



NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
Council Chambers
333 Broadalbin Street SW
Wednesday, September 24, 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

1. CALL TO ORDER
 2. PLEDGE OF ALLEGIANCE TO THE FLAG
 3. ROLL CALL
 4. SPECIAL PRESENTATIONS
 - a. Certificates for those who contributed to the DARE motorcycle. [verbal]
Action: _____
 - b. Receiving a grant from Pacific Power. [verbal]
Action: _____
 5. SCHEDULED BUSINESS
 - a. Business from the Public
 - b. Adoption of Resolutions
 - 1) Accepting the conveyance of property from Northwood Properties to the City of Albany for the construction and operation of the North Albany Pump Station. [Pages 1-9]
Action: _____ RES. NO. _____
 - 2) SS-07-03, accepting the Engineer's Report and Financial Investigation Report for infrastructure improvements – Ellingson Road Sewer Extension Project. [Pages 10-16]
Action: _____ RES. NO. _____
 - 3) ST-07-05, transferring appropriation for pedestrian island installations. [Pages 17-19]
Action: _____ RES. NO. _____
 - c. Adoption of Consent Calendar
 - 1) Approval of Minutes
 - a) August 4, 2008, Work Session [Pages 20-22]
 - b) August 11, 2008, Work Session [Pages 23-25]
 - 2) Authorizing an application for a grant from:
 - a) MDU Resources Foundation for general operating support of the 2009 River Rhythms concert series. [Pages 26-27] RES. NO. _____
 - b) James F. and Marion L. Miller Foundation for support of the 2009 Children's Performing Arts Series. [Pages 28-29] RES. NO. _____
 - c) Ann and Bill Swindell's Charitable Trust for support of the 2009 Children's Performing Arts Series. [Pages 30-31] RES. NO. _____
 - 3) Accepting the 2008-2009 addendum #4 to the City of Corvallis Intergovernmental Agreement for the Linn-Benton Loop Transit System funding. [Pages 32-37] RES. NO. _____
 - 4) Accepting right-of-way dedications from the City of Albany for the following:
 - a) Converting four barrier strips in the 1964 Eastgate Park Subdivision into right-of-way. [Pages 38-42] RES. NO. _____
 - b) Converting a 30-foot by 458.25 foot strip of land into 21st Avenue right-of-way. [Pages 43-46] RES. NO. _____
 - c) Converting a 20-foot by 60-foot area of land into Alco Street right-of-way. [Pages 47-50] RES. NO. _____
 - 5) Executing a quitclaim deed to Ralph and Diane Nauman. [Pages 51-53] RES. NO. _____
 - 6) Accepting an easement from Ralph and Diane Nauman. [Pages 54-59] RES. NO. _____
- Action: _____

d. Report

1) W-07-03, Vine Street Water Treatment Plant seismic upgrades. [Pages 60-75]

Action: _____

6. BUSINESS FROM THE COUNCIL
7. RECESS TO EXECUTIVE SESSION TO DISCUSS LABOR NEGOTIATIONS IN ACCORDANCE WITH ORS 192.660(2)(d)
8. RECONVENE
9. NEXT MEETING DATE: Work Session Monday, October 6, 2008
Regular Session Wednesday, October 8, 2008
10. ADJOURNMENT

City of Albany Web site: 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.



TO: Albany City Council

VIA: Wes Hare, City Manager
Stewart Taylor, Finance Director *ST*

FROM: Diane M. Wood, Purchasing Coordinator *DW*

DATE: September 17, 2008, for the September 24, 2008, City Council Meeting

SUBJECT: Acceptance of Property Conveyance from Northwood Properties for the North Albany Pump Station

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Staff requests that Council adopt the attached Resolution accepting the conveyance of property from Northwood Properties to the City of Albany for the expansion of the North Albany Pump Station. The location of the property is shown as Exhibit "A" and "B" of the Resolution and the deeds attached as Exhibit "C".

Discussion:

The City of Albany operates and maintains a sanitary sewer pump station near the intersection of Hickory Street and Springhill Drive in North Albany, located at 502 Springhill Drive NW. At the April 9, 2007, Council Work Session, staff presented to Council an overview of the lift station improvements, which included the existing North Albany station. Council concurred with the improvement recommendations presented by Public Works.

After engineering and final design was completed it was recommended that additional property was needed to support the pump station expansion, SS-07-04. The adjacent property, 11S-03W-06CB, Tax Lot 900 is owned by Northwood Properties. An appraisal was conducted and after negotiations it was determined that 2,089 square feet would cost the City \$30,000, plus related title fees and recording costs. In addition, a lot-line adjustment would be required to transfer the additional property from Tax Lot 900 to the City's property Tax Lot 103, of Map 11S-03W-06CB, LA-01-08, prior to the conveyance. Council approved the purchase agreements at the February 13, 2008, City Council Meeting.

Budget Impact:

The cost for this conveyance was \$30,753, which includes the property for \$30,000 and \$753 for related costs. The funding source was 601-50-2507-87003.

Attachments (8)

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE CONVEYANCE OF PROPERTY FROM NORTHWOOD PROPERTIES TO THE CITY OF ALBANY FOR THE CONSTRUCTION AND OPERATION OF THE NORTH ALBANY PUMP STATION.

WHEREAS, the City of Albany operates and maintains a sanitary sewer pump station near the intersection of Hickory Street and Springhill Drive in North Albany; and

WHEREAS, additional property adjacent to the existing pump station property is needed to expand the pump station's capacity; and

WHEREAS, the pump station property is located at 502 Springhill Drive NW, Albany, Oregon, Benton County Assessor's Map No. 11S-03W-06CB, Tax Lot No. 103, and the City is purchasing a portion of the property at 110 Hickory Street NW, Albany, Oregon, Benton County Assessor's Map No. 11S-03W-06CB, Tax Lot No. 900, as shown on Exhibit "A"; and

WHEREAS, the City applied for a lot-line adjustment, LA-01-08, to transfer 2,089 square feet from Tax Lot 900 to Tax Lot 103; Map No. 11S-03W-06CB, shown on Exhibit "B"; and

WHEREAS, the City has commissioned appraisals to determine the fair market value of the property shown on Exhibit "A," and the appraised fair market value for the property is \$27,000; and

WHEREAS the City has negotiated voluntary acquisition of the property from Northwood Properties for \$30,000; and

WHEREAS, the funds necessary to acquire the property shall be paid from the Sewer Fund.

NOW, THEREFORE, BE IT RESOLVED by the City of Albany Council to hereby accept the conveyance of property for the North Albany Pump Station and the deeds attached as Exhibit "C".

DATED AND EFFECTIVE THIS 24TH DAY OF SEPTEMBER 2008.

Mayor

ATTEST:

