is being ignored because the oversight and expertise involved is not being exercised. For example, for the roofing they have been using PVC binding, but the Library architect is using different material and is asking for a 20 year warranty when the material has only been out for 14 years. Western States is analyzing that product now to see if it can even last that long. Boyd said when he asked to show them routine items, they didn't even want to see them. Usually an architectural firm will make allowances up to a certain amount, but they would not even look at anything else. He asked, who is running the project, the architect or the project manager? Boyd thinks there needs to be oversight. The other issue he has is with the AC/HV, which is a new prototype. The project oversight seems disjointed to him.

City Manager Wes Hare said the City hired a project manager to prevent what Boyd has described. They went through the competitive process, and the successful project manager has a good reputation. Hare thinks the appropriate way to address Boyd's concerns is to talk to the Library Director, the architect, and the project manager. This is the first time Hare has heard about these issues.

Olsen said there was an incident in his neighborhood that required an emergency response from the Fire Department. He was very pleased with the compassion and professionalism shown by the Fire Department staff.

Johnson noted that the Lund radio tower has been removed from the Old City Hall building.

Christman said he has received a copy of the transient room tax audit by Boldt, Carlisle & Smith. He will convene the Audit Committee and then report their findings back to the Council.

Bedore said he had an open house and all the discussion revolved around the Oxford House. They visited a new bed & breakfast. Their concerns about neighbors are mostly behavioral. Bedore will continue looking into the complaints and will ask for Delapoe to review the complaints as well.

Hare said coincidentally, the LOC contacted him today seeking a representative for the state task force to work with the Psychiatric Security Review Board to evaluate how the state locates their facilities. LOC is trying to set some standards for how facilities are sited.

Hare said the packet the Council received regarding the Oxford House is from John Byrne. Hare asked Delapoe to look into his concerns and render a legal opinion. Staff research tends to show that we have very little ability to regulate these facilities. If ten people get together and call themselves a family, there is very little we can do about it. Hare reminded the Council that the city of Milwaukie bought a house out from under a group home, and are now being sued by a mental health advocacy organization. The City could run the same risk for litigation, so it is very important to have the City Attorney involved.

Konopa thinks the Oxford Houses are a great idea, but location is the key. She is meeting with Frank Morse tomorrow to discuss siting locations. She will be suggesting a different approach with them.

CITY MANAGER COMMENTS

Hare said he had a good experience in the country of Lebanon. His group is trying to help communities there come up with economic development strategies.

ADJOURNMENT

There being no other business, the Work Session adjourned at 5:40 p.m.

Respectfully submitted,

Mary A. Dibble, CMC  
Deputy City Clerk

Reviewed by,

Stewart Taylor  
Finance Director

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, March 26, 2008  
7:15 p.m.

MINUTES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Council President Konopa led the pledge of allegiance to the flag.

ROLL CALL

Council Members Present: Sharon Konopa, Ralph Reid, Jr., Floyd Collins, Dick Olsen, Bessie Johnson, and Jeff Christman

Council Members Absent: Mayor Dan Bedore

SCHEDULED BUSINESS

Reopen Quasi-Judicial Public Hearing

SD-14-06, appealing the Planning Commission's approval of a Subdivision Tentative Plat for the Links Club Estates Subdivision.

Konopa explained that on Wednesday, January 23, the City Council held a public hearing regarding an appeal of the Planning Commission's approval of a Subdivision Tentative Plat that would divide a 3.77-acre parcel of land into 12 residential single-family lots (Links Club Estates Subdivision). The public hearing was closed and due to the lateness of the hour, continued discussion on the appeal was scheduled for a later meeting. At the February 27, 2008, Council meeting the Council decided to reopen the hearing to hear new information regarding the sanitary sewer system and the storm drainage system proposed for the subdivision. The applicant's testimony at tonight's meeting will be limited to new information about the sanitary sewer and storm drainage systems proposed for the subdivision. Responsive testimony will be limited to comments on the new information.

Konopa opened the Quasi-Judicial Public Hearing at 7:19 p.m. and explained that for all those wishing to testify, be aware that you must raise an issue with enough detail to afford the Council and parties an opportunity to respond to the issue if you later want to raise that issue on appeal to the Land Use Board of Appeals. Testimony and evidence must be related only to the sanitary sewer system or storm drainage system proposed for the subdivision. Testimony must be directed towards the approval standards or other criteria in the plan or development code which you believe apply to the decision. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the 120-day limit. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.

Applicant's testimony

Dan Watson, K& D Engineering, representing the applicant, said the last time they were here there were concerns regarding storm drainage and the pump station. Previous concerns about the storm drains were that the project would discharge above the natural discharge area. They found a revised route that takes storm drainage north and discharges it in the public system in Country Club Lane. The system can accommodate drainage from the site. There are two low points on the property that would have to be drained. Tests show they will be able to infiltrate directly to the ground, and they will talk to the City's Public Works Department to work this out. That study has been submitted to the City. They relocated the pump station to resolve any noise concerns. Watson mentioned that the pumps would be small and submersible. They would have 24 hour, seven days a week monitoring. They are connected to the internet and are self monitoring. There is a battery back up in case of a power failure. He explained that drainage laterals would go to the public systems. They believe they have covered all the issues the Council had requested. They understood that the main concern was the discharge point for the storm drainage.

In favor

Jim Conser, 3439 NW Eagle View Drive, regarding the pump station, gave his experience with pump stations. He said they have alarms, the contractors take care of them, and his experience is that they have had no problem with them. He asked the Council to approve the development, if it meets the code.



Opponents

George Heilig, PO Box 456, Corvallis, representing Phyllis Vollstedt, said local ordinances don't permit this development because it lacks availability of utilities to site. Private services outside your jurisdiction that are allowed to connect to public utility systems are not good planning. He has a copy of a letter from the City stating that there would be no more connections to the Country Club sewer system. There are no assurances that there would be an adequate fix, if it breaks. The Country Club is unable to agree to share their system because the 2-inch drain cannot hold that quantity of drainage. The new plans show a 7-foot easement over the Country Club property. They currently do not have an agreement with the Country Club. You have no assurance that this easement will be given. Benton County hasn't allowed them to build over their easements either. Regarding the storm water management, an 8-foot fill that manages a 100 year gully will create a dam. He mentioned that there wasn't adequate evidence that this number of units can be built on this property. He told the Council they should not build that many units and suggested they redesign the development because the property can't handle 12 units. He urged the Council not to approve the development.

Councilor Collins mentioned that he did review the written record regarding this issue and he viewed the video as well as studied the appropriate codes. He asked, if it is not 12 units how would the sanitary sewer be handled? Heilig answered that his understanding is the adjacent properties are on septic. He doesn't know if the land percolates. He believes the land on the east side has the integrity to support two or three units. That may be true of the west side of the gully too.

Collins asked staff to respond later as to whether the three plus acres could be subdivided into smaller lots with septic tanks. Civil Engineer III Gordon Steffensmeier responded that newly created parcels must be a minimum of five acres to be served by septic tanks.

Bruce Rummerfield, 325 Quarry Road, provided a letter to the Council (in agenda file) explaining dry wells. He emphasized that dry wells fill in unless they are constantly maintained. There are wells everywhere in the area. He feels dry wells are dangerous.

Bill Root, 2634 Valley View, read excerpts from the notice of public hearing that pertained to the sewer system, including review criteria that must be met for development to occur. He believes that not offering public services through the public sewer system does not meet the review criteria. He has had conversations with neighbors regarding failing septic tanks in the area. In rainy weather there have been failing septic tanks. He mentioned that he thinks a private sewer system is a violation of the City Charter. Root said, they shouldn't be allowed to develop until public utilities are provided to all residents in the area.

Phyllis Vollstedt, provided pictures of the 1964 flooding.

Deloris Haslem, 451 Quarry Road, said she is nervous about having a private pumping station. This project should wait until all can hook up to the public sewer.

Christine Baker, 320 NW Quarry, said development would be on the south side of property and she is concerned about the monitoring of the septic system. She asked, if there was a problem, who would be responsible for cleaning up?

Andy Cyrus, 435 Quarry Road, was concerned about dry wells. He said that heavy rain causes back up into his basement.

Ed Schultz, PO Box 667, lawyer for the applicant, said he would need copies of what has been handed out. He said the issues seem to be about whether these are public services. The City indicated acceptance of this proposal in 2005. They first received assurances that this system would be available from City staff. It is similar to what currently exists in other areas of Albany. The gated community has pumped up and into the system for several years. He said the agreement with the Country Club cannot be finalized without knowing the decision from the Council. What they have presented is an acceptable condition for this project. This pressurized system has been time tested; it is not new or radical. The same company that takes care of the Country Club will be taking care of this system. It is a gravity system that is pumped up. Funding will be in place to the Homeowners Association for continued maintenance. A flood similar to the 1964 flood can't occur because a retaining wall has been built and it would have to go up over the retaining wall. Also, dams have reduced a substantial amount of water that comes down river. He briefly discussed the sewer system. He added that concerns about what is not in the record, are unfounded.

Watson said that Benton County did review and comment on the application. It is not in the floodway, it is in the floodplain. Staff hired a study from someone from Portland and they concurred. Dry wells are necessary because they had to reroute the storm drainage. The Homeowners Association will be responsible for any clean up, fees associated with it, and any additional capital needed. The flood survey elevation was at 173 feet; the lowest in front of their property is 196. In respect to the 1964 flood and today's situation, dams and lakes installed after 1964 alter a repeat of the flood. They have complied with the City's Development Codes stated in previous presentations.

Councilor Johnson asked, what happened in the 1996 flood? Watson said that this property did not flood.

Johnson asked, what happens if the association dissolves? Schultz said there are legal requirements for them to stay in existence. They can't dissolve.

Johnson asked, if there is a system failure, is the respondent the same contractor as for the Country Club? Watson walked through the process for a 2:00 am breakage which involved double system controls, hook ups with multiple phones, monitoring, and system alerts.

Johnson asked, which gated community has a similar system? Watson said Cascade Heights.

Collins asked, does approval of private systems go through the Department of Environmental Quality (DEQ)? Watson said he wasn't sure but they can do it, if it is City policy.

Collins asked if they were contemplating needing a WCP DEQ) permit. Watson said they will explore that possibility.

Collins said, in one of your earlier presentations you said that you likely would have to increase the capacity of the line. Is it a two inch line and have you done the analysis? Watson said it is a three inch line and they have not done the analysis at this time. Collins said he noted that staff said they would likely limit the size of the line and not allow it to be upgraded. Watson said he sent a letter to staff and indicated his concern regarding that; he learned their concern was they didn't want to provide any additional capacity to the Country Club. A parallel line would take care of it.

Collins asked, has Federal Emergency Management Association (FEMA) recalculated the flood maps? Watson said they are from July 7, 1999, which were the most up to date maps available.

Collins asked about the dry wells and Watson said all were above the flood line.

Councilor Reid was concerned that the wet wells would drain into the neighborhood. Watson said the wet wells were situated so as not to drain off into the neighborhood. Water doesn't accumulate in that specific area. Reid said when flooding occurs such as the 1996, there is probably standing water in the area. The owners said their property was dry during that flood.

Watson provided a map regarding the elevation and sites of dry wells and drainage. He said they want to come to agreement with the neighbors.

Reid asked, at what point did they receive the Council's permission to use the Country Club's system? Schultz said it was April or May of 2005.

Councilor Christman said in the minutes of November 2004, he can see that the Council was agreeable to have them work with staff, and then a year later a letter came from staff, dated November 2005, saying they would approve the proposal of the Packard's proposed subdivision. But, there is nothing in the information in front of him that it came to Council for actual approval. Schultz said it was their understanding that they were to work with the City staff and not bring it back to Council.

Konopa said, the letter that you received from the City said the discharge would be to the Country Club line or to the public system at Quarry Road. Schultz said, that is correct; utilize the existing line or a separate line to the City's system. The City's concern was not adding any capacity to the Country Club at that time. Watson said they are comfortable with that condition.

Collins said the November minutes state, "It may be that the present owners of Country Club Lane may not want to connect to this line. Bryant suggested that the Packard's meet with staff and bring the issue back to Council at a future work session. The Council was agreeable to have Mr. Schultz, Mr. Watson, and the Packard's work with staff." He said for the record he finds nothing that indicates a return to the Council for authorization. Schultz said there was never a Council meeting. He added they would not have moved forward for two years at a cost of \$200,000, if they didn't feel it would be approved.

Public Works Director Diane Taniguchi-Dennis said that at that time it was represented that the existing forcemain had adequate capacity for the Packard's to connect to the line. They do have some information about other developments that have pump stations.

Civil Engineer III Gordon Steffensmeier said there has been a pump station in place for 12 years at Cascade Heights and they have heard of no problems. Taniguchi-Dennis said that particular development was allowed with a pump station because it was an appropriate sewer basin and the sewer line was too high to service the property by gravity.

Steffensmeier said there is a pump station near the Home Depot. The City approved it before the sewer was built to serve the area with the understanding that the pump station would be eliminated when the public sewer became available. It has been there for around 30 years. There are pumps stations at the mobile home park as well. They were allowed because a gravity sewer system wasn't available. Once a

gravity system is installed, they will hook up. In the case of the Packard's, a Springhill interceptor is probably far off.

Schultz mentioned, in regards to the cul-de-sac, that public safety vehicles will go all the way through and will have access off of Quarry Road. There is a street connection to the west.

Planning Manager Don Donovan said they received two letters from the Gastau family and a letter from Steve Morse.

Konopa closed the hearing at 8:48 p.m.

#### Deliberation

Christman asked, where does the existing sewer connect into the public sewer? Steffensmeier gave the route saying it is more or less in front of the Doug and Emily Killin house on Quarry Road.

Collins said that North Albany has two primary drainage basins, the North Albany Road basin and the Springhill basin. The Springhill basin wasn't going to be developed unless it was development driven or there was a health hazard. He personally knows of two other properties that would want a private sewer system if this one goes through. Therefore, from a public sewer policy position, he doesn't think it is timely to approve because it isn't a public sewer. He also spoke to the transportation issue and believes the North Albany Local Roads Plan and the Comprehensive Plan should both be completed before approving this development.

MOTION: Collins moved that the City Council tentatively deny the application for the Links Club Estates subdivision and direct staff to prepare findings to support denial. The findings for denial will be presented for consideration at the next Council meeting. He said this motion is based on testimony presented at the public hearing. Olsen seconded the motion and said it is dangerous to go down Quarry Road, on to a busy Springhill Road, and back on to Country Club Road.

Johnson doesn't agree. She feels the contractor had thought they had the right to move forward, and therefore the City would be remiss to deny it now because negotiations took four years.

Olsen mentioned that the minutes from 2004 said they are willing to build Country Club Road to City standards and extend it. The Council gave their okay under those circumstances.