City Clerk

EXHIBIT A



Exhibit B

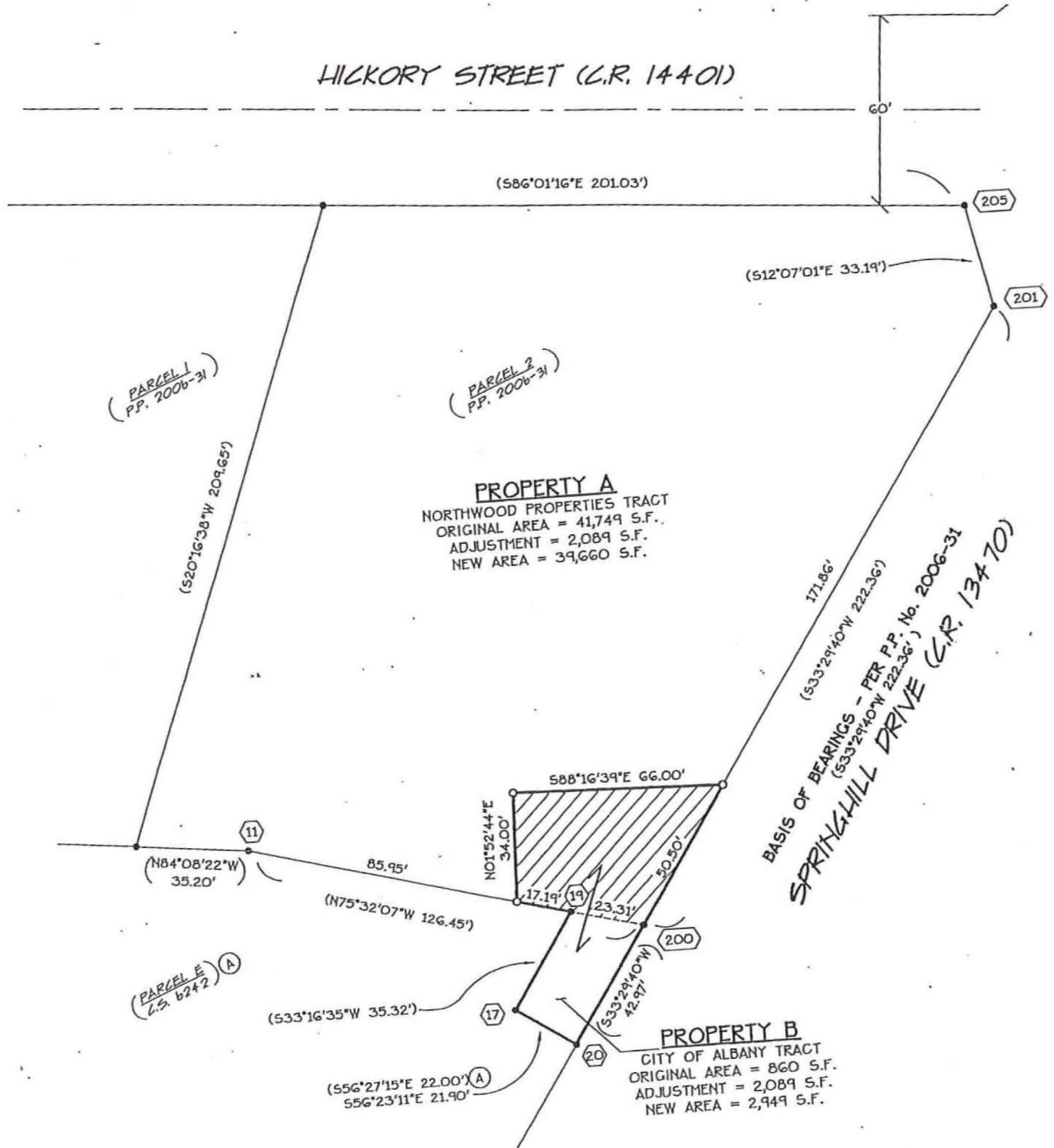


Exhibit C



After recording return to:
City of Albany, a Municipal Corporation
333 Broadalbin Street SW
Albany, OR 97321

Until a change is requested all tax statements shall be sent to the following address:
City of Albany, a Municipal Corporation
333 Broadalbin Street SW
Albany, OR 97321

File No.: 7091-1237345 (SCC)
Date: June 10, 2008

Return to First American Title

THIS SPACE

BENTON COUNTY, OREGON **2008-438945**
 DE-WD
 Cnt=1 Stn=8 COUNTER1 **06/19/2008 11:12:39 AM**
 \$10.00 \$11.00 \$10.00 \$15.00 **\$46.00**



00161043200804389450020028

I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



James V. Morales - County Clerk

STATUTORY WARRANTY DEED

Northwood Properties, an Oregon limited partnership, Grantor, conveys and warrants to **City of Albany, a Municipal Corporation**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

Beginning at a 5/8 inch rod at the southeast corner of Parcel 2 of Partition Plat 2006-31, a partition recorded in Benton County, Oregon which point being on the westerly right-of-way line of Springhill Drive; thence North 75°32'07" West, along the south line of said Parcel 2, a distance of 40.50 feet; thence North 01°52'44" East 34.00 feet; thence South 88°16'39" East 66.00 feet to a point on the westerly right-of-way line of Springhill Drive; thence South 33°29'40" West 50.50 feet to the Point of Beginning.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$30,000.00**. (Here comply with requirements of ORS 93.030)

APN:

Statutory Warranty Deed
- continued

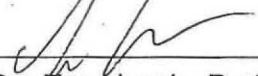
File No.: 7091-1237345 (SCC)
Date: 06/10/2008

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 16TH day of June, 2008

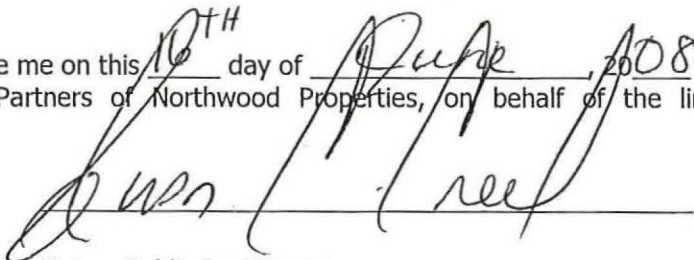
Northwood Properties, an Oregon limited partnership


By: Steve Hanson, Partner


By: Tony Lewis, Partner

STATE OF Oregon)
)ss.
County of Linn)

This instrument was acknowledged before me on this 16TH day of June, 2008 by Steve Hanson and Tony Lewis as Partners of Northwood Properties, on behalf of the limited partnership.


Notary Public for Oregon
My commission expires: 6-21-2012



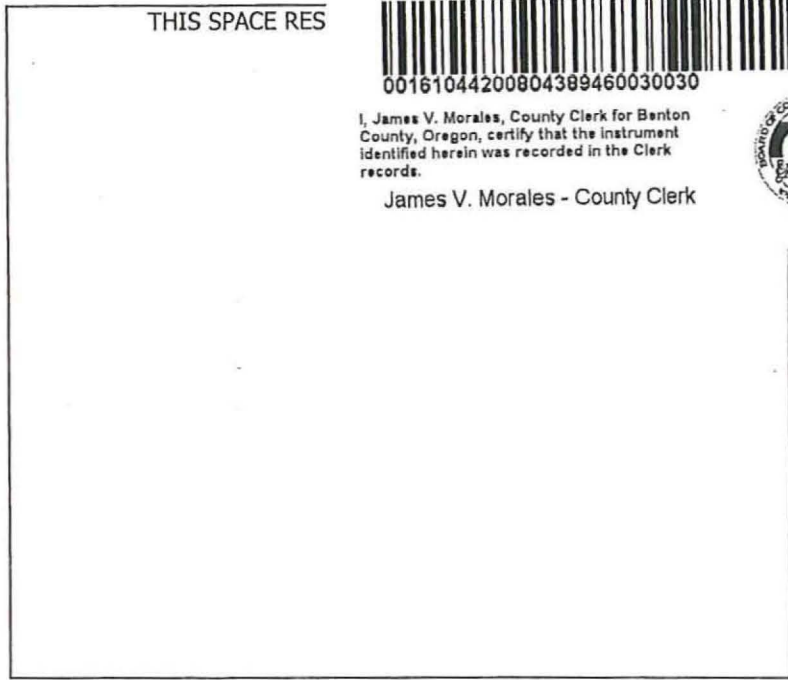


After recording return to:
City of Albany
333 Broadalbin Street SW
Albany, OR 97321

Until a change is requested all tax statements
shall be sent to the following address:
City of Albany
333 Broadalbin Street SW
Albany, OR 97321

File No.: 7091-1237345 (SCC)
Date: June 11, 2008

Return to First American Title



BENTON COUNTY, OREGON 2008-438946
DE-BS
Cnt=1 Stn=8 COUNTER1 06/19/2008 11:12:39 AM
\$15.00 \$11.00 \$10.00 \$15.00 \$61.00



I, James V. Morales, County Clerk for Benton
County, Oregon, certify that the instrument
identified herein was recorded in the Clerk
records.

James V. Morales - County Clerk



**LOT LINE ADJUSTMENT
STATUTORY BARGAIN AND SALE DEED**

City of Albany, a Municipal Corporation , Grantor, conveys to **City of Albany, a Municipal Corporation**, Grantee, the following described real property:

See Attached Exhibit "A"

The true consideration for this conveyance is **\$THIS DEED IS BEING RECORDED TO CREATE A LOT LINE ADJUSTMENT.** (Here comply with requirements of ORS 93.030)

North Albany Waste Water Pump Station
Reconfigured City of Albany Tract
City case file: LA 01-08

All of that City of Albany Tract described by deed recorded in M-59439 in the Benton County, Oregon Deed Records TOGETHERWITH a portion of Parcel 2 of Partition Plat 2006-31, a partition recorded in Benton County, Oregon which portion being more particularly described as follows:

Beginning at a 5/8 inch rod at the southeast corner of Parcel 2 of Partition Plat 2006-31, a partition recorded in Benton County, Oregon which point being on the westerly right-of-way line of Springhill Drive; thence North 75°32'07" West, along the south line of said Parcel 2, a distance of 40.50 feet; thence North 01°52'44" East 34.00 feet; thence South 88°16'39" East 66.00 feet to a point on the westerly right-of-way line of Springhill Drive; thence South 33°29'40" West 50.50 feet to the Point of Beginning. Containing 2089 square feet of land, more or less.

The basis of bearings for the above described property was established by said Partition Plat 2006-31.

Project 07-73
April 11, 2008





TO: Albany City Council

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

FROM: Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer *MWS*

DATE: September 11, 2008, for the September 24, 2008, City Council Meeting

SUBJECT: Engineer's Report for SS-07-03, Ellingson Road Sewer Extension Project

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

Action Requested:

For City Council review of the Engineer's Report and Financial Investigation. Staff recommends, if Council accepts the reports, that Council adopt the attached Resolution to set a public hearing for October 8, 2008.

Discussion:

Background

In October 2006 the City entered into a Development Agreement with SVC Manufacturing, Inc., the State of Oregon, and Linn County. The Development Agreement requires the City to complete sewer, water, and transportation improvements to facilitate the siting of the new manufacturing plant. This report deals only with the sewer improvement project. The Engineer's Report associated with the Local Improvement Districts (LIDs) for the water and transportation projects will be presented to Council at future dates. Attachment 1 is a schematic map that shows the location of the sewer improvements. These public improvements benefit the new plant as well as other properties adjacent to the sewer.

The proposed funding plan of the public infrastructure improvements constructed in association with the Development Agreement includes funds provided by the State of Oregon, Linn County, City System Development Charges as well as LID assessments levied against benefited properties.

Improvements

This project extended a 24-inch diameter sanitary sewer along Ellingson Road from the Union Pacific railroad tracks to the east end of the SVC and Wilt/Plemmons property frontage. This is a distance of approximately 2,100 feet. This sewer will provide service to both the SVC property and the property north and adjacent to Ellingson Road (Wilt/Plemmons property). This sewer can be extended in the future to accommodate development to the east. This sewer is identified in the City's Wastewater Facilities Plan. The Facility Plan identifies a 10-inch diameter sewer. SVC required a minimum sewer line size of 24-inch diameter per the Development Agreement.

Special Benefits and LID Boundaries

The City Council has broad discretion in determining LID boundaries and which properties receive a special benefit from a public improvement such as this. Staff has developed a proposed LID boundary and methodology to assess those specially benefited. The properties included in

the proposed boundary receive a special benefit from this project. Each of the properties have frontage along the sewer and can be served directly from the sewer extension.

Chapter 12 of the Albany Development Code outlines the responsibility of properties to make public infrastructure improvements to City standards and in conformance with the City's master plans. Based on these requirements, the properties within the LID boundary would be required to construct or participate in the construction of the sewer extension in order to develop.

Assessment Methodology

Staff proposes the use of a gross area methodology. In this methodology the gross areas of properties inside the LID boundary are used to determine the assessments. The use of gross area is an equitable methodology because it reflects the benefit each property receives for the sewer improvement. There are only two property owners involved in the LID. Both properties have the same amount of frontage on the sewer improvement. However, one property is much larger in area, providing greater development potential. Therefore, the sewer extension provides a greater benefit to this property owner.

Using gross area treats properties equitable. The SVC property will be assigned a benefit of its gross area even though large areas are being used for wetland mitigation. In this way, if portions of the other properties in the LID are required to be used for wetland mitigation or preservation they will have been treated the same as the SVC property is treated.

The Development Agreement identifies that the minimum sewer line size required to serve the SVC property is 24-inches. Since this is the minimum necessary to serve their development, the SVC property is not eligible for SDC credits for this over-sized line. However, the other property in the LID is eligible for SDC credits since the sewer line is larger than the minimum necessary to serve them. These SDC credits are deducted from the assessments assigned to the eligible properties

Attachment 2 is an assessment roll that summarizes the estimated assessments for each property.

Budget Impact:

The costs for the sewer improvements will be assessed to benefiting properties. The City will participate in the project costs with Sewer System Development Charges for a portion of the assessments against the Wilt/Plemmons property.

MWS:kw

Attachments: Map, Resolution, Assessment Roll, Financial Investigation

Sewer LID Boundary



Sewer LID

1 inch equals 600 feet

11S03W30 00200
WILT / PLEMNONS
52.30 Acres

New Sanitary Sewer

Ellingson Rd.

11S03W30 00311
SVC MANUFACTURING
50.07 Acres

11S03W30 00500
SVC MANUFACTURING
49.85 Acres

Allen Ln.

Highway 99E

Urban Growth Boundary

11S03W30 00700
SVC MANUFACTURING
92.66 Acres

11S03W30 01100
SVC MANUFACTURING
49.29 Acres

Urban Growth Boundary



Wednesday, April 18, 2002 9:13:00 AM
L:\Sewer\GIS\Eng\great\gh\CA\REVISED Sewer LID.mxd

Attachment 1

09/15/2008

Attachment 2 - Assessment Roll

SS-07-03, Ellingson Road Sanitary Sewer Extension LID

Estimated Project Cost \$439,000

Assessment per sq. ft. \$0.0346

Property Owner Name	Assessor's Map and Tax Lot	Area	Assessment	SDC Credit	Net Assessment
Wilt/Plemmons	11S-03W-30-00200	2,168,454	\$74,931	\$39,100	\$35,831
SVC Manufacturing	11S-03W-30-00311	2,181,049	\$75,367		\$75,367
SVC Manufacturing	11S-03W-30-00500	2,171,466	\$75,035		\$75,035
SVC Manufacturing	11S-03W-30-00700	4,036,270	\$139,474		\$139,474
SVC Manufacturing	11S-03W-30-01100	2,147,072	\$74,193	\$0	\$74,193
Totals		12,704,311	\$439,000	\$39,100	\$399,900

City SDC Contribution \$39,100

Total Project Costs \$439,000

FINANCIAL INVESTIGATION REPORT - SECTIONS 1 AND 2
SS-07-03, ELLINGSON ROAD SANITARY SEWER EXTENSION LID
(September 17, 2008)

OWNER OF RECORD	PROPERTY DESCRIPTION	% OF PROJECT	ESTIMATED TOTAL ASSESSMENT	BOND MAXIMUM	Assessed Valuation as of Sept. 2008 *****TRUE CASH VALUE 2007/2008*****			OTHER ASMNTS	ASMNT % TO TCV	10 YEAR MONTHLY PAYMT AT 6.55%
					LAND	IMPRVMTS	TOTAL			
William Wilt	11S-03W-30-00200 Site: Acreage	8.96%	\$35,831.00	\$4,857,360	\$2,428,680	\$0.00	\$2,428,680	\$0	1.48%	\$407.76
SVC Manufacturing	11S03W30 00311 Site: Acreage	18.85%	\$75,367.00	\$4,650,260	\$2,325,130	\$0.00	\$2,325,130	\$0	3.24%	\$857.68
SVC Manufacturing	11S03W30 00500 Site: Acreage	18.76%	\$75,035.00	\$4,629,820	\$2,314,910	\$0.00	\$2,314,910	\$0	3.24%	\$853.90
SVC Manufacturing	11S03W30 00700 Site: Acreage	34.88%	\$139,474.00	\$8,605,800	\$4,302,900	\$0.00	\$4,302,900	\$0	3.24%	\$1,587.22
SVC Manufacturing	11S03W30 01100 Site: Acreage	18.55%	\$74,193.00	\$4,577,800	\$2,288,900	\$0.00	\$2,288,900	\$0	3.24%	\$844.32
		100.00%	\$399,900.00							

FINANCIAL INVESTIGATION REPORT (Cont.)
SS-07-03, ELLINGSON ROAD SANITARY SEWER EXTENSION LID
(As of September 17, 2008)

Section 3. Number of similar properties 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-four 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.