Konopa said she feels for the applicants, but thinks other surrounding properties would want to do the same thing. They would have a workable development if they had fewer homes, street connectivity, and were not impacting a part of the floodplain.

Christman disagrees with the idea that if there were fewer homes it could be workable. He is concerned about having a private sewer system. He said that the Council needs to take a look at helping the development by building the infrastructure. He said there is no reason this project should have taken four years to get to this point. Money has to be found to make fixes.

Reid believes it would open a "Pandora's Box" and the Council should be prepared for Local Improvement Districts (LID) to put in a sewer system. The area can only handle so much waste.

Johnson asked, if the City is going to put a priority on building a sewer, why can't this development be put in place now and hook up when the sewer is built? She doesn't think it is right to say no, we are not going to do it.

Collins said if the City were to form a LID now it would take three to four years to get the project going. The sewer decisions made before were because of health hazards in the area.

Johnson asked, why should we punish them? The City has other pump stations around the community.

VOTE: A vote was taken on the motion and it passed 5-1, with Johnson voting no.

#### Business from the Public

Mark Azevedo, 1210 NW Skyland Drive, said that at the last Council meeting there was talk about maintaining an inventory of acreages in Albany. He is hoping that the community will have a conversation regarding what is appropriate for Albany rather than what is appropriate for a city on the Interstate-5 corridor. He also asked the Council to include the community when there are discussions regarding big box retail stores.

Second Reading of Ordinance

CP-01-08, adopting text amendments to Economic Development Background Summary of the Albany Comprehensive Plan's Chapter 3 and adopting the 2007 Economic Opportunities Analysis Update as a background report to the Comprehensive Plan and declaring an emergency.

City Attorney Jim Delapoe read for the second time in title only "AN ORDINANCE ADOPTING TEXT AMENDMENTS TO THE ECONOMIC DEVELOPMENT BACKGROUND SUMMARY OF THE ALBANY COMPREHENSIVE PLAN'S CHAPTER 3 AND ADOPTING THE 2007 ECONOMIC OPPORTUNITIES ANALYSIS UPDATE AS A BACKGROUND REPORT TO THE COMPREHENSIVE PLAN AND DECLARING AN EMERGENCY."

MOTION: Johnson moved to adopt the ordinance. Christman seconded the motion.

Collins noted that the analysis was based on policies in the Comprehensive Plan (Comp Plan). He would support reviewing the Comp Plan.

Olsen was concerned that the document seemed to pass through the Council very quickly without much public comment.

Konopa thinks this is the ugliest land use planning she has seen and is embarrassed by it. She said Eco Northwest said they made an error before in the analysis, so how do we know they aren't making one now. She wished it would have come to them after the citywide survey.

MOTION: Reid moved to table the motion to the next City Council meeting in which the full Council was present. Christman seconded the motion and it passed 5-1, with Johnson voting no.

Johnson didn't understand what Konopa's embarrassment was. Konopa said she wants to support the existing businesses and believes that when the City allows a 50-acre site in a policy, it is harder to deny large development. She feels the community doesn't want large developments.

Johnson said the City has a lot of small sites already. We only have one 50-acre site. This subject needs some serious dialogue.

Christman said this analysis doesn't deal with retail development only. It talks about industrial and manufacturing, not just retail. The dialogue from the public will happen.

Reid said the document is not just dealing with commercial property. There are people in the community concerned about finding family wage jobs and bringing them to this community. Without land to put something on, we will have few family wage jobs. Our major employers now are the government, hospitals, and schools.

Adoption of Resolutions

Supporting development of the Linn County ten-year plan to address homelessness.

This issue was discussed and voted on at the Monday, March 24, 2008, City Council Work Session.

Naming Doug Killin Friendship Park.

MOTION: Collins moved to adopt the resolution naming the Doug Killin Friendship Park. Johnson seconded the motion and it passed 6-0, and was designated Resolution No. 5581.

Approving a deadly physical force plan for Linn and Benton Counties.

Police Chief Edward Boyd explained that this policy meets the 2007 state legislation requirements. It basically pertains to the aftermath when deadly force is used. Although the counties were required to create the policy, the City of Albany is required to be a part of and included in both Linn and Benton County's plans. The Albany Police Department participated in the creation of the policy and it is virtually the same for both counties. He said Albany had a policy dealing with deadly force and this one is only to change how the City deals with community outreach. Boyd reviewed the six minimum required elements of each policy as reported on the memo in the agenda.

MOTION: Johnson moved to adopt the resolution approving a deadly physical force plan for Linn and Benton Counties and repealing Resolution No. 4212. Reid seconded the motion and it passed 6-0, and was designated Resolution No. 5582.

Directing an Engineer's Report and a Financial Investigation Report be prepared for construction of sanitary sewer, water main, storm system, and full street improvements on property located between Somerset Drive and Knox Butte Road.

Civil Engineer II Jeff Woodward said this property is for the Greater Albany Public Schools (GAPS) new school site. The Brandis Village site which was involved in the area has been postponed. But, there was still a need for infrastructure for the new school. He reviewed improvements that would be needed and explained locations of the sanitary sewer, water line, and storm sewer from Knox Butte Road to Somerset Drive. The street will be built after all other infrastructure is in place. They have received petition and waivers from all properties involved. Water and sewer could be remonstrated. Woodward said forming a LID will require getting some permits. If the Council decides not to do a LID, the school district would need some other way of funding for the infrastructure.

Johnson asked, how many properties are involved? Woodward said four properties.

Johnson asked, if the petition and waivers were for street and storm drain construction, would remonstrances delay the project? Delapoe explained that the resolution authorizes the possibility of doing two LIDs instead of just one. Remonstrances would delay the project for six months. He reviewed the steps and public hearing requirements for remonstrances.

Johnson asked, can the school open in 2009 with all that needs to be done? Woodward said permitting may take a while to get through, but they believe they can.

Olsen asked what kind of street would be going by the school. Woodward said it would be a collector street. They are prepared to run busses on it.

Olsen objected to the curvature of the street. He would prefer a straighter street.

Konopa asked, will the design come back to the Council for approval? Woodward said yes.

MOTION: Collins moved to adopt the resolution directing an Engineer's Report and a Financial Investigation Report be prepared for construction of sanitary sewer, water main, storm system, and full street improvements on property located between Somerset Drive and Knox Butte Road. Reid seconded the motion and it passed 6-0, and was designated Resolution No. 5583.

Adopting the Water Avenue Streetscape Plan.

City Manager Wes Hare said staff has had some internal discussions regarding the Oregon Department of Transportation (ODOT) Rail. The City is in the process of filing a lawsuit to assert the City's franchise rights on Water Avenue. He added that there are no resources identified to implement this plan immediately.

P.E. Civil Engineer II Chris Cerklewski said this plan accounts for the presence of the railroad, but there is no commitment at this time.

Collins asked, were affected property owners at the meeting? Cerklewski said yes and other public. He said there is no funding source identified to construct street improvements along Water Avenue. The plan was developed to allow potential development to know the scope and approximate costs of street improvements. Possible sources of funding include the Central Albany Revitalization Area, a general obligation bond, a LID, or state and federal grant funding. They are not expecting the property owners to pay.

MOTION: Collins moved to approve the resolution adopting the Water Avenue Streetscape Plan. Reid seconded the motion and it passed 6-0, and was designated Resolution No. 5584.

Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) January 28, 2008, City Council Work Session
  - b) February 11, 2008, City Council Work Session
- 2) Authorizing the Fire Department to apply for funds not to exceed \$175,000 through the U.S. Department of Homeland Security Assistance to Firefighters Grant for the purpose of purchasing structural firefighting personal protective equipment and associated supplies. RES. NO. 5585
- 3) Authorizing the City of Albany to submit a grant application for a Pacific Power Blue Sky Fund Award. RES. NO. 5586
- 4) Accepting a warranty deed transferring ownership of three tracts of land containing drainage ways from Hayden Homes, LLC. RES. NO. 5587

MOTION: Reid moved to adopt the Consent Calendar as presented. Christman seconded the motion and it passed 6-0.

Report

Approving West Thornton Lake Drive right-of-way acquisition.

Collins said he is a member of the congregation of the North Albany Community Church and a member of the committee that negotiated transfer of the property to the City. Unless directed by the City Attorney that his vote is necessary, he will not vote or participate in discussion on this subject.

Cerklewski said there were some issues about impact to the church property. The church had plans to expand. Finally, the City and church came to an equitable resolution.

Reid mentioned that he doesn't like the original plan that brought the intersection at that juncture.

Cerklewski said the design will come back to the Council.

MOTION: Christman moved to approve the purchase price of \$139,500 for the West Thornton Lake Drive right-of-way acquisition. Johnson seconded the motion and it passed 4-1, with Reid voting no and Collins abstaining.

BUSINESS FROM THE COUNCIL

Collins commented on the School District removing trees at Fairmount School. He encouraged people to contact the school staff.

NEXT MEETING DATE

The next City Council Work Session is scheduled for Monday, April 7, 2008, at 4:00 p.m.

The next City Council Regular Session is scheduled for Wednesday, April 9, 2008, at 4:00 p.m.

ADJOURNMENT

There being no other business, the meeting was adjourned at 10:12 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, CMC  
City Clerk

John Stahl  
Assistant Finance Director

APPROVED: \_\_\_\_\_

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, April 23, 2008  
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Dan Bedore called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Bedore led the pledge of allegiance to the flag.

ROLL CALL

Councilors present: Sharon Konopa, Ralph Reid, Jr., Floyd Collins, Dick Olsen, and Jeff Christman  
Councilors absent: Bessie Johnson

SPECIAL PRESENTATION

Building Safety Week Award.

Assistant Building Official Melanie Adams presented the Safe Neighborhood Award to Don Ward for his renovation of Cottage Court. She said Ward is committed to affordable housing. Ward thanked the Council and community.

PROCLAMATIONS

Building Safety Week.

Bedore read the proclamation declaring May 5 thru May 11 as Building Safety Week.

Older Americans Month.

Bedore read the proclamation declaring May as the Older Americans Month.

Scott Bond, Director of Senior and Disability Services for Cascade West Council of Government explained that recognition started in the mid 1960s. In the coming years changes in demographics will be significant in Albany. In 2025 it is predicted that the state of Oregon will be the fourth "oldest" state in the nation. Their emphasis this month is "livable communities." He invited the Council to the Aging Well/Living Well Expo on May 14.

Global Love Day.

Bedore read the proclamation declaring May 1, 2008, as Global Love Day.

SCHEDULED BUSINESS

Public Hearings

Adopting Capital Improvement Program for FY 2008-2009 through 2012-2013.

Bedore opened the public hearing.

Assistant City Engineer Jeff Blaine said staff had received no questions or comments on the Capital Improvement Program (CIP).

No one else wished to speak.

Bedore closed the public hearing at 7:32 p.m.

MOTION: Councilor Collins moved to adopt the Capital Improvement Program for FY 2008-2009 through 2012-2013 as presented. Councilor Christman seconded the motion and it passed 5-0, and was declared Resolution No. 5591.

Economic Improvement District (EID) in Downtown Albany, forming/extending a five-year EID.

Bedore opened the public hearing at 7:34 p.m.

City Manager Wes Hare explained that the program is voluntary.

Rick Rogers, Albany Downtown Association (ADA) Director, 1530 Broadway, explained to the Council that the map of the EID area is being updated and he will get it to them as soon as possible. He mentioned that this extension would be for a five year program rather than three years as it was. Rogers said he has had talks with property owners who are enthusiastic about the ADA and the EID. The ADA works with the City's Urban Renewal districts and the Albany Visitors Association, and recruits businesses to the area. The EID makes up 50 percent of their funding. They also operate Parkwise, but it's funding is separate under a contract with the City. He said that their current EID is being used as an example by other cities. The ADA is planning a kick off for Main Street USA on Monday April 28 and is deeply involved with the carousel and finding grants for a building to house it. He named the board members and City staff involved with the association.

No one else wished to speak.

Bedore closed the public hearing at 7:46 p.m.

Christman asked, what are the rates for the primary and secondary areas? Rogers said it is four cents per square foot of property for the primary and two cents per square foot of property for the secondary.

MOTION: Councilor Reid moved to adopt the resolution setting a second public hearing for the purpose of considering a downtown voluntary Economic Improvement District. Councilor Konopa seconded the motion and it passed 5-0, and was declared Resolution 5592.

#### Business from the Public

Bill Root, representing the North Albany Neighborhood Association (NANA) said they have become part of an "Adopt a Road Program" through Benton County. The road they have adopted is North Albany Road. He encouraged the City of Albany to get involved in programs in North Albany. He mentioned that Benton County will erect a sign on their behalf. They need a supply of reflective vests (the Albany Police Department has surplus vests that may be used) and a sign that trash pickup is occurring. They are in the process of scheduling a first work date and it will probably be done quarterly.

#### First Reading of Ordinance

##### Amending AMC Chapter 3.14, Transient Room Tax, and declaring an emergency.

City Attorney Jim Delapoer read for the first time in title only "AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) 3.14, "TRANSIENT ROOM TAX" AND DECLARING AN EMERGENCY."

MOTION: Reid moved to have the ordinance read again in title only. Konopa seconded the motion and it passed 5-0.

Delapoer read the ordinance for a second time in title only.

MOTION: Reid moved to adopt the ordinance. Konopa seconded the motion and it passed 5-0, and was declared Ordinance No. 5692.

#### Adoption of Consent Calendar

##### 1) Approval of Minutes

- a) February 25, 2008, City Council Work Session
- b) March 12, 2008, City Council Meeting
- c) April 7, 2008, City Council Work Session

MOTION: Konopa moved to adopt the Consent Calendar as presented. Reid seconded the motion and it passed 5-0.

#### Personnel Requests

##### Reclassification of Ambulance Billing Specialist II position.

MOTION: Reid moved to approve the reclassification of an Ambulance Billing Specialist II position to Ambulance Billing Specialist III, effective May 1, 2008. Konopa seconded the motion and it passed 5-0.

##### Reclassification of Park Maintenance Aide position.

MOTION: Reid moved to approve the reclassification of a Park Maintenance Aide position to a Park Maintenance II position effective May 1, 2008. Konopa seconded the motion and it passed 5-0.



Reports

Receiving Code Enforcement Team Third Quarter Report for Fiscal Year 2007-2008.

Management Assistant/Public Information Officer Marilyn Smith said they have 20 closed cases. They expect a cleanup of the Hackleman area by May 10.

There was some discussion regarding specific properties.

Update on the contract sale of the Archibald property.

Assistant Public Works Director-Operations Mike Wolski gave a quick review to the Council. He said a map of the easements was in the Council agenda and he explained the 20-foot temporary construction easement with a turnaround, the 10-foot wide permanent easement along the canal, and a 10-foot wide permanent easement located on the east side of Burkhart Creek. The 50-foot easement would become a 60-foot easement. The appraisal for the canal easements were completed in the first week of March 2008 and sent to the City. The appraised value is \$12,000. The Koo's total offer for the Archibald property is \$1,101,000, paid in the form of the canal easements and cash. The City also has \$5,000 in earnest money from the Koo's. The remaining cash due is \$1,084,000.