We anticipate property values within the City to remain stable. Residential construction has been in a decline for the past nine months to one year. 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 to five 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. Attitude of property owners toward the project?

Property owners have a generally positive view of this project.

Section 9. Status of City's debt.

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

Section 10. 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 will pay 6.55 percent interest.

Section 11. General credit worthiness of property owners within the LID.

The estimated total assessments range from \$35,831 to \$139,474. The monthly payments on the proposed assessments *project* to range from \$407.76 to \$1,587.22 for ten years. The assessments will be adequately secured by the properties.

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE ENGINEER'S REPORT AND FINANCIAL INVESTIGATION REPORT FOR SS-07-03, INFRASTRUCTURE IMPROVEMENTS – ELLINGSON ROAD SEWER EXTENSION PROJECT.

WHEREAS, the Albany City Council directed by Resolution No. 5367 that an Engineer's Report and Financial Investigation Report be prepared for SS-07-03, Ellingson Road Sewer Extension project; 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 October 8, 2008, at 7:15 p.m. to consider the proposed project SS-07-03, Ellingson Road Sewer Extension project and that notices of the public hearing be in compliance with AMC Section 15.04.060.

DATED AND EFFECTIVE THIS 24TH DAY OF SEPTEMBER 2008.

Mayor

ATTEST:

City Clerk



TO: Albany City Council

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

FROM: Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer *MWS*

DATE: September 9, 2008, for the September 24, 2008, City Council Meeting

SUBJECT: ST-07-05, Pedestrian Island Installations

RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Staff recommends that Council authorize appropriation of \$40,000 of Street Capital and Restoration Reserves for the construction of pedestrian refuge islands.

Discussion:

On February 28, 2007, Council authorized grant match funding in the amount of \$15,000 from the Street Capital and Restoration Fund for the construction of pedestrian refuge islands on several streets throughout the city. The Oregon Department of Transportation provided a grant of \$65,000 for the construction of these islands.

Four pedestrian islands were identified in the grant for construction. To date, two islands have been completed, leaving two more islands yet to be constructed. Exhibit A is a map that shows the location of the islands and identifies which ones have been completed. Actual construction costs have risen significantly above the cost estimate developed in 2006 for the grant application. Therefore, the grant and City matching funds are not adequate to fund construction of all the pedestrian islands. Based on recent bid prices, staff estimates that completing the two remaining pedestrian islands will require an additional \$40,000.

The City annually budgets a Reserve in the Street Capital and Restoration Fund for use as matching funds for potential bicycle and pedestrian grant opportunities that arise during the fiscal year. There is a reserve of \$40,000 in the 2008-2009 budget. Staff recommends use of these reserves to fund installation of the remainder of the pedestrian islands. Although this would eliminate the City's ability to use these funds for matching a grant opportunity that might arise in this fiscal year, it is important to complete the pedestrian island project. These islands will provide a safety refuge for people crossing some of the busiest streets in Albany. In addition, past experience with ODOT indicates it is important to complete grant projects in order to be considered for future grant opportunities. Staff will continue to aggressively manage the project during construction to keep project costs to a minimum, and any remaining funds will be available for other bicycle-pedestrian related opportunities.

Budget Impact:

Approval of this request would result in appropriation of \$40,000 held in reserve in the Street Capital and Restoration Fund (250-50-2700) and an expenditure of the \$40,000 in the ODOT Pedestrian/Bike Improvement Grant Fund (203-50-5052).

MWS:prj
Attachments (2)

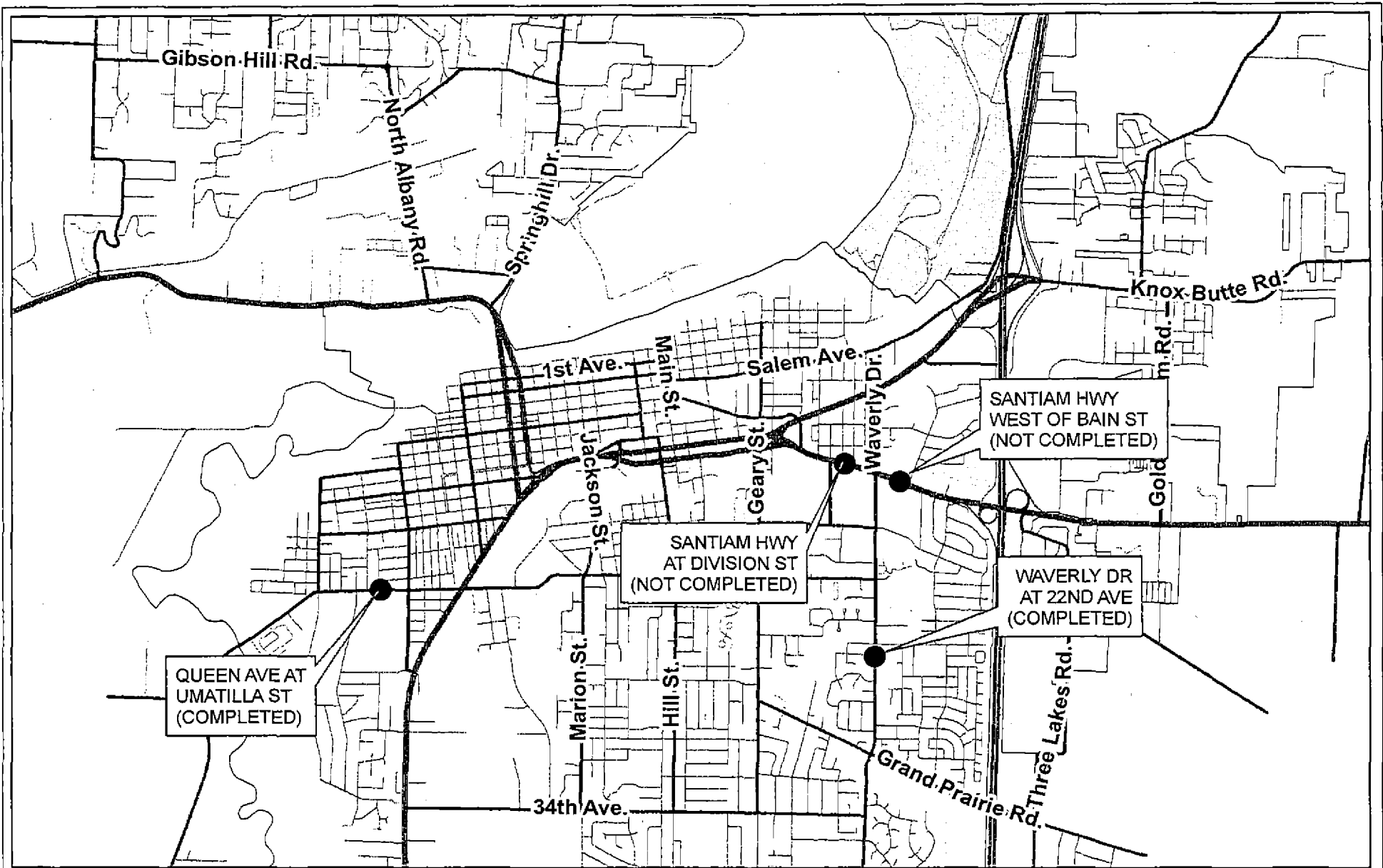
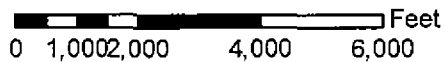


EXHIBIT A: PEDESTRIAN MEDIAN ISLAND LOCATIONS



RESOLUTION NO. _____

A RESOLUTION TRANSFERRING APPROPRIATION FOR ST-07-05, PEDESTRIAN ISLAND INSTALLATIONS.

WHEREAS, on February 28, 2007, the Council authorized an appropriation of \$15,000 from the Street Capital and Restoration Fund (250-50-2700) for grant matching funds for the construction of pedestrian refuge islands on several streets throughout the City; and,

WHEREAS, project costs have risen significantly higher than the project cost estimate developed in 2006; and

WHEREAS, additional funds are required if the project is to be completed as originally approved; and,

WHEREAS, Oregon Local Budget Law provides that a decrease of one existing appropriation and a corresponding increase of another existing appropriation may be made after enactment of a resolution or ordinance authorizing the transfer; and

WHEREAS, the resolution or ordinance must state the need for the transfer, the purpose of the expenditure, and the amount to be transferred (ORS 294.450(1)&(3)).

NOW, THEREFORE, BE IT RESOLVED, that the transfer of appropriation from the Street Capital and Restoration Fund (250-50-2700) to the ODOT Pedestrian/Bike Improvement Grant Fund (203-50-5052) is hereby approved as follows:

	Resources	Requirements
Street Fund		
250-50-2700-90013: Reserve Grant Matching Funds		(40,000)
250-50-2700-91238: To Bicycle & Pedestrian Improvement Grant		40,000
Grants Fund		
203-50-5052-49019 From Street Capital	40,000	
203-50-5052-85017 ST-07-05 Ped/Bike Improvements		40,000

DATED AND EFFECTIVE THIS 24 DAY OF SEPTEMBER 2008.

Mayor

ATTEST:

City Clerk

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, August 4, 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.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

There was no business from the public.

CITY MANAGER PERFORMANCE EVALUATION

Bedore feels that overall City Manager Wes Hare received a positive rating from the Council.

Bedore reviewed the comments on the City Manager Evaluation Summary (see agenda file).

- 1. *Communication with Council, including effective written and oral presentation and openness to Mayor and Council feedback or direction.*

Bedore said that when the Council asks for more information on a specific subject, it seems to take awhile for the City Manager's Office to get back to the Council. Hare explained the process the City Manager's Office uses to track those requests. He said it is helpful to staff if the Council gives a firm deadline. Also, the direction staff gets at the front end is useful in tracking down exactly what the Council is looking for.

Councilor Floyd Collins recalled that the Council used to receive a list of "pending issues". Councilor Jeff Christman suggested a quarterly review of the Strategic Plan.

Councilor Ralph Reid referred to the "Keeping Track" column, which appears in the Saturday and Sunday editions of the *Democrat-Herald*.

- 2. *Implementation of Council policy and assists Council in the development of annual and long-range goals.*

Reid said he is still waiting for staff to compile a long-range planning document. Bedore said if it is the consensus of the Council, staff can be directed to move forward on that project. Discussion followed. Staff will bring back possible dates for a discussion on this project.

Collins said he would like to see a long range strategic plan for financing options, to include the rate of growth versus services, debt repayment plans, etc. This will help to determine if we need a levy or not and illustrate our borrowing capabilities. It should project 5-10 years out, with the understanding that it would be an evolving and changing document. It is important to have a vision.

- 3. *Staff support for Council; anticipates and provides reports and recommendations as required by the Council.*

The Council rated Hare as meeting or exceeding standards in this area.

- 4. *Staff relations; demonstrates leadership and promotes professional staff performance.*

Bedore said that from his evaluation of the Director's reports, there is a great deal of respect for Hare, and when he is away from work there does not seem to be a gap in leadership because of the relationships he has built. Hare credited the seamlessness of his absences to the quality of the City's Directors. They are a very good team and they make his job easier. Collins said, it also demonstrates that staff understands the direction the Council is headed.

Reid is disappointed in the dissolution of the Economic Development Department. He thinks the transition could have been smoother. Hare agreed it was a difficult transition which involved a balance of professional and personal aspects.

Collins said that in the past, he has witnessed hard feelings when a Council does not proceed with a City Manager's solution. However he does not see Hare taking it personally in such scenarios, although Hare does make the Council aware of the consequences of their decisions. Collins appreciates that.

5. *Financial planning and administration; prepares and administers annual budget, which maintains a multiyear vision.*

The Council likes the new Budget document format. Hare credited Finance Director Stewart Taylor and the Finance Department.

6. *Personal and professional development; strives to maintain current knowledge and skill sets.*

Hare explained the ICMA accreditation program he is in.

7. a) *Effective delivery of City services.*

The Council rated Hare as meeting or exceeding standards in this area.

Collins said the Building Exceptional Service Together (BEST) Program is impressive and will benefit citizens short-term and long-term.

Councilor Bessie Johnson thinks the City should print the gallons of water used on the utility bills and also, implement an equal-pay program for the utility bills. Hare said the Utility Billing Department is getting new software which may be able to accommodate Johnson's suggestion.

Johnson asked Hare, how do you prefer we present our suggestions? Should we approach you or the departmental directors? Hare said it is easier for staff to prioritize items if they come from one source, so the Council should go to him with suggestions.

- b) *Effective delivery of community relations.*

Bedore thinks the Human Relations Commission is a good start. Also, Hare's efforts have led to improved communication with property owners along the Albany-Santiam Canal, so it is no longer difficult for City employees to gain canal access. Hare commended Public Works Director Diane Taniguchi-Dennis for working through disagreements constructively with citizens.

8. *Intergovernmental relationships at the state and local levels.*

Johnson said she has heard from Linn County and the school district that they enjoy working with Hare because he is easy to get along with and is very knowledgeable. Reid agreed and said there has been a marked improvement in relationships with other agencies, and the success of the Albany-Millersburg Water Treatment Plant is a great example. Collins commented that it is unlikely there is a government entity that can operate alone in the current climate; the City must leverage each others' strengths and fill the gap in weaknesses, for the greater good of the community.

9. *Overall evaluation of City Manager's performance.*

All seven Councilors rated Hare as satisfactory.

Councilor Sharon Konopa said that even with a cost-of-living adjustment (COLA) of 4.3 percent, the City Manager salary would still be under the market average. From her experience with the recruitment at the Council of Governments Executive Director position, she understands that it is difficult to recruit for high level positions using just the market average. Bedore agreed and suggested that the City Manager salary range be reevaluated with the goal to have it more closely reflect the true market. Discussion followed about conducting a competitive salary survey of other key positions in the City, so that the City does not lose key staff to other agencies offering higher compensation. Hare said the Human Resources Department conducts regular salary surveys which include director level positions.

MOTION: Johnson moved to approve a 4.3 percent cost-of-living adjustment (COLA) for the City Manager position to be consistent with the COLA received by non-bargaining and executive employees. Konopa seconded it and it passed 6-0.

LEAGUE REQUEST -- ALBANY'S TOP FOUR LEGISLATIVE PRIORITIES FOR 2009

The Council selected Albany's top four choices for representation by the League of Oregon Cities in the next legislative session:

1. Support a city transportation package for preservation funding shortfall.
2. Initiate legislation to ensure that cities may collect franchise fees from all electricity and telecommunication providers that utilize city owned rights-of-ways.
3. Pursue legislation that ensures city leaders are represented on the governance structure of the Oregon Wireless Interoperability Network and advocate for a funding level that will allow all public safety first-responders to communicate seamlessly.
4. Serve the mentally ill with discussion of centralized versus decentralized care (This item was not on the LOC list; the Councilors decided to add it).

COUNCILOR COMMENTS

Councilor Dick Olsen said his neighbor had a problem with their sewer line and he found out that the Public Works Department has funds set aside to help residents. He thinks it is very positive that funds are available for situations such as this.

Bedore said he received a call from a woman who wanted to know why the City plans to pay so much more for laptops for the Councilors than she paid for a laptop for her son. Information Technology Director Jorge Salinas said that the City uses government pricing under Dell's state contract. Software, features, and user requirements also drive up the price. Based on today's prices, it costs approximately \$1162 for a business class laptop (Model Latitude 830) with a three years' extended warranty and \$470 for required business software. Also, the City must pay for each client access license (CALs) for SQL databases, Exchange and Windows server. We use Microsoft Office professional which has a higher price tag than the student or home version.

Collins asked, are there different levels of laptops purchased for staff? Salinas said yes; for example, Engineering staff that uses computer aided design software (CAD) requires a higher performance laptop or desktops. Salinas said IT tries to match the users' need with the price of machine and buys extended warranties and services.