BUSINESS FROM THE COUNCIL

Reid attended a League of Oregon Cities meeting that discussed a requirement from the Department of Environment Quality to monitor greenhouse gases emitted from wastewater facilities. Staff plans to monitor the situation. He reported that the Eugene Water and Electric Board (EWEB) is finalizing a Memo of Understanding for water from Dexter Reservoir.

Bedore provided a packet of information on the state's discussions and procedures for placing psychiatric patients in communities (in agenda file). He wants to keep the Council up to date regarding what the state is looking at. He provided examples of what discussions were taking place, including notification of the release of people into the community, building security standards, and a review of how they are currently siting group homes.

Konopa suggested using GIS for the siting of homes to locate transitional type neighborhoods that could absorb those types of homes easier. Councilor Olsen disagreed, saying they should not site these types of homes in small cities.

Collins believes cities need to go back to the state legislature to change the policy.

Hare asked the Council to suggest a date to meet with the Albany Boys & Girls Club on a Monday during a regular work session. The Council agreed to May 19 at the Boys & Girls Club facility.

Hare said there will be a dedication of new fire equipment on Saturday, at 10:00 a.m., at Station 12.

Hare said the Procession of the Species parade will be on Saturday.

Smith mentioned that there were new maps in the drawers at the Council dais.

NEXT MEETING DATE

The next City Council Work Session is scheduled for Monday, May 5, 2008, at 4:00 p.m. The next Regular Session is scheduled for Wednesday, May 14, 2008, at 7:15 p.m.

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:25 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, CMC  
City Clerk

John Stahl  
Assistant Finance Director



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: *E. Boyd*  
Edward Boyd, Chief of Police  
DATE: April 18, 2008, for May 14, 2008, Council Meeting  
SUBJECT: Acceptance of Grant from the Alliance for Community Traffic Safety in Oregon

RELATES TO STRATEGIC PLAN THEME: 

- An Effective Government
- A Safe City

Action Requested:

City Council authorization for the Albany Police Department to accept the Alliance for Community Traffic Safety in Oregon mini-grant of \$1,355 for bicycle safety and authorize Chief of Police Edward Boyd to sign the grant agreement.

Discussion:

The Alliance for Community Traffic Safety in Oregon annually distributes non-federal funds to local governments and non-profit organizations to promote transportation safety. The amount of the bicycle safety mini-grant for the Albany Police Department is \$1,355. The funds must be used for our annual bicycle rodeo to be held in June 2008. We plan to spend these funds for bicycle rodeo supplies, equipment, educational material, and advertising.

Budget Impact:

No significant budget impact.

Attachment: Resolution

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

A RESOLUTION IN SUPPORT OF ACCEPTANCE OF THE ALLIANCE FOR COMMUNITY TRAFFIC SAFETY MINI-GRANT.

WHEREAS, the Alliance for Community Traffic Safety in Oregon makes grants to local governments and non-profit agencies to promote transportation safety; and

WHEREAS, the City of Albany Police Department has been invited and approved to receive \$1,355.00; and

WHEREAS, grant acceptance will provide supplies, equipment and educational material for the annual Bicycle Rodea; and

WHEREAS, grant acceptance will require the funds to be spent on the June 2008 Bicycle Rodeo.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council does hereby state that bicycle safety is a priority.

BE IT FURTHER RESOLVED that the Albany City Council authorizes the Albany Police Department to accept this mini-grant for \$1,355.00 and the following appropriations be made for Fiscal Year 2007-2008:

<u>General Fund</u>	<u>Line Item</u>	<u>DR</u>	<u>CR</u>
Mini-Grant Alliance for Community Traffic Safety in Oregon	100-10-1002-46100	\$1,400	
Bicycle Rodeo Expenses	100-10-1003-67008		\$1,400

DATED AND EFFECTIVE THIS 14th DAY OF MAY, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: *Edward Boyd*  
Edward Boyd, Chief of Police  
DATE: April 22, 2008, for May 14, 2008, City Council Meeting  
SUBJECT: Off-Premises Sales, New Outlet Liquor License Application for  
Total Image, LLC, D/B/A Cadeau of Oregon, 1435 SE Madison

Action Requested:

I recommend the Off-Premises Sales, New Outlet liquor license for Total Image, LLC, D/B/A Cadeau of Oregon, be approved.

Discussion:

Jim Jones, on behalf of Total Image, LLC, D/B/A Cadeau of Oregon, has applied for an Off-Premises Sales, New Outlet liquor license. Based on a background and criminal history investigation through Albany Police Department records, I recommend approval of this request.

Budget Impact:

None.

MR



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: *Edward Boyd*  
Edward Boyd, Chief of Police

DATE: April 22, 2008, for May 14, 2008, City Council Meeting

SUBJECT: Full On-Premises Sales, Commercial Establishment, New Outlet Liquor License  
Application for UUK, Inc., D/B/A Sam City, 2180 Pacific Boulevard SE

Action Requested:

I recommend the Full On-Premises Sales, Commercial Establishment, New Outlet Liquor License Application for UUK, Inc., D/B/A Sam City, be approved.

Discussion:

Chae Kim, on behalf of UUK, Inc., D/B/A Sam City, has applied for a Full On-Premises Sales, Commercial Establishment, New Outlet liquor license. Based on a background and criminal history investigation through Albany Police Department records, I recommend approval of this request.

Budget Impact:

None.

MR



TO: Albany City Council  
VIA: Stewart Taylor, Finance Director *[Signature]*  
FROM: Linda Booth, Parks & Recreation Clerk III  
DATE: May 7, 2008, for the May 14, 2008 City Council Meeting  
SUBJECT: Annual Liquor License Renewals  
RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Council approval for these annual liquor license renewals

Discussion:

Following is a list of businesses that have submitted an application for liquor license renewal. These businesses have paid their fees.

SYBARIS	442 1 <sup>ST</sup> AVE W
BI-MART #606	145 MAIN ST SE
DEPOT RESTAURANT	822 LYON ST S
THE BEANERY	1852 FESCUE ST SE
THE BEANERY	1852 FESCUE ST SE
LINGER LONGER TAVERN	145 MAIN ST SE
JACK'S TRUCK STOP	4196 SANTIAM HWY SE
PIZZAMORE	2212 SANTIAM HWY SE
EAGLES LODGE #2255 ALBANY	127 BROADALBIN ST N
TAQUERIA ALONZO	250 BROADALBIN SW #107
COSTCO WHOLESALE #682	3130 KILLDEER AVE SE
ELMER'S BREAKFAST LUNCH DINNER	2802 SANTIAM HWY
AMF ALBANY LANES	1245 CLAY ST SE
SWEET WATERS FAMILY RESTAURANT	2830 SANTIAM HWY SE
VFW POST #584 ALBANY	1469 TIMBER ST
IZZY'S PIZZA BAR CLASSIC BUFFET	2115 PACIFIC BLVD SE
PIZZA HUT	2215 14 <sup>TH</sup> AVE SE
PING'S GARDEN	1206 9 <sup>TH</sup> AVE SE
THE FOGHORN PUB & GRUB	435 2 <sup>ND</sup> AVE SE
THE FOOD STORE	4195 SANTIAM HWY SE
APPLEBEE'S NEIGHBORHOOD GRILL & BAR	1525 GEARY ST SE
CIDDICI'S PIZZA	133 5 <sup>TH</sup> AVE
CIRCLE K STORE #1397	300 QUEEN SE
CIRCLE K STORE #1153	333 34 <sup>TH</sup> AVE SE
MA'S DAIRY FARM	3411 PACIFIC BLVD S
STOP & GO MARKET	628 ELLSWORTH SW
DARI MART STORE #21	1005 QUEEN AVE W
DARI MART STORE #22	105 CLOVER RIDGE RD
DARI MART STORE #23	1670 HILL ST SE
FRED MEYER	2500 SANTIAM BLVD

Albany City Council

Page 2

May 7, 2008

BOGEY'S BAR & GRILL  
TRI VALLEY FOOD MART  
RAY'S FOOD PLACE #70  
YAQUINA BAY RESTAURANT  
SMOKEHOUSE CAFÉ  
THE FOX DEN EATERY  
FOX DEN EATERY

129 1<sup>ST</sup> AVE W  
2703 SANTIAM HWY SE  
621 HICKORY ST NW  
325 AIRPORT RD SE  
1167 WAVERLY DR SE  
249 PACIFIC BLVD SW  
2224 SANTIM HWY SE

Budget Impact:

Revenue of \$1,295

lb

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

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Robbie Frear

An 8-foot wide easement along northern property line over an existing sewer main as part of the sewer lateral replacement program.

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

DATED AND EFFECTIVE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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



## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 25 day of March, 2008, by and between **Robbie Frear**, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

### WITNESSETH:

That the Grantor has this day granted unto the City of Albany, easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public utilities for the purpose of conveying public utilities services over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The easement hereby granted consists of:

An 8-foot wide easement lying south of the following described line:

Beginning at a half inch rod, as described in Linn County Survey No. 11434, said point being the northwest corner of Lot 21, Block 10, of the Rodgersdale Addition to the City of Albany, and conveyed to **Robbie Frear** as described in Volume 1221, Page 373, Linn County Microfilm Deed Records, Linn County, Oregon; thence Easterly 74-feet more or less along the northern property line to a half inch iron rod, said point being the northeast corner of the herein described property, as shown on the attached Exhibit 'A'.

2. In order that the work may be done in a timely and complete manner, we hereby agree to grant and allow a temporary right of entry for construction access to the City, its representatives and to the Contractor, for access to, upon and over our property for planning and construction of a sanitary sewer, service connection, and such appurtenances as are required to make the project complete. It is understood and agreed that this access agreement shall terminate on the date that such work has been satisfactorily completed and accepted by the City of Albany.
3. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
4. The City agrees to replace the sanitary sewer service lateral **one time only**. The purpose of the replacement is to reduce infiltration to the public sanitary sewer system and protect the public health.
5. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
6. Upon performing any maintenance, the City shall return the site to original or better condition.
7. The Grantor and the City acknowledge that if a structure exists on the public utilities easement described herein either additional permanent structures or additions to the existing structure may not be constructed

on the public utilities easement. If the existing structure is removed from the public utility easement, no permanent structure may be reconstructed in its place.

- 8. Should the City determine that maintenance, repair, or reconstruction of the utilities located under the structure requires the removal or alteration of said structure, the City may undertake such removal or alteration as may be needed. In such event, however, the City shall, upon completion of said maintenance, repair, or reconstruction, restore the structure at City expense to its original or better condition.

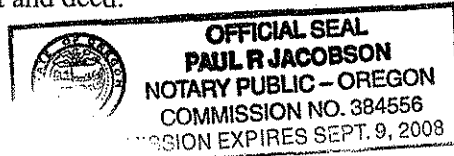
IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTORS:

Robbie Frear  
Robbie Frear

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

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of March, 2008, by **Robbie Frear** as his/her voluntary act and deed.



Paul R. Jacobson  
Notary Public for Oregon  
My Commission Expires: 9/9/2008

CITY OF ALBANY:

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

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number \_\_\_\_\_, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

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

ATTEST:

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



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

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Cynthia Hughey & Ambrose Hughey

Purpose

A 10-foot wide easement along the northern property line over an existing sewer main as part of the sewer lateral replacement program.

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

DATED AND EFFECTIVE THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 25 day of March, 2008, by and between **Cynthia Hughey & Ambrose Hughey**, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

### WITNESSETH:

That the Grantor has this day granted unto the City of Albany, easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public utilities for the purpose of conveying public utilities services over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public utilities and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The easement hereby granted consists of:

A 10-foot wide easement lying south of the following described line:

Beginning at the northwest corner of Lot 12, Block 9 of the Freeway Addition to the City of Albany, and conveyed to **Cynthia Hughey & Ambrose Hughey** as described in DN2007-20109 Linn County Deed Records, Linn County, Oregon; thence easterly 90-feet more or less along the northern property line to the northeast corner of said property, as shown on the attached Exhibit 'A'.

2. In order that the work may be done in a timely and complete manner, we hereby agree to grant and allow a temporary right of entry for construction access to the City, its representatives and to the Contractor, for access to, upon and over our property for planning and construction of a sanitary sewer, service connection, and such appurtenances as are required to make the project complete. It is understood and agreed that this access agreement shall terminate on the date that such work has been satisfactorily completed and accepted by the City of Albany.
3. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
4. The City agrees to replace the sanitary sewer service lateral one time only. The purpose of the replacement is to reduce infiltration to the public sanitary sewer system and protect the public health.
5. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
6. Upon performing any maintenance, the City shall return the site to original or better condition.
7. The Grantor and the City acknowledge that if a structure exists on the public utilities easement described herein either additional permanent structures or additions to the existing structure may not be constructed on the public utilities easement. If the existing structure is removed from the public utility easement, no permanent structure may be reconstructed in its place.

8. Should the City determine that maintenance, repair, or reconstruction of the utilities located under the structure requires the removal or alteration of said structure, the City may undertake such removal or alteration as may be needed. In such event, however, the City shall, upon completion of said maintenance, repair, or reconstruction, restore the structure at City expense to its original or better condition.

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

**GRANTORS:**

*Cynthia Hughey*  
\_\_\_\_\_  
Cynthia Hughey

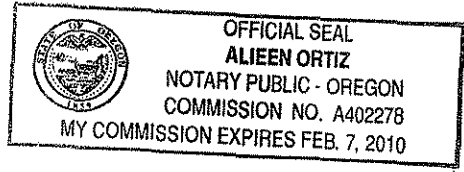
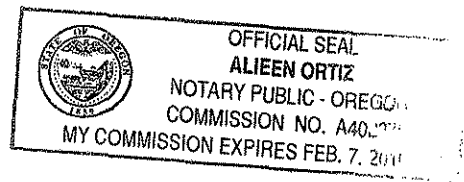
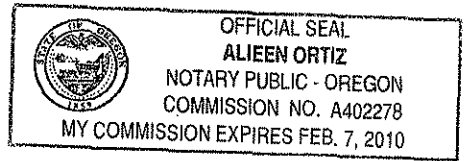
*Ambrose Hughey*  
\_\_\_\_\_  
Ambrose Hughey

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

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

The foregoing instrument was acknowledged before me this 25 day of March, 2008, by **Cynthia Hughey** as his/her voluntary act and deed.

The foregoing instrument was acknowledged before me this 25 day of March, 2008, by **Ambrose Hughey** as his/her voluntary act and deed.



*Alien Ortiz*  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: Feb 7, 2010

*Alien Ortiz*  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: Feb 7, 2010

**CITY OF ALBANY:**

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

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number \_\_\_\_\_, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

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

ATTEST:

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

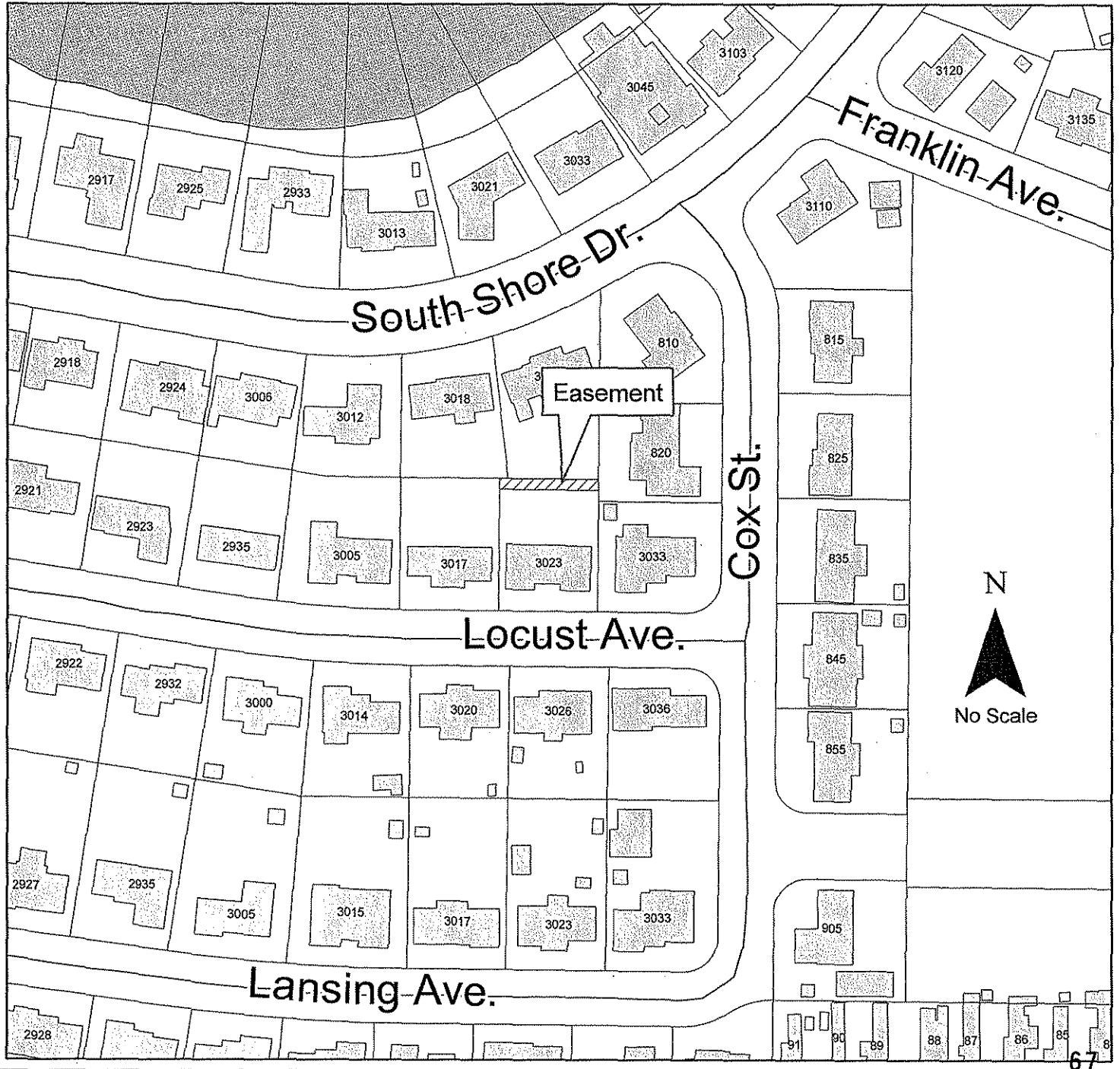
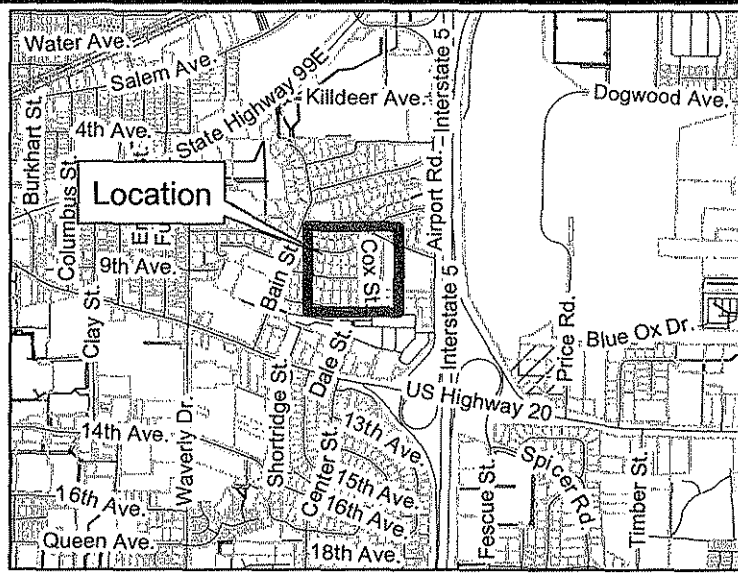
# EXHIBIT A

11SO3W09BB00418

A 10-foot wide sewer easement  
that is part of SLRP Program.



Geographic Information Services





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

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

<u>Grantor</u>	<u>Purpose</u>
Leroy L. Laack Trust	A 5-foot wide franchise utility easement for utilities providing service to the Hertz site at Oakwood and Airport Road.

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

DATED AND EFFECTIVE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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

**EASEMENT FOR FRANCHISED PUBLIC UTILITIES**

THIS AGREEMENT, made and entered into this 3<sup>RD</sup> day of MARCH, 2008, by and between LEROY LAACK L-TRUST, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

**WITNESSETH:**

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

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.
2. The permanent easement described herein grants to the City and its franchised utility companies, and to their successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the Utility Company performing the maintenance shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

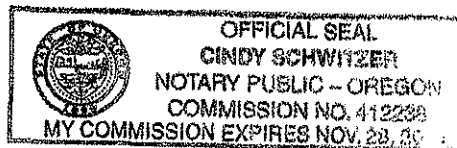
IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTOR:

Leroy L Laack Trust  
Signature

STATE OF Oregon )  
County of Marion ) ss.  
City of Salem )

The foregoing instrument was acknowledged before me this 4 day of March, 2008, by LEROY LAACK as his/her voluntary act and deed.



Cindy A. Schwitzer  
Notary Public for Oregon  
My Commission Expires: 11-28-2010

CITY OF ALBANY:

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

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number \_\_\_\_\_, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

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

ATTEST:

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

Exhibit "A"

a 5.00 foot wide utility easement described as follows:

Beginning at the Northwest corner of Block 4 FREEWAY ADDITION as platted and recorded in Volume 12, Page 2, Book of Town Plats for Linn County, Oregon, and being situated in the Southwest Quarter of Section 4, Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon;

thence North 88°01'00" East along the North line of said Block 4, a distance of 381.79 feet;

thence South 46°49'39" East 18.59 feet;

thence South 01°39'43" East 107.74 feet to a point on the northerly right-of-way line of North Shore Drive;

thence southwesterly along said right-of-way line on the arc of a 30.00 foot radius curve to the right (the chord of which bears South 39°12'42" West 7.64 feet) a distance of 7.66 feet;

thence North 01°39'43" West 111.43 feet;

thence North 46°49'39" West 14.43 feet;

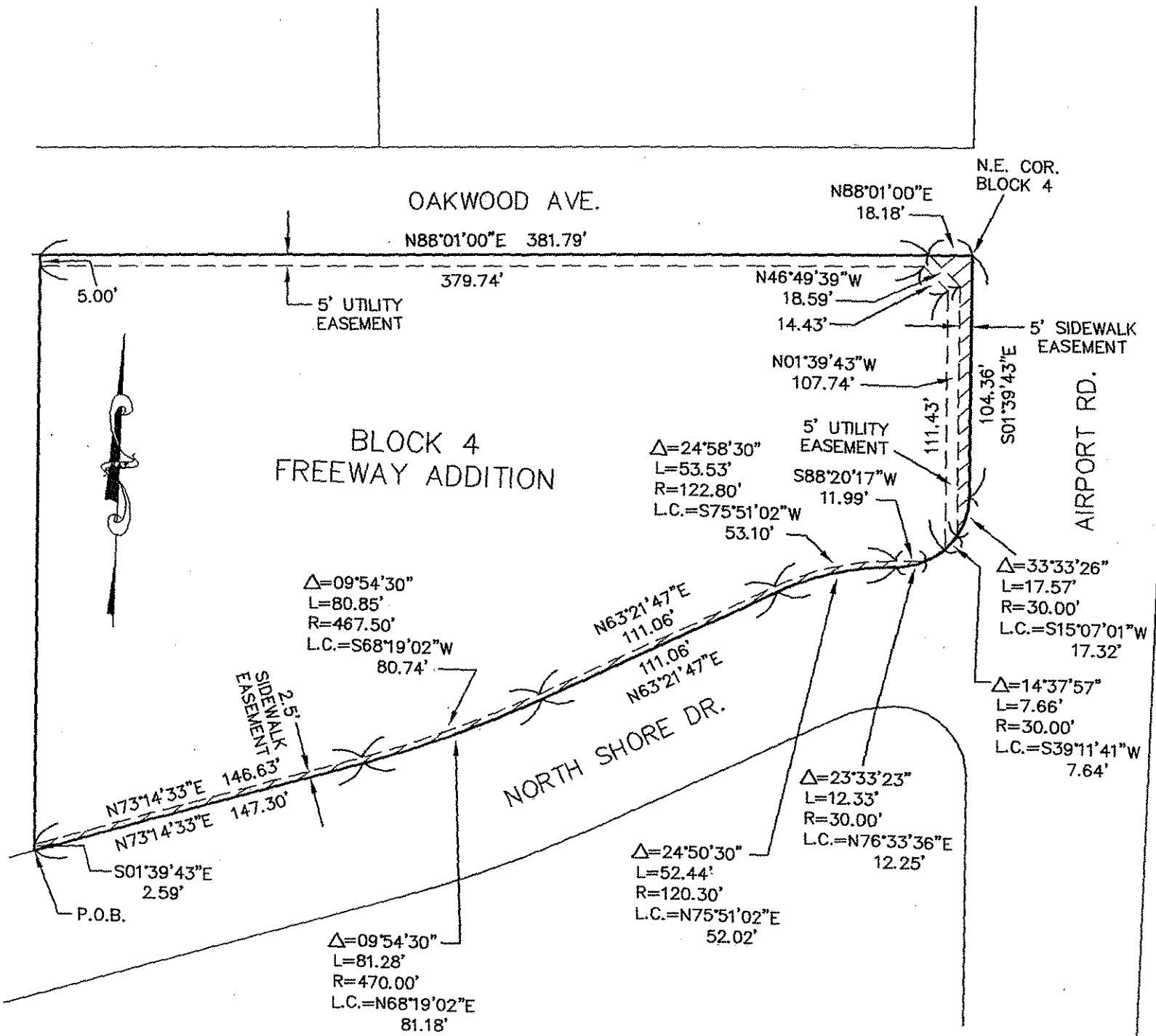
thence South 88°01'00" West parallel with the North line of said Block 4, a distance of 379.74 feet to the West line of said Block;

thence North 01°39'43" West 5.00 feet to the Point of Beginning.

# EXHIBIT "B"

SCALE: 1"=60'

FEBRUARY 14, 2008



**BARKER SURVEYING CO.**  
 2035 25TH STREET S.E.  
 SALEM, OREGON 97302  
 PHONE (503) 588-8800  
 FAX (503) 588-8804  
 EMAIL: SURVEYING@WVI.COM

44706076

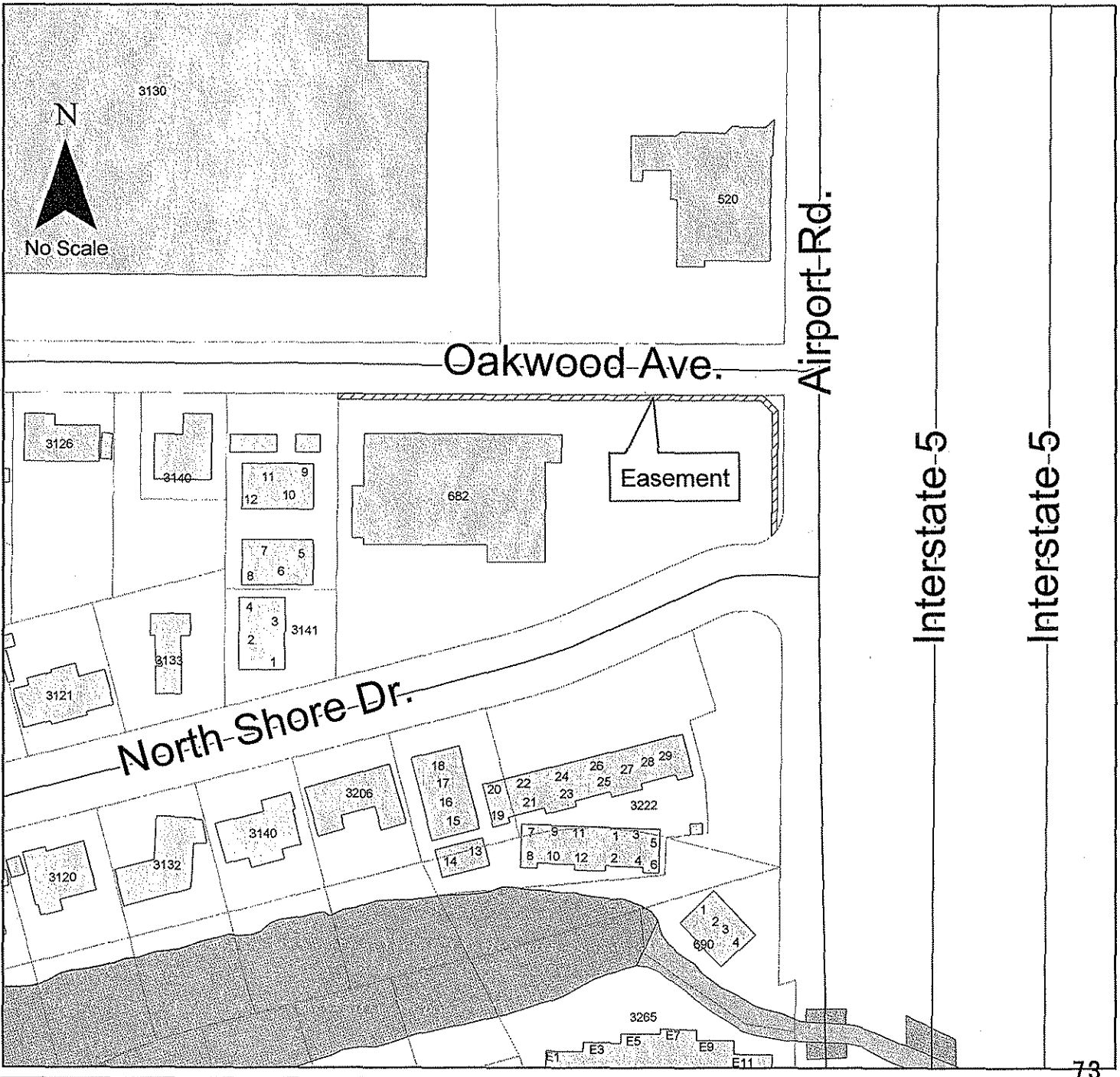
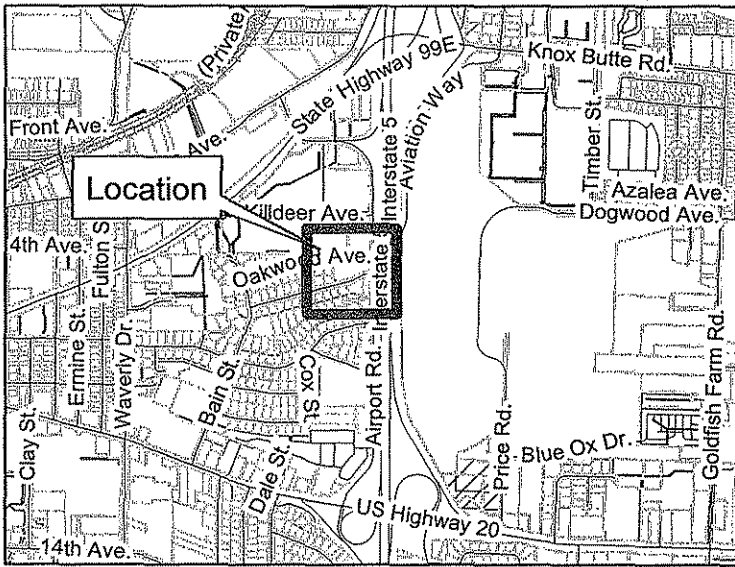
# EXHIBIT C