CITY MANAGER COMMENTS

Hare said a medical patient that used to live in Albany moved to Millersburg and was surprised to learn that Call-a-Ride does not service Millersburg. The Millersburg City Council is considering receiving Call-a-Ride service, so they have scheduled the topic to be discussed at an August meeting. In the meantime Albany staff will decide a price per-mile for services. Our goal is to protect Albany services but at the same time see if we can help patients by working with neighboring governments.

Reid explained how the program works. They need more drivers and dispatchers. They advertise in *Generations* and the *Democrat-Herald*. The drivers of wheel chair accessible vehicles are paid but the dispatchers are volunteer positions. City staff will also run an advertisement in *City Bridges* to ask for volunteers.

ADJOURNMENT

There being no other business, the Work Session adjourned at 5:37 p.m.

Respectfully submitted,

Mary A. Dibble, CMC
Deputy City Clerk

Reviewed by,

Stewart Taylor
Finance Director

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CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, August 11, 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

Tanya Kramer, 2975 Highway 20 NE, has three issues to discuss: guard rails, a stagnant creek, and citations.

Kramer said there have been three fatalities due to traffic accidents on "dead man's curve." She said the article in the *Democrat-Herald* blamed the accidents on "the pond". It is not a pond, but a slough that runs from Thornton Lake underneath the road. She talked to ODOT, the Albany Police Department, and the City Manager's Office and was told by all three that there would have to be some kind of agreement to put up guard rails. She has called ODOT three times about a memorial on the road because when the balloons fly up, trucks hit their brakes, creating a dangerous situation. The memorial should be removed; she is sympathetic to the family, but it is dangerous. The neighbors do not allow any signs to be posted because it is a distraction to drivers.

Kramer said the *Democrat-Herald* was at the site today. ODOT said that the creek is the possession of the property owners so they are responsible to clean it up. If the neighbors clean it, they would be trespassing. Kramer said she has six horses and her neighbor has three horses. With stagnant water and the West Nile virus carried by mosquitoes, Albany could potentially be in trouble. There is a lot of scum on the surface which is a big concern.

Kramer said her final concern is that there is an arsonist at the Operation Icebreaker property at 3083 Highway 20 NW. The Fire Department has been called eleven times and the occupant was cited for three of the calls. Our taxpayer dollars can't pay for other things, and if North Albany catches on fire we are in trouble. She has three fields which are totally brown and if the neighbor continues setting fires outside, there could be a major fire. She talked to her insurance carrier. The fire district has no control over the area and cannot issue citations. Albany Police Department cannot either. They got together with the District Attorney to try to pass a law so that if a person is in a non-burn area, they get a citation. She said the neighborhood needs the Council's help with the Thornton Lake slough.

Councilor Dick Olsen arrived at 4:03 p.m.

City Manager Wes Hare said he is aware of most of the issues Kramer referred to, except the creek. The guardrail warrants conversation with ODOT. There have been citations issued for the fires; he will look into what the ordinance requires.

City Attorney Jim Delapoer clarified that his office, not the District Attorney, is pursuing the charges.

LIBRARY UPDATE

Library Director Ed Gallagher introduced Architect Paul Frankenberger. The City's webpage has a slideshow of the progress of the Library project which is updated weekly. Gallagher invited the Council to visit the site.

Frankenberger said the project is going well. It was awarded at \$2 million and is at about \$540,000 so far. He is feeling good about the project and the contractor. The completion date is the end of January 2009.

USE OF SEWER ECONOMIC DEVELOPMENT FUNDS

Utility Engineer Chip Ullstad said National Frozen Foods (NFF) has requested funding assistance for an evaluation of wastewater treatment options to better meet their needs and potentially the needs of other existing and future industrial customers. CH2M-Hill will conduct the study for about \$46,000. Staff recommends this is a proactive effort to retain existing industry and securing future industries. Formal Council action is scheduled for the Council meeting on August 13, 2008.

Councilor Sharon Konopa thinks this is a worthwhile project and anything that can be done to help reduce the load on the Wastewater Treatment Plant (WWTP) should be supported. She asked, will Oremet be able to utilize the options as well? Ullstad said probably not, because the characteristics of their wastewater are different from NFF. Konopa said she heard that the poplar trees Oremet is using to mitigate environmental impact may not be working. Ullstad is not sure of the status of that project, but he said that Oremet has paid System Development Charges based on full discharge to the City's wastewater system.

Konopa appreciates that NFF will often hire people that can't get jobs elsewhere. It is fulfilling a need for the community.

Olsen asked, does NFF have a high biosolids discharge (BOD)? Ullstad said yes, especially with corn and squash processing.

Public Works Director Diane Taniguchi-Dennis said NFF leases a portion of the land used for irrigation of their process effluent. As the development extends to the southern part of the Urban Growth Boundary (UGB) in this area, leasing of agricultural property immediately south of the UGB has become more difficult. In 2003 NFF started the process to renew their lease for property historically used for spray irrigation. NFF is on the last two years of their lease extension and it will be problematic if they are unable to continue to use this site for spray irrigation. In 2007, they started to study wastewater treatment options and began discussion with the Department of Environmental Quality about the feasibility of those options.

Councilor Floyd Collins said, this is an opportunity to be proactive. Usually as a government the City simply reacts to supply and demand, but in this case the City can evaluate at the front end efficient ways to offload the amount of wastewater going to the WWTP. He fully supports the request.

OREGON GOVERNMENT ETHICS LAW TRAINING

Tammy Headrick of the Oregon Government Ethics Commission distributed a handout (see agenda file). Headrick said Councilors are unique public officials because they have additional financial disclosures required in annual and quarterly statements. She is traveling throughout Oregon to educate and train public officials about the new ethics laws.

Headrick started a PowerPoint presentation (see agenda file).

Headrick suggested having an Oregon Attorney General Public Meetings and Records Manual available for all Executive Sessions, as Executive Session violations is one of the most common complaints her office receives. The other frequent complaint is about prohibited use.

Headrick said many of the areas discussed today will be revisited during the 2009 legislative session. Discussion followed.

Delapoe suggested that the Council and staff begin to use the City Manager's Office staff as a clearing house for invitations they receive. The benefit would be that as an organization, the City would become more educated and if a Councilor did get questioned for a possible ethics violation, there would be a paper trail which could substantially mitigate a fine. Discussion followed.

COUNCILOR COMMENTS

Konopa asked, is street sweeping done in-house? Hare said currently it is not, but staff is looking into that option. Collins said that having clean streets falls under a general governmental purpose, so perhaps the City should not be limited to funding from street sources. Public safety, appearance, etc. are also necessary in addition to maintenance. Also, ODOT should be paying a proportionate share for Albany streets. Staff's analysis should have costs fully defined for different service levels. ODOT was reimbursing Corvallis for street sweeping at three times the rate they were reimbursing Albany.

Konopa thinks the streets should be swept at least once a month.

Olsen said he attended a picnic at Grand Prairie Park on Sunday. He is concerned that the water flow through the creek and lake was very low. Staff thinks it may be because the siphon was being turned on and off. Staff will look into it.

Councilor Bessie Johnson encouraged the Council to write to their representatives about the new ethics laws, especially about having to list relatives on applications. Several Commission and Committee members have resigned due to these new requirements.

Bedore attended the League of Oregon Cities meeting on telecommunication. Cities revenues are declining as landlines decrease and cell phone usage increases. The phone company pays most of the right-of-way fees, while cell phones which are plugged into phone lines do not pay. The proposed solution is a tax on gross revenues for all telecommunications. It is intended to be revenue-neutral for cities. The goal is not to increase revenues but to protect the revenues we have now. The proposal will be introduced not in this legislative session, but the next one.

CITY MANAGER REPORT

Hare will be at a "Big Look" meeting in Madras on Friday.

Albany City Council Work Session
Monday, August 11, 2008

ADJOURNMENT

There being no other business, the Work Session adjourned at 5:59 p.m.

Respectfully submitted,

Mary A. Dibble, CMC
Deputy City Clerk

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Reviewed by,

Stewart Taylor
Finance Director



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Ed Hodney, Director of Parks and Recreation
DATE: September 17, 2008, for the September 24, 2008 City Council Meeting
SUBJECT: MDU Resources Foundation Grant Application for 2009 River Rhythms Concert Series
RELATES TO STRATEGIC PLAN THEME: • An Effective Government
• Great Neighborhoods

RELATES TO:

Action Requested:

Approve a resolution authorizing an application to the MDU Resources Foundation for funding for general operating support of the 2009 River Rhythms Concert Series and authorizing the Parks and Recreation Director to sign the application.