11SO3W04CC01200

A 5-foot wide franchise utility easement.



Geographic Information Services



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

A RESOLUTION ACCEPTING THE FOLLOWING RIGHT-OF-WAY DEDICATION:

Grantor

North Albany Community Church

Purpose

A 60-foot wide street right-of-way for the future realignment of West Thornton Lake Drive at North Albany Road.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this right-of-way dedication deed.

DATED AND EFFECTIVE THIS 14TH DAY OF MAY 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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

## RIGHT-OF-WAY DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that North Albany Community Church (also known as North Albany Baptist Church), hereinafter referred to as Grantor, hereby dedicate to the City of Albany, a Municipal Corporation, hereinafter called "City" for right-of-way purposes, portions of that real property situated in Benton County, Oregon, conveyed to Grantors by deed recorded in Documents No. M-14921 and No. M-116059-89, Benton County deed records, and being more particularly described as follows:

A piece of land in Section 36 of Township 10 South in Range 4 West of Willamette Meridian, City of Albany, Benton County, Oregon as described in the attached Exhibit A, as shown on the attached map labeled Exhibit B and the attached vicinity map labeled Exhibit C.

The Grantor covenants that they are lawfully seized and possessed of the real property above described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the same against all persons who may lawfully claim the same.

The right-of-way dedicated herein is in consideration of \$139,500.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.



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

**GRANTOR:**

North Albany Community Church

Chris Erickson

By

PRESIDENT - ELDER

Title

[Signature]

By

Elder - Chairman COP

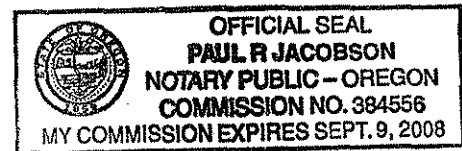
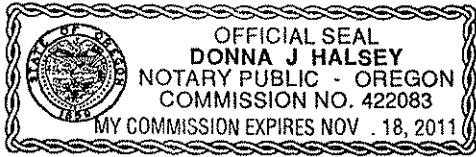
Title

STATE OF OREGON )  
County of Marion ) ss.  
City of Salem )

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

The instrument was acknowledged before me this 28<sup>th</sup> day of April, 2008, by Chris Erickson (Title) Elder, as a representative of North Albany Community Church.

The instrument was acknowledged before me this 2<sup>nd</sup> day of May, 2008, by Robert Long (Title) Elder-Chairman CDP, as a representative of North Albany Community Church.



Donna Halsey

Notary Public for Oregon

My Commission Expires: 11-18-11

Paul R Jacobson

Notary Public for Oregon

My Commission Expires: 9/9/2008

**CITY OF ALBANY:**

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

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number \_\_\_\_\_ do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

ATTEST:

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

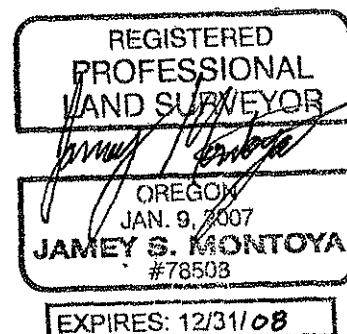
**Exhibit "A"**  
(R.O.W. Dedication)

A tract of land lying in the Southwest 1/4 of the Southeast 1/4 of Section 36, Township 10 South, Range 4 West, Willamette Meridian, Benton County, Oregon, said tract being located over a portion of those properties conveyed to North Albany Baptist Church by deeds recorded as Document No. M-14921, (herein after known as Church Property 1), and Document No. M-116059-89, (herein after known as Church Property 2), Benton County Deed Records, and being more particularly described as follows:

Beginning at the Southwest corner of said Church Property 1; said corner being coincident with an angle point in the north right-of-way line of West Thornton Lake Drive, (Benton County Road No. 04420); thence North  $04^{\circ}13'56''$  West, on the west line of said Church property, a distance of 10.27 feet to another angle point in said right-of-way line; thence leaving said right-of-way line, 164.93 feet on the arc of a 270.00 foot radius curve to the left, (chord bears North  $55^{\circ}12'07''$  East 162.38 feet); thence North  $37^{\circ}42'07''$  East 229.65 feet; thence 138.17 feet on the arc of a 230.00 foot radius curve to the right, (chord bears North  $54^{\circ}54'41''$  East 136.10 feet); thence North  $72^{\circ}07'15''$  East 32.31 feet to a point on the west right-of-way line of North Albany Road (Benton County Road No. 14440), said point being opposite and 75.40 feet westerly of the centerline of said North Albany Road at Engineer's Station 36+59.22, said stationing is described in that right-of-way dedication recorded by deed as Document No. 2006-412407, Benton County Deed Records; thence 62.33 feet on the arc of a 1509.16 foot radius curve to the left, (chord bears South  $02^{\circ}10'25''$  East 62.33 feet), said arc being coincident with the west right-of-way line of North Albany Road, and parallel to the centerline thereof, to a point opposite and 75.40 feet westerly of said centerline at Engineer's Station 35+97.30; thence South  $72^{\circ}07'15''$  West 15.44 feet; thence 102.12 feet on the arc of a 170.00 foot radius curve to the left, (chord bears South  $54^{\circ}54'41''$  West 100.59 feet); thence South  $37^{\circ}42'07''$  West 229.65 feet; thence 17.55 feet on the arc of a 330.00 foot radius curve to the right, (chord bears South  $39^{\circ}13'32''$  West 17.55 feet), to the south line of said Church Property 1; thence South  $72^{\circ}42'07''$  West, on said south line, a distance of 176.96 feet to the Point of Beginning.

END OF DESCRIPTION

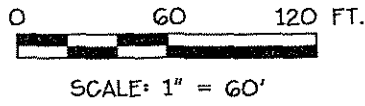
April 4, 2008  
ROW DEDICATION DESCRIPTION  
(08-27-C) JSM:ls  
File Ref: Titan/project/2008/08-27-C/Surveying/Documents/ROWDED.doc



# EXHIBIT "B"

LOCATED IN  
 S.W. 1/4 OF S.E. 1/4 SEC. 36, T. 10 S,  
 R. 4 W., W.M.  
 IN THE  
 CITY OF ALBANY, BENTON COUNTY, OREGON

APRIL 4, 2008

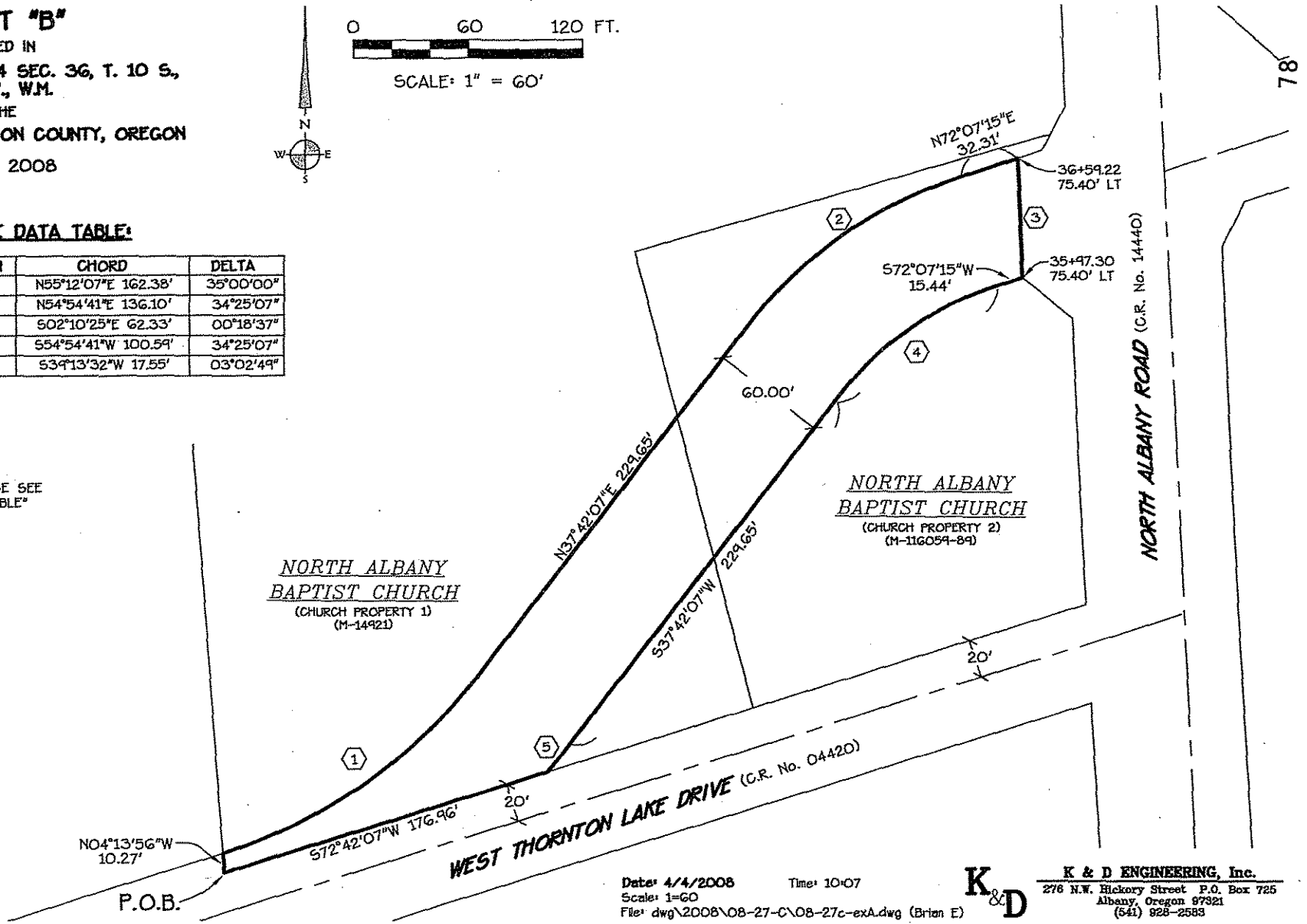


**CURVE DATA TABLE:**

CURVE	RADIUS	LENGTH	CHORD	DELTA
1	270.00'	164.93'	N55°12'07"E 162.38'	35°00'00"
2	230.00'	138.17'	N54°54'41"E 136.10'	34°25'07"
3	1509.16'	62.33'	S02°10'25"E 62.33'	00°18'37"
4	170.00'	102.12'	S54°54'41"W 100.59'	34°25'07"
5	330.00'	17.55'	S39°13'32"W 17.55'	03°02'49"

**LEGEND:**

- LT LEFT
- C.R. COUNTY ROAD
- ① CURVE REFERENCE SEE "CURVE DATA TABLE"



Date: 4/4/2008 Time: 10:07  
 Scale: 1=60  
 File: dwg\2008\08-27-C\08-27c-exA.dwg (Brian E)

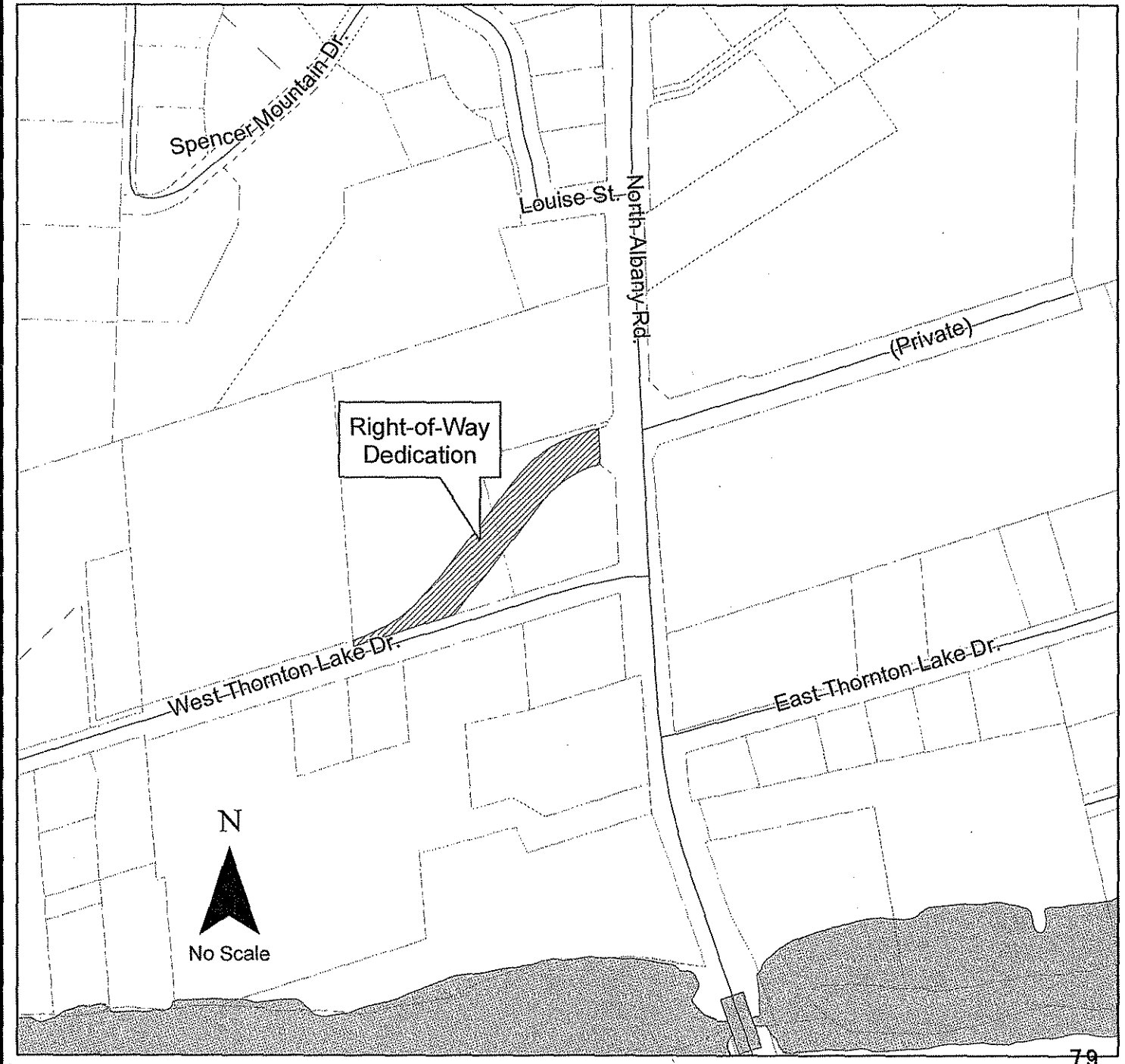
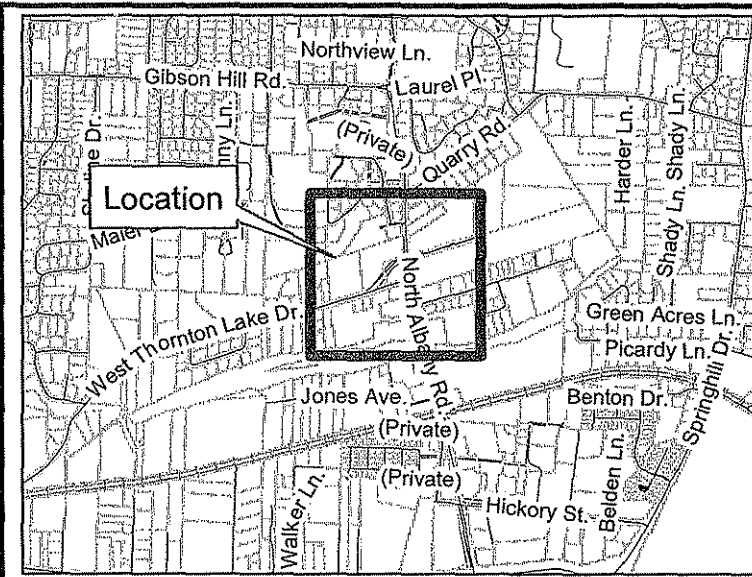


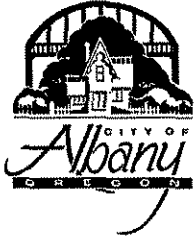
**K & D ENGINEERING, Inc.**  
 276 N.W. Hickory Street P.O. Box 725  
 Albany, Oregon 97321  
 (541) 928-2583

# EXHIBIT C

10S04W36DC00100 and  
10S04W36DC00200

Right-of-Way Dedication





TO: Albany City Council

VIA: Wes Hare, City Manager  
Diane Taniguchi-Dennis, P.E., Public Works Director *Diane*

FROM: Chip Ullstad, P.E., Utility Engineer *Chip*

DATE: May 1, 2008, for the May 14, 2008, City Council Meeting

SUBJECT: Underground easements to Pacific Power for the Albany-Millersburg Water Reclamation Facility and the Albany Operations Facility

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Staff recommends City Council adopt the attached resolutions granting underground easements for installation of power lines, meter, and related equipment at the Albany-Millersburg Water Reclamation Facility and the Albany Operations Facility.

Discussion:

The Albany-Millersburg Water Reclamation Facility now under construction is required to provide a secondary power supply in the event of a power outage from the primary power supply and related substation. In order to extend backup power service to the treatment plant, Pacific Power requires that the City grant an easement for construction, operation, and maintenance of underground electrical distribution and communication lines and related metering equipment.

The attached resolution grants a 20-foot-wide by 20-foot-long easement as described and shown on the easement. The easement will not significantly constrain future development of the site.

Seasonal problems with lack of adequate electrical capacity for existing buildings and the pole building now under construction at the Albany Operations Facility require extension of additional power service. Prior to extending this service, Pacific Power requires the City grant an easement for construction, operation, and maintenance of underground electric distribution and communication lines and related metering equipment.

The attached resolution grants an irregularly shaped easement as described and shown on the easement. The easement will not significantly constrain future development of the site.

Budget Impact:

There are no cost impacts to granting the easements.

CNU:prj  
Attachments (4)

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

A RESOLUTION GRANTING THE FOLLOWING UNDERGROUND ELECTRICAL POWER EASEMENT FOR THE ALBANY-MILLERSBURG WATER RECLAMATION FACILITY:

Grantor: **City of Albany**

Purpose

Grantee: **PacificCorp**

To provide secondary power connection, metering and miscellaneous appurtenances for the Albany-Millersburg Water Reclamation Facility

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

DATED AND EFFECTIVE THIS 14<sup>th</sup> DAY OF MAY 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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

UNDERGROUND ELECTRICAL POWER EASEMENT, ALBANY-MILLERSBURG WATER  
RECLAMATION FACILITY

THIS EASEMENT, granted this 14th day of May 2008 by the **City of Albany**, a Municipal Corporation, herein called "Grantor," to **PacificCorp**, an Oregon Corporation, its successors and assigns, herein called "Grantee."

WITNESSETH:

For value received, the Grantor hereby grants an easement and right-of-way, 20 feet in width and 20 feet in length, more or less, the right to enter upon the real property hereinafter described, for construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee's underground electric distribution and communication lines, including without limitation: wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, cabinets, vaults on across or under the surface of the real property of Grantor in Linn County, State of Oregon, as more particularly described as follows and/or as shown on Exhibit A attached hereto and by this reference made a part hereof:

**A 20-foot by 20-foot easement described as follows: Beginning at a point on the east right-of-way line of Columbus Street, said point lying south three feet from the southwest corner of Lot 1, Block 20, of Burkhart Park Addition to Albany in Linn County Oregon; thence north 20 feet along the east right-of-way of Columbus Street to a point 17 feet north of the southwest corner of Lot 1; thence east 20 feet parallel with the south lot line of Lot 1; thence south 20 feet, parallel with the west line of Lot 1; thence west 20 feet, parallel with the south line of Lot 1 to the Point of Beginning. As shown on the attached map labeled Exhibit A.**

Together with the right of access, for Grantee, its contractors, or agents, to the right of way from adjacent lands of the Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep this right of way clear of all brush, trees, buildings and other hazards which might endanger the Grantee's facilities or impede Grantee's activities.

At no time shall the Grantor place or store flammable materials (other than agricultural crops), or light any fires, on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

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:**

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

\_\_\_\_\_  
Stewart Taylor,  
Finance Director

I, Wes Hare, 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 \_\_\_\_\_ 2008.

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

The instrument was acknowledged before me this  
day of \_\_\_\_\_ 2008 by Stewart Taylor,  
Finance Director, City of Albany.

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

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

ATTEST:

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



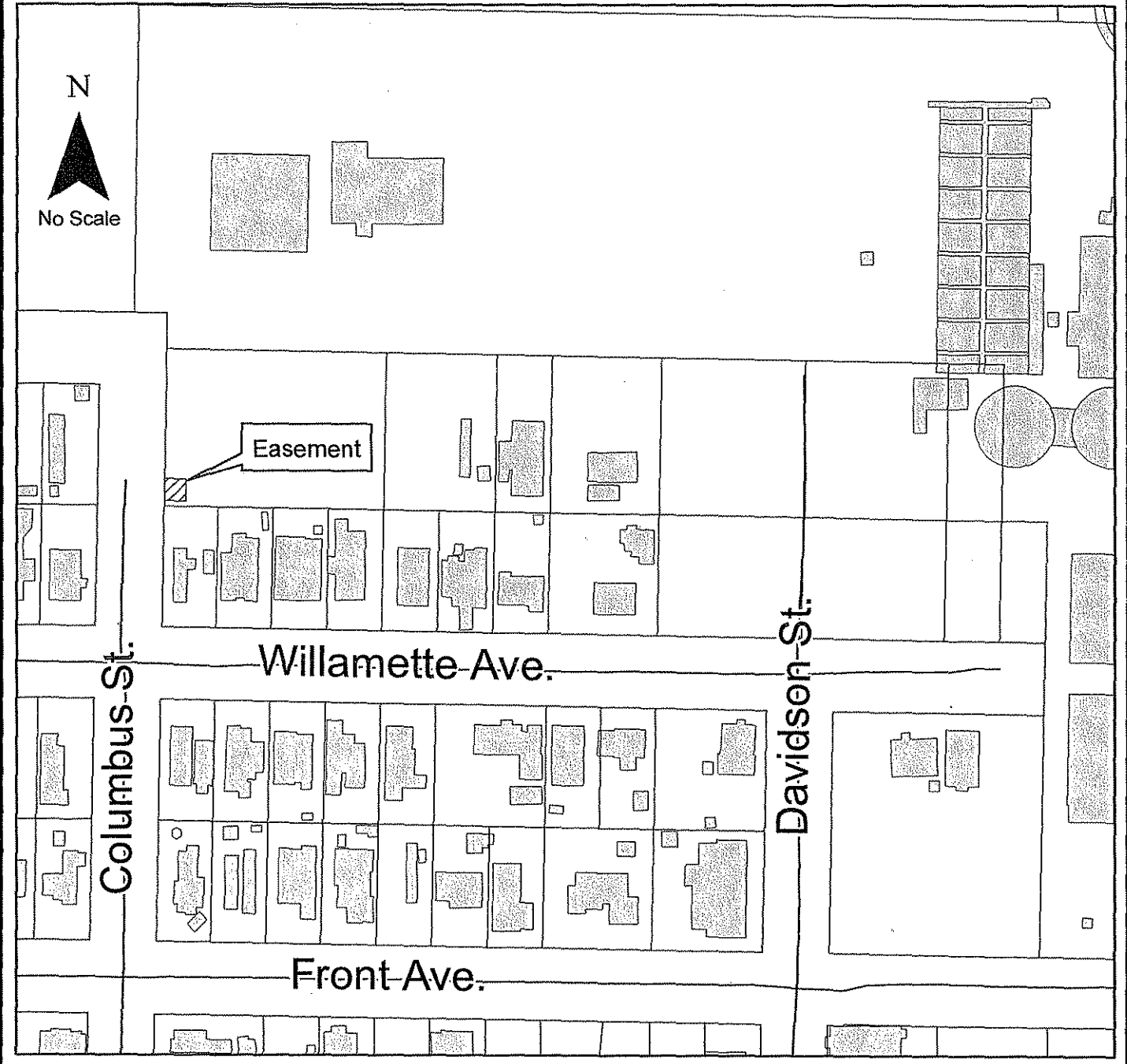
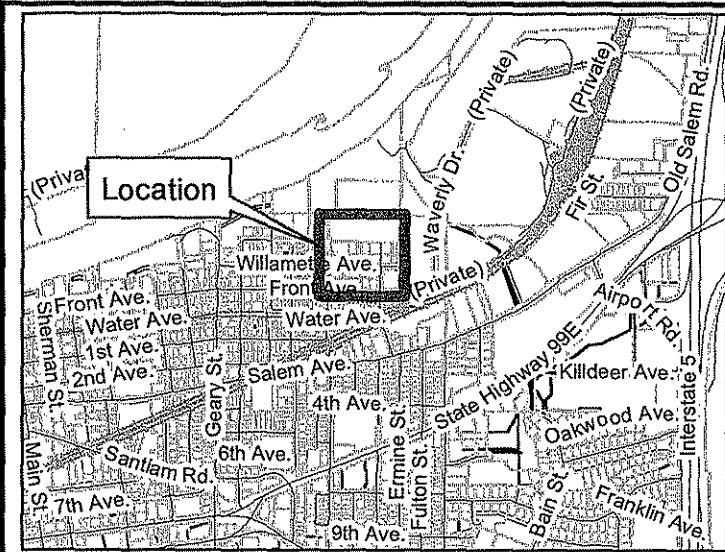
# EXHIBIT A

11SO3W05DB00202

20' x 20" Underground  
Electrical Power Easement



Geographic Information Services



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

A RESOLUTION GRANTING THE FOLLOWING UNDERGROUND ELECTRICAL POWER EASEMENT FOR THE ALBANY OPERATIONS FACILITY:

Grantor: **City of Albany**

Purpose

Grantee: **PacificCorp**

To provide primary power connection, metering and miscellaneous appurtenances for the Albany Operations Facility

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

DATED AND EFFECTIVE THIS 14<sup>th</sup> DAY OF MAY 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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

UNDERGROUND ELECTRICAL POWER EASEMENT, ALBANY OPERATIONS FACILITY

THIS EASEMENT, granted this 14th day of May 2008 by the **City of Albany**, a Municipal Corporation, herein called "Grantor," to **PacificCorp**, an Oregon Corporation, its successors and assigns, herein called "Grantee."

WITNESSETH:

For value received, the Grantor hereby grants an irregular shaped easement and right-of-way, the right to enter upon the real property hereinafter described, for construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee's underground electric distribution and communication lines, including without limitation: wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, cabinets, vaults on across or under the surface of the real property of Grantor in Linn County, State of Oregon, as more particularly described as follows and/or as shown on Exhibit A attached hereto and by this reference made a part hereof:

**An irregular shaped easement described as follows: Beginning on the south property line of Lot 19, Block 25 of Burkhart Park Addition to Albany in Linn County Oregon, said Point of Beginning lying 35 feet East of the Southwest corner Lot 19; thence east 42.6 feet along the South line of Lot 19 and Lot 18; thence North 35 feet, parallel with the west line of Lot 19; thence West 20 feet, parallel with the south line of Lot 19 and 18; thence South 16 feet, parallel with the West line of Lot 19; thence West 22.6 feet, parallel with the South line of Lot 19; thence South 19 feet, parallel with the West line of Lot 19 to the point of Beginning, as shown on the attached map labeled Exhibit A.**

Together with the right of access, for Grantee, its contractors, or agents, to the right of way from adjacent lands of the Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep this right of way clear of all brush, trees, buildings and other hazards which might endanger the Grantee's facilities or impede Grantee's activities.