Discussion:

Knife River (formerly Morse Bros., Inc.), an MDU Resources Company, has been a supporter and major sponsor of the River Rhythms concert series since 1986. For many years, Morse Bros., Inc. would sponsor the event out of their marketing budget. When Morse Bros., Inc. became Knife River, the company asked that all organizations seeking monetary donations for events and programs fill out grant applications through the MDU Resources Foundation.

Staff would like to seek funding in the amount of \$3,500 from the MDU Resources Foundation, the charitable and giving arm of MDU Resources Companies, locally Knife River. The intent of the Foundation is to provide financial support to programs and projects that benefit the community.

In order to take full advantage of this funding opportunity, the Parks and Recreation Department will need to meet an October 1, 2008 application deadline. If awarded, grant funding would be available after April 15, 2009.

Budget Impact:

None

Attachments: Resolution

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF ALBANY PARKS AND RECREATION DEPARTMENT TO APPLY FOR A GRANT FROM MDU RESOURCES FOUNDATION FOR GENERAL OPERATING SUPPORT OF THE 2009 RIVER RHYTHMS CONCERT SERIES AND AUTHORIZING THE PARKS AND RECREATION DIRECTOR TO SIGN THE APPLICATION.

WHEREAS, the MDU Resources Foundation is accepting grant applications for programs that benefit the community; and

WHEREAS, the City of Albany Parks and Recreation Department desires to participate in this grant program to the greatest extent possible as a means of providing general operating support for the 2009 River Rhythms concert series; and

WHEREAS, the MDU Resources Foundation, locally Knife River and formerly Morse Bros., Inc., has provided an annual donation for the River Rhythms concert series since 1986; and

WHEREAS, the City of Albany Parks and Recreation Commission, City Council, and staff have identified the River Rhythms Concert Series as a recreational program that improves the quality of life for the citizens of Albany and surrounding communities; and

NOW THEREFORE BE IT RESOLVED, that the City of Albany Parks and Recreation Department is authorized to apply for a general operating grant from the MDU Resources Foundation for the 2009 River Rhythms concert series.

DATED AND EFFECTIVE THIS 24th DAY OF SEPTEMBER 2008.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Ed Hodney, Director of Parks and Recreation *EJH*
DATE: September 17, 2008, for the September 24, 2008 City Council Meeting
SUBJECT: James F. and Marion L. Miller Foundation Grant Application for 2009 Children's Performing Arts Series
RELATES TO STRATEGIC PLAN THEME: ● An Effective Government
● Great Neighborhoods

RELATES TO:

Action Requested:

Approve a resolution authorizing an application to the James F. and Marion L. Miller Foundation for funding for support of the 2009 Children's Performing Arts Series and authorizing the Parks and Recreation Director to sign the application.

Discussion:

The intention of the James F. and Marion L. Miller Foundation is to contribute to organizations for projects that advance the arts or education in Oregon.

The Children's Performing Arts Series, created in 1987 to enrich the lives of school-aged children, has been bringing performers and artisans to the citizens and elementary schools of Albany, providing the community with a chance to be entertained, engaged, and educated while they experience diverse cultures and performing arts. As the costs for quality performers continue to rise, it has become increasingly necessary to search out additional sources of funding, including private foundations.

Staff would like to seek funding in the amount of \$5,000 from the James F. and Marion L. Miller Foundation. In order to take full advantage of this funding opportunity, the Parks and Recreation Department will need to submit an application in a timely manner. If awarded, grant funding would be available during FY 2008-09.

Budget Impact:

None.

Attachments: Resolution

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF ALBANY PARKS AND RECREATION DEPARTMENT TO APPLY FOR A GRANT FROM THE JAMES F. AND MARION L. MILLER FOUNDATION FOR SUPPORT OF THE 2009 CHILDREN'S PERFORMING ARTS SERIES AND AUTHORIZING THE PARKS AND RECREATION DIRECTOR TO SIGN THE APPLICATION.

WHEREAS, the James F. and Marion L. Miller Foundation is accepting grant applications for programs and projects that advance the arts or education in Oregon; and

WHEREAS, the City of Albany Parks and Recreation Department desires to participate in this grant program to the greatest extent possible as a means of providing support for the 2009 Children's Performing Arts Series; and

WHEREAS, the City of Albany Parks and Recreation Commission, City Council, and staff have identified the Children's Performing Arts Series as a recreational program that improves the quality of life for the children and families of Albany; and

NOW THEREFORE BE IT RESOLVED, that the City of Albany Parks and Recreation Department is authorized to apply for a grant from the James F. and Marion L. Miller Foundation to support the 2009 Children's Performing Arts Series.

DATED AND EFFECTIVE THIS 24th DAY OF SEPTEMBER 2008.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Ed Hodney, Director of Parks and Recreation
DATE: September 17, 2008, for the September 24, 2008 City Council Meeting
SUBJECT: Ann & Bill Swindells Charitable Trust Grant Application for 2009 Children's Performing Arts Series
RELATES TO STRATEGIC PLAN THEME: ● An Effective Government
● Great Neighborhoods

RELATES TO:

Action Requested:

Approve a resolution authorizing an application to the Ann & Bill Swindells Charitable Trust for funding for support of the 2009 Children's Performing Arts Series and authorizing the Parks and Recreation Director to sign the application.

Discussion:

The intention of the Ann & Bill Swindells Charitable Trust is to contribute to organizations whose principal mission is to improve the quality of life of the citizens of Oregon by responding to proposals that are submitted in support of education, arts, culture, civic, and social services.

The Children's Performing Arts Series, created in 1987 to enrich the lives of school-aged children, has been bringing performers and artisans to the citizens and elementary schools of Albany, providing the community with a chance to be entertained, engaged, and educated while they experience diverse cultures and performing arts. As the costs for quality performers continue to rise, it has become increasingly necessary to search out additional sources of funding, including private foundations.

Staff would like to seek funding in the amount of \$5,000 from the Ann & Bill Swindells Charitable Trust.

In order to take full advantage of this funding opportunity, the Parks and Recreation Department will need to meet an October 1, 2008 application deadline. If awarded, grant funding would be available after the November 1, 2008 quarterly meeting of trustees.

Budget Impact:

None.

Attachments: Resolution

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF ALBANY PARKS AND RECREATION DEPARTMENT TO APPLY FOR A GRANT FROM THE ANN & BILL SWINDELLS CHARITABLE TRUST FOR SUPPORT OF THE 2009 CHILDREN'S PERFORMING ARTS SERIES AND AUTHORIZING THE PARKS AND RECREATION DIRECTOR TO SIGN THE APPLICATION.

WHEREAS, the Ann & Bill Swindells Charitable Trust is accepting grant applications for programs that improve the quality of life for the citizens of Oregon through educational, cultural and scientific activities; and

WHEREAS, the City of Albany Parks and Recreation Department desires to participate in this grant program to the greatest extent possible as a means of providing support for the 2009 Children's Performing Arts Series; and

WHEREAS, the City of Albany Parks and Recreation Commission, City Council, and staff have identified the Children's Performing Arts Series as a recreational program that improves the quality of life for the children and families of Albany; and

NOW THEREFORE BE IT REOLVED, that the City of Albany Parks and Recreation Department is authorized to apply for a grant from the Ann & Bill Swindells Charitable Trust to support the 2009 Children's Performing Arts Series.

DATED AND EFFECTIVE THIS 24th DAY OF SEPTEMBER 2008.

Mayor

ATTEST:

City Clerk



TO: Albany City Council

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

FROM: Guy Mayes, Airport and Transit Manager *GM*
Ted Frazier, Transit Programs Supervisor

DATE: September 8, 2008, for the September 24, 2008, City Council Meeting

SUBJECT: Acceptance of Addendum #4 to the 2008-2009 City of Corvallis Intergovernmental Agreement for the Linn-Benton Loop Transit System Operating Funds

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

Action Requested:

Staff recommends that the City Council accept the 2008-2009 City of Corvallis Intergovernmental Agreement for the Linn-Benton Loop Transit System (Loop) operating funds by adopting the attached resolution and authorizing the Public Works Director to sign the agreement on behalf of the City.