At no time shall the Grantor place or store flammable materials (other than agricultural crops), or light any fires, on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

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:**

\_\_\_\_\_  
Stewart Taylor,  
Finance Director

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

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

I, Wes Hare, 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 \_\_\_\_\_ 2008.

The instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2008 by Stewart Taylor, Finance Director, City of Albany.

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

ATTEST:

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

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

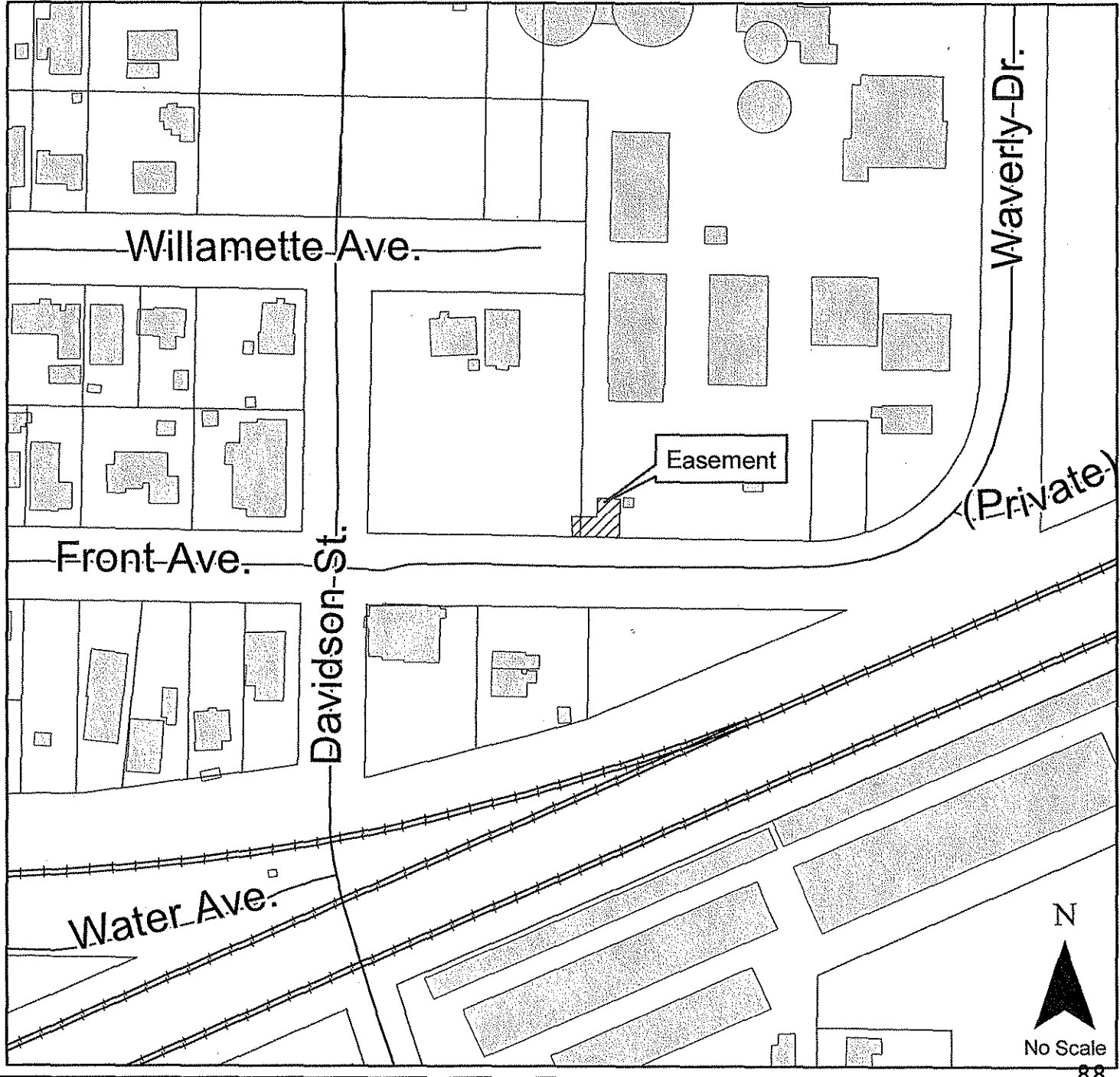
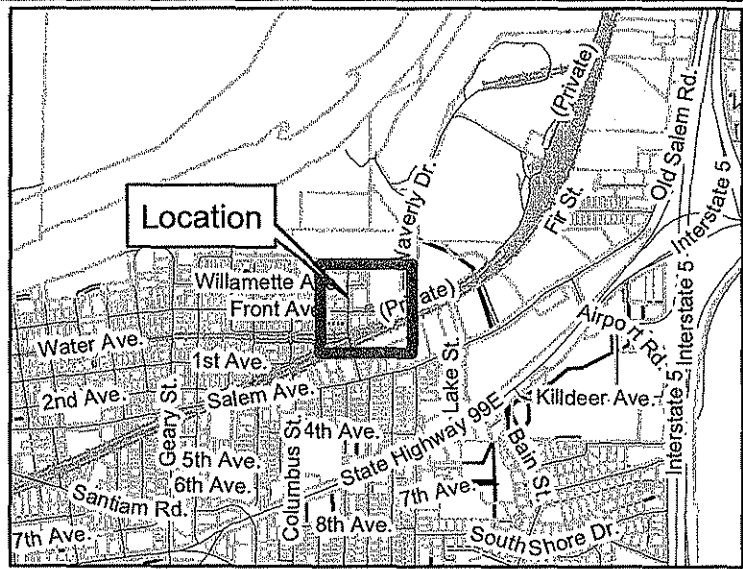
# EXHIBIT A

11SO3W05DB04200 and  
11SO3W05DB05600

Irregular Shaped Easement  
for Underground Electrical  
Power - Pole Barn



Geographic Information Services





TO: Albany City Council  
VIA: Wes Hare, City Manager *Ed Gallagher*  
FROM: Ed Gallagher, Library Director  
DATE: May 7, 2008, for the May 14, 2008, City Council Meeting  
SUBJECT: Award of Bid for New Library Facility

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

Action Requested:

Staff requests that Council award this contract in the amount of \$2,988,126.00 to TGerding Construction Co. of Corvallis, Oregon.

Discussion:

Proposals for this contract have been solicited in accordance with the alternative contracting provisions of the Public Contracting Code. Following adoption of an exemption by the Council, a Request For Qualifications (RFQ) was advertised. Based on the response to the RFQ, three general contractors were selected as part of the "Competitive Range." These three contractors were then issued a Request For Proposals (RFP). The primary focus of the RFP was to seek competitive quotes but additionally included the right of the Owner to negotiate any portion of the contract that it deemed was in its interest to negotiate. Several alternatives were included and several unit costs were solicited as well.

A selection committee, facilitated by Project Manager Paul Frankenburger, reviewed the Proposals and discussed the range of alternatives and unit costs. It was unanimously agreed that the committee should recommend to the Council the award of a contract to TGerding Construction Co. of Corvallis that includes their base bid, Alternate 3 for the complete reroofing of the building, Alternate 6 for the use of spiral ducts, and the following allowances:

1. Building security system.
2. Security gates.
3. Over excavation of unsuitable materials.
4. Addition of extra trusses if required to support HVAC equipment.
5. Additional parking islands to separate parking spaces if required.
6. To replace roof sheathing if dry rot was detected during roof replacement.

The selection committee members were:

- |                   |   |
|-------------------|---|
| 1. Ed Gallagher   | Albany Library Director                             |
| 2. Craig Carnagey | Parks & Facilities Maintenance Manager              |
| 3. Guy Mayes      | Special Projects Coordinator                        |
| 4. Joe Kruger     | Construction Superintendent - Andersen Construction |
| 5. David Wark     | Architect - Hennebery Eddy Architects               |
| 6. David Webb     | Architect - Hennebery Eddy Architects               |

*Project Description*

This project will renovate approximately 41,170 square feet of the former Unitrin Insurance Company office building, located at 2450 14<sup>th</sup> Avenue SE and convert it to the new Albany Main Library. The project was designed by Hennebery Eddy Architects of Portland.

Construction

Construction Contingency	\$ 3,353,678.00
Contract Award Amount	2,988,127.10
1% Art	30,183.10
<b>Total</b>	<b>\$3,353,678.00</b>

Budget Impact:

This project is funded through a \$5 million anonymous donation, fund-raising, and the proceeds from the sale of the existing Main library.

Bid Comparison - Includes Base Bid Alternate 3, Alternate 6, and All allowances:

T. Gerding Construction Co	BJ Cummings Co.	Triplett Wellman Contractors
\$ 2,988,126.00	\$ 3,105,226.00	\$ 3,385,726.00

PF:EG:kg

G:\ADMIN\EdG\CC Memos, etc\NewLibraryAward.docx



TO: Albany City Council

VIA: Wes Hare, City Manager  
Diane Taniguchi-Dennis, P.E., Public Works Director *Diane*

FROM: Mark W. Shepard, P.E., City Engineer *MWS*  
Chris Cerklewski, P.E., Civil Engineer III *CLC*

DATE: April 28, 2008, for the May 14, 2008, City Council Meeting

SUBJECT: Award of Bid for WL-08-01, Madison Street and 12th Avenue Area Water Line

RELATES TO STRATEGIC PLAN THEME: A Safe City

Action Requested:

Staff requests that Council award this contract in the amount of \$627,475.00 to the low bidder, Alpine Construction of Newberg, Oregon.

Discussion:

On Tuesday, April 22, 2008, bids were opened for WL-08-01, Madison Street and 12th Avenue Area Water Line. There were eight bids submitted for this project, ranging from the low bid of \$627,475 to a high bid of \$743,490. The Engineer's estimate was \$815,000. A bid summary is attached as Attachment 1.

*Project Description*

This project includes construction of approximately 6,500 lineal feet of 8-inch ductile iron water line. The construction of the new water line will replace existing 2-inch, 4-inch, and 6-inch water lines that frequently require maintenance to repair leaks. In addition to the new water line construction, this project will include construction of new water services and fire hydrants. Attachment 2 is a project vicinity map.

*Summary of Total Estimated Project Costs*

Based on the project bid and anticipated related costs, a summary of the total estimated project cost is shown in the table below. The amounts have been rounded to the nearest \$100.

Project Components	Estimated Cost
<b>I. Costs</b>	
a. Engineering	\$4,000
b. Construction Management	\$5,000
<i>Engineering Subtotal</i>	\$9,000
<b>II. Construction Costs</b>	
a. Construction Contract	\$627,500
b. Contingency (10%)	\$62,750
c. Construction Staking and Other Construction Costs	\$20,000
<i>Construction Subtotal</i>	\$710,250
<i>Total Estimated Project Cost</i>	\$719,250
<i>Project Budget</i>	\$1,006,000
<i>Under/(Over) Project Budget</i>	\$286,750

Budget Impact:

This project will be funded from the Water Rates/Operating Revenue (615-50-2308-86033) and Water SDC Reimbursement (615-50-2301-86033).

CC:kw  
Attachment



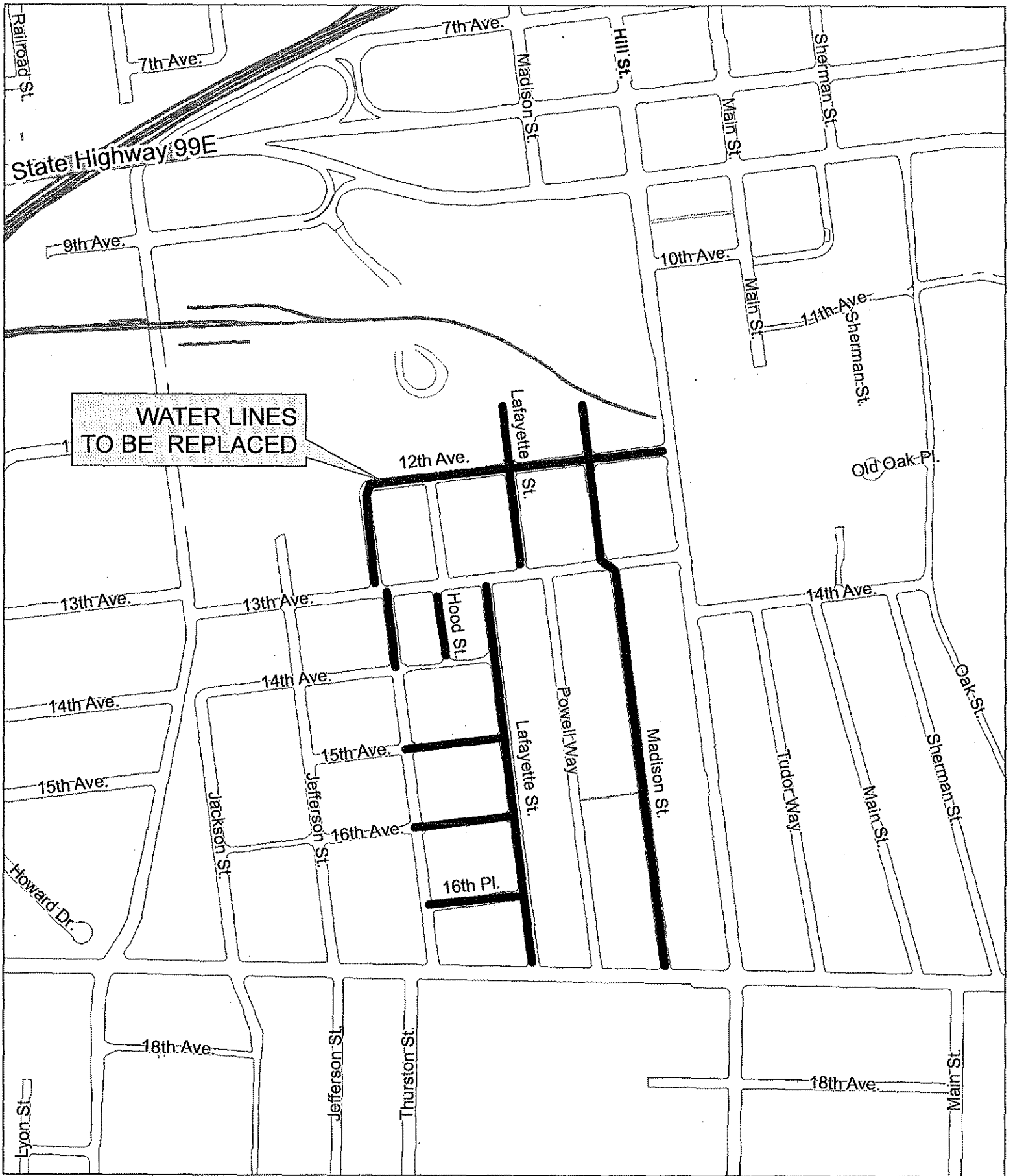


**CITY OF ALBANY, OREGON**  
**Public Works Department**  
**Construction Contract Bids**

**Project:** WL-08-01, Madison Street and 12th Avenue Area Water Line

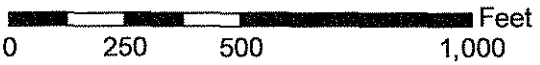
**Bid Opening:** Tuesday, April 22, 2008

Engineer's Estimate	Alpine Construction	R & G Excavating	M.L. Houck Construction	Pacific Excavation	Emery & Sons	Kamph Const.	North Santiam Paving	Marv's Utilities Spec.
\$815,000	\$627,475	\$632,160	\$661,965	\$663,465	\$668,225	\$671,443	\$734,000	\$743,490



WATER LINES  
TO BE REPLACED

# ATTACHMENT 2: PROJECT VICINITY MAP





TO: Albany City Council

VIA: Wes Hare, City Manager  
 Diane Taniguchi-Dennis, P.E., Public Works Director *Diane*

FROM: Mark W. Shepard, P.E., City Engineer *MWS*  
 Chris Cerklewski, P.E., Civil Engineer III *CLC*

DATE: April 30, 2008, for the May 14, 2008, City Council Meeting

SUBJECT: Award of Bid for ST-08-02-B, 2008 Street Overlay Program

RELATES TO STRATEGIC PLAN THEME: Great Neighborhoods

Action Requested:

Staff requests that Council award this contract in the amount of \$197,170 to the low bidder, CPM Development Corporation of Salem, Oregon.

Discussion:

On Tuesday, April 29, 2008, bids were opened for ST-08-02-B, 2008 Street Overlay Program. There were five bids submitted for this project, ranging from \$197,170 to \$221,990. The Engineer's estimate was \$246,000. A bid summary is attached as Attachment 1.

*Project Description*

This project provides for overlaying 28<sup>th</sup> Avenue between Marion Street and Geary Street as part of the annual Pavement Overlay Program. In addition to the overlay on this street, damaged pavement will be replaced to prevent reflective cracking through the overlay. A vicinity map is provided as Attachment 2.

*Summary of Total Estimated Project Costs*

Based on the project bid and anticipated related costs, a summary of the total estimated project cost is shown in the table below. The amounts have been rounded to the nearest \$100.

Project Components	Estimated Cost
<b>I. Costs</b>	
a. Engineering	\$3,000
b. Construction Management	\$2,000
<i>Engineering Subtotal</i>	\$5,000
<b>II. Construction Costs</b>	
a. Construction Contract	\$197,200
b. Contingency (10%)	\$19,700
<i>Construction Subtotal</i>	\$216,900
<i>Total Estimated Project Cost</i>	\$221,900
<i>Project Budget</i>	\$262,000
<i>Under/(Over) Project Budget</i>	\$40,100

Budget Impact:

This project will be funded from the Street Maintenance Budget (250-50-2602).

CLC:kw  
 Attachment

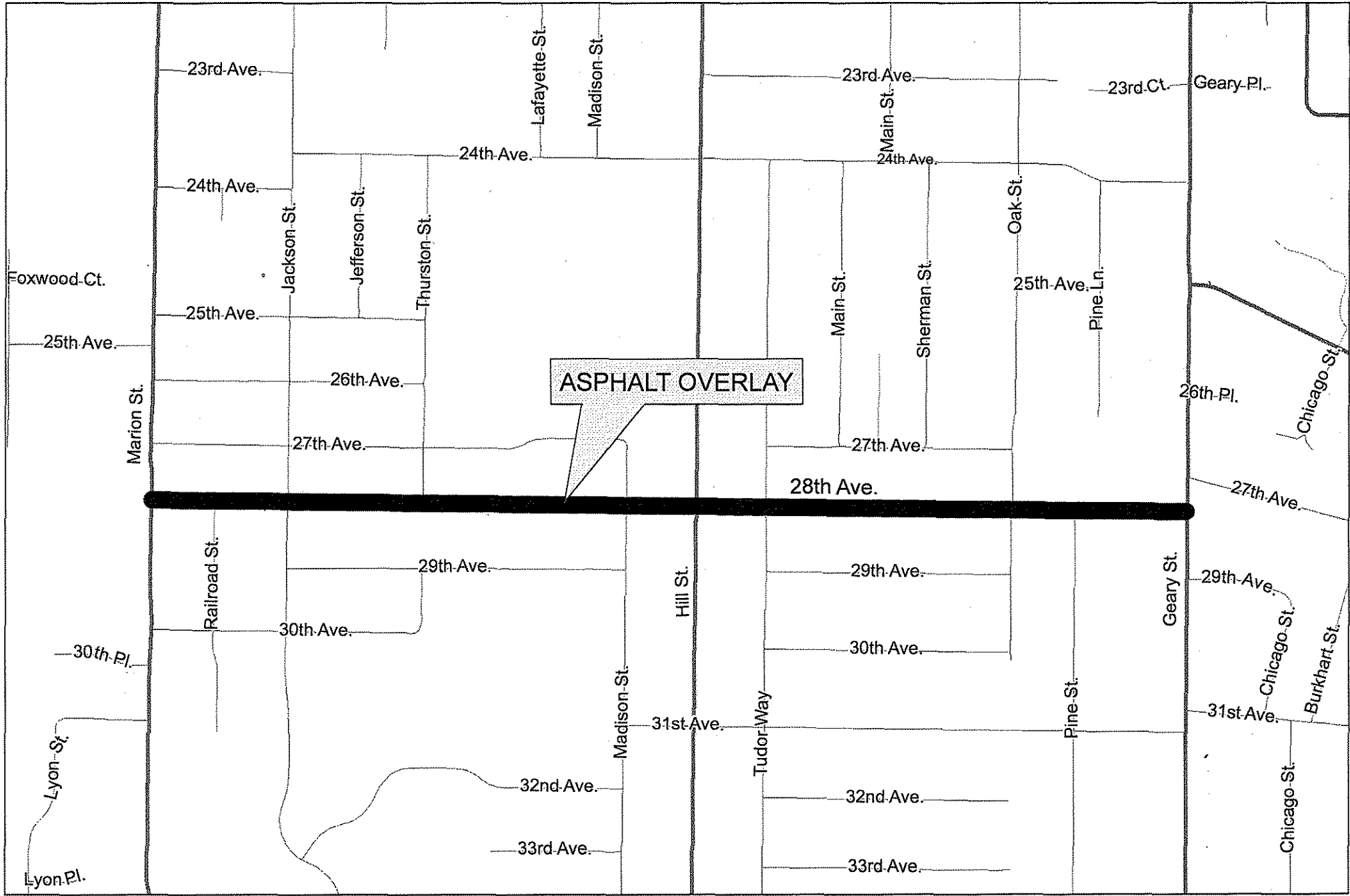


**CITY OF ALBANY, OREGON**  
**Public Works Department**  
**Construction Contract Bids**

**Project:** ST-08-02-B, 2008 Street Overlays

**Bid Opening:** Tuesday, April, 29, 2008

Engineer's Estimate	CPM Development Corporation	D & D Paving	North Santiam Paving	Roy Houck Construction	Knife River
\$246,000.00	\$197,170.00	\$202,663.00	\$215,777.50	\$216,330.00	\$221,990.00



## ATTACHMENT 2: PROJECT VICINITY MAP





TO: Albany City Council

VIA: Wes Hare, City Manager  
Diane Taniguchi-Dennis, P.E., Public Works Director *DSTD*

FROM: Mark W. Shepard, P.E., City Engineer *MWS*  
Chris Cerklewski, P.E., Civil Engineer III *CLC*

DATE: May 7, 2008, for the May 14, 2008, City Council Meeting

SUBJECT: Award of Bid for ST-07-01, Waverly Drive Rehabilitation

RELATES TO STRATEGIC PLAN THEME: Great Neighborhoods

Action Requested:

Staff requests that Council award this contract in the amount of \$995,282.50 to the low bidder, Mid-Valley Gravel Company of Philomath, Oregon.

Discussion:

On Tuesday, May 6, 2008, bids were opened for ST-07-01, Waverly Drive Rehabilitation. There were six bids submitted for this project, ranging from \$995,282.50 to \$1,171,066.00. The Engineer's estimate was \$1,500,000. A bid summary is attached as Attachment 1.

*Project Description*

The Waverly Drive Rehabilitation project will replace the existing deteriorated pavement on Waverly Drive between Grand Prairie Road and 36<sup>th</sup> Avenue. This segment of Waverly Drive is rated by the Pavement Management Program as the worst arterial/collector street in the City with a score of 35 out of 100. As part of the project, the existing median islands will be replaced with new median islands that are narrower to accommodate wider travel lanes. The existing travel lanes are too narrow given the amount of heavy truck traffic on the street. A vicinity map is provided as Attachment 2.

*Summary of Total Estimated Project Costs*

Based on the project bid and anticipated related costs, a summary of the total estimated project cost is shown in the table below. The amounts have been rounded to the nearest \$100.

Project Components	Estimated Cost
<b>I. Costs</b>	
a. Engineering	\$84,400
b. Construction Management	\$50,000
c. Construction Staking	\$15,000
d. Materials Testing	\$10,000
<i>Engineering Subtotal</i>	\$159,400
<b>II. Construction Costs</b>	
a. Construction Contract	\$995,300
b. Contingency (10%)	\$99,500
c. Pacific Power Street Lighting Costs	\$15,000

d. Landscaping	\$80,000
<i>Construction Subtotal</i>	\$1,189,800
<i>Total Estimated Project Cost</i>	\$1,349,200
<i>Project Budget</i>	\$1,970,000
<i>Under/(Over) Project Budget</i>	\$620,800

Budget Impact:

This project will be funded from Street Capital Reserves (250-50-2700). The State of Oregon will reimburse the City for \$816,871 through the Surface Transportation Program.

CLC:prj  
Attachments (2)



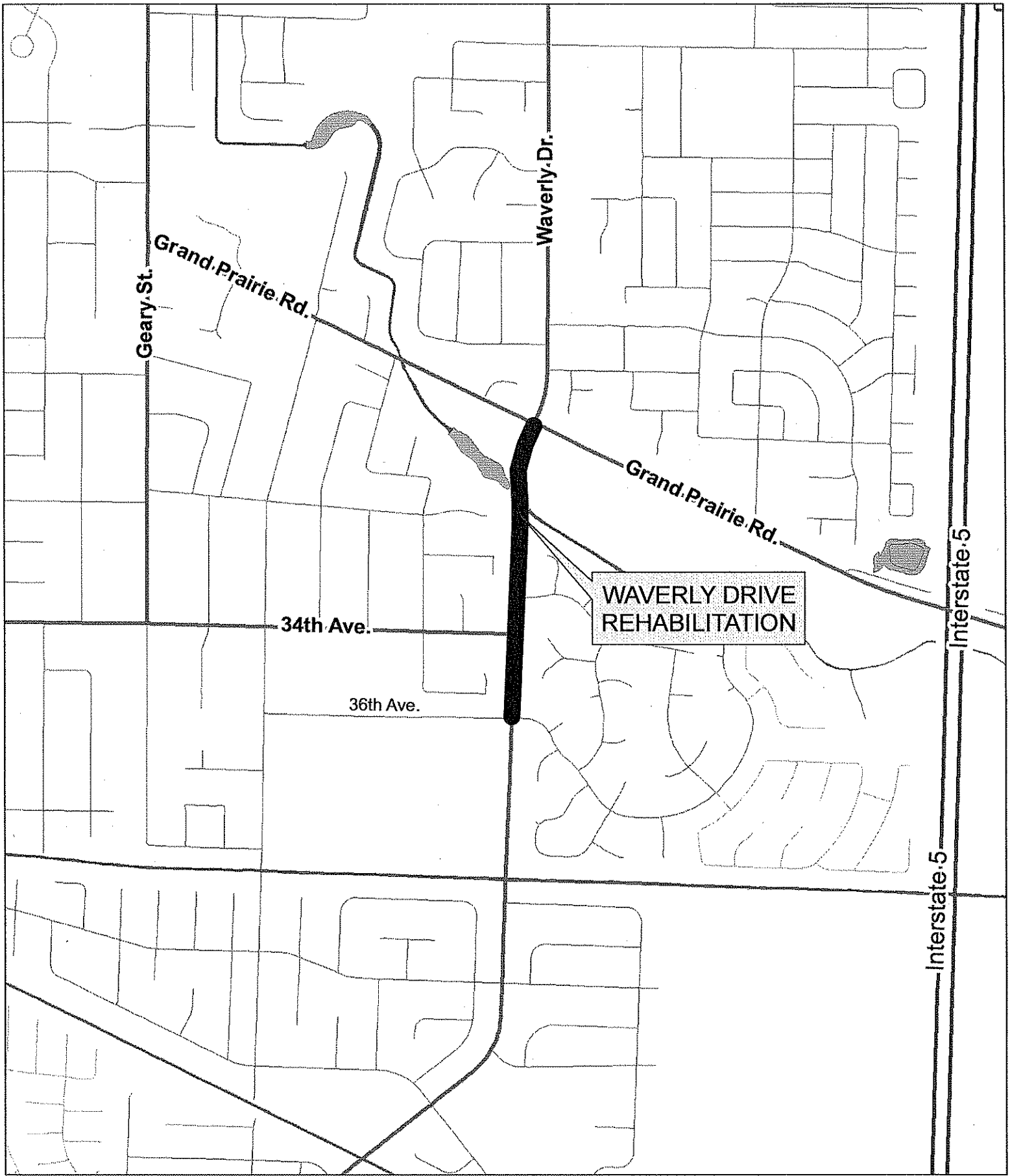
**CITY OF ALBANY, OREGON**  
**Public Works Department**  
**Construction Contract Bids**

**Project:** ST-07-01, Waverly Drive Rehabilitation

**Bid Opening:** May 6, 2008

Engineer's Estimate	Mid-Valley Gravel Company	Knife River	CPM Development Corporation dba Salem Road and Driveway	North Santiam Paving Company	D & I D Paving Company dba Cemex	Emery and Sons Construction
\$1,500,000.00	\$995,282.50	\$1,005,657.50	\$1,047,888.75	\$1,055,806.25	\$1,061,640.15	\$1,171,066.00





## ATTACHMENT 2: PROJECT VICINITY MAP