Discussion:

The Loop applied to the City of Corvallis for \$16,500 annual operating fund support for fiscal year 2008-2009. To provide this support, the City of Corvallis requires that the agreement addendum be executed.

The agreement is effective July 1, 2008, and continues until June 30, 2009, at which time it may be extended by mutual agreement for up to two 1-year periods for a maximum duration of five years, sunseting in 2009. Funding for subsequent years shall be reviewed on an annual basis and shall be adjusted annually by mutual agreement.

A copy of the original signed agreement is attached.

Budget Impact:

City of Corvallis operating support in the amount of \$16,500 is budgeted in the 2008-2009 Loop (213-16-1107) budget.

TF:rr
Attachments

**ADDENDUM #4
TO THE INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF CORVALLIS AND THE CITY OF ALBANY
FOR LINN-BENTON LOOP TRANSIT SERVICE**

This amendment is entered into this 29th day of July, 2008, between the City of Corvallis, a municipal corporation of the State of Oregon, hereinafter called "City" and the City of Albany, a municipal corporation of the State of Oregon, hereinafter called "Albany."

- 1 The parties agree to modify the original agreement dated September 1, 2004, as follows:
 - 1.1 This amendment exercises the second of two available one-year extension options.
 - 1.2 The compensation for Fiscal Year 2008-2009 shall be \$16,500.00, effective July 1, 2008.
 - 1.3 Payment shall be made by City in one lump sum within 30 days of receipt of invoice from Albany.
- 2 All other terms and conditions in the original agreement remain as originally identified or previously amended.

IN WITNESS WHEREOF, the parties have herewith executed their signatures.

CITY OF CORVALLIS:

CITY OF ALBANY:

Jon Nelson, City Manager

Printed Name and Title

Approved as to Form:

Approved as to Form:

City of Corvallis Attorney

City of Albany Attorney

City of Corvallis/City of Albany Agency
Intergovernmental Agreement
for Linn-Benton Loop Transit Service

COPY

The CITY OF CORVALLIS, a municipal corporation of the State of Oregon, hereinafter referred to as CORVALLIS, and the CITY OF ALBANY, a municipal corporation of the State of Oregon, hereinafter referred to as ALBANY, and jointly referred to as PARTIES, or individually as a PARTY, mutually agree as follows:

All notifications necessary under this contract shall be addressed to:

City of Corvallis
Attention: Michelle Rhoads
PO Box 1083
Corvallis, OR 97339-1083
Telephone 541-766-6916

Contractor name
Attention: Edna Campau
PO Box 490
Albany, OR 97321
Telephone 541-917-7606

WHEREAS, ALBANY is the operator of the Linn-Benton Loop Transit System, which provides an economical, effective, and responsive public transit system between ALBANY and CORVALLIS; and

WHEREAS, the Linn-Benton Loop is a cooperative effort of the cities of Albany and Corvallis, Linn-Benton Community College, Benton County, and Linn County; and

WHEREAS, CORVALLIS desires to continue to participate in this cooperative effort to provide a transportation alternative for Corvallis residents desiring to travel to Albany and Linn-Benton Community College;

NOW, THEREFORE, the parties agree as follows:

1 TERM:

- 1.1 CORVALLIS and ALBANY agree that this intergovernmental agreement is entered into pursuant to ORS 190.010. It is the intent of the PARTIES that this agreement be effective as of the date it is fully executed and that it continue until June 30, 2007.
- 1.2 This agreement may be extended by mutual agreement for up to two one-year periods with the maximum duration of this agreement being a five-year period ending June 30, 2009.
- 1.3 As this agreement covers multiple fiscal years, CORVALLIS or ALBANY funding for future years is contingent upon governing body adoption of appropriations.

2 COMPENSATION

- 2.1 CORVALLIS shall pay \$14,600.00 to ALBANY in twelve equal monthly payments during the first year of this agreement July 1, 2004 through June 30, 2005. Compensation to ALBANY in subsequent years shall be reviewed by the City on an annual basis and by mutual agreement of the parties, said compensation may be adjusted annually to reflect current costs.
- 2.2 ALBANY shall use these funds to offset operating expenses of the Linn-Benton Loop Transit System.

2.3 CORVALLIS through this payment becomes a member of the Linn-Benton Loop Transit Commission; and the rules for that Commission are attached hereto as Exhibit A and by this reference are incorporated into and made a part of this agreement.

3 PARTIES agree as follows:

- 3.1 The PARTIES intend that, in performing this agreement, each shall act as an independent contractor and shall have the control of the work and the manner in which it is performed. Neither CORVALLIS nor ALBANY is to be considered an agent or employee of the other.
- 3.2 Subject to the limitations and conditions of the Oregon Tort Claims Act ORS 30.260-30.300, each party agrees to hold the other harmless, to indemnify and to defend the other, its officers, agents, volunteers and employees from any and all liability, actions, claims, losses, damages or other costs including attorneys fees and witness costs that may be asserted by any person or entity arising from, during, or in connection with the performance of the work described in this agreement, when such liability, action, claim, loss, damage or other cost results from the actions of that party in the course of this agreement. Nothing in this agreement shall be deemed to create a liability for any party in excess of the Oregon Tort claims limits for either party.
- 3.3 ALBANY shall provide insurance as indicated:
 - 3.3.1 Workers' compensation insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers.
 - 3.3.2 General Liability insurance with a combined single limit, or the equivalent, of not less than \$1,000,000 each claim, incident, or occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this contract, and shall be in a form at least as broad as Commercial General Liability ISO form CG 0001. It shall provide that CITY OF CORVALLIS and its officers and employees are Additional Insureds, but only with respect to the Contractor's services to be provided under this contract.
 - 3.3.3 Automobile Liability insurance with a combined single limit, or the equivalent, of not less than \$1,000,000 each accident for Bodily Injury and Property Damage, including coverage for owned, hired, or non-owned vehicles, as applicable.
- 3.4 Each insurance endorsement shall state that coverage shall not be suspended, voided, or canceled by either party, reduced in coverage or in material limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to CORVALLIS.
- 3.5 ALBANY shall furnish acceptable insurance certificates to CORVALLIS with original endorsements for each insurance policy signed by a person authorized by that insurer to bind coverage on its behalf. Certificates will be received and approved by CORVALLIS prior to its issuance of a Notice to Proceed. The certificate shall specify the CITY OF CORVALLIS and its officers, agents, employees and volunteers are Additional Insured as respects to the work under the contract. Insuring companies or entities are subject to CORVALLIS acceptance. ALBANY shall be financially responsible for all pertinent deductibles, self-insured retention and/or

self-insurance. All such deductibles, retention, or self-insurance must be declared to, and approved by, City.

- 4 This agreement shall not be assigned, nor shall duties under this agreement be delegated, and no assignment or delegation shall be of any force or effect without the written approval of the contracting officers of ALBANY and CORVALLIS.
- 5 Either PARTY may terminate this agreement effective June 30 of any year, provided that the terminating PARTY provides the non-terminating PARTY with a thirty (30) day written notice of the date and year in which the termination will be effective. PARTIES may, by mutual written consent only, agree to terminate this agreement effective on another date.
- 6 PARTIES shall comply with all applicable federal, state and local laws, rules and regulations on nondiscrimination in employment. The parties agree not to discriminate on the basis of race, religion, sex, color, national origin, family status, marital status, sexual orientation, age, source of income, or mental or physical disability in the performance of this agreement.
- 7 PARTIES shall comply with the Americans with Disabilities Act of 1990 (Pub. Law No. 101-336), ORS 30.670 to ORS 30.685, ORS 659.425, ORS 659.430, and all regulations and administrative rules established pursuant to those laws.
- 8 LIVING WAGE: LIVING WAGE: ALBANY agrees to comply with Corvallis Municipal Code chapter 1.25 establishing and implementing the Living Wage. CORVALLIS may terminate this agreement at any time if ALBANY is found to be in violation of the Living Wage Ordinance and does not correct the violation consistent with section 1.25.090 of the Corvallis Municipal Code.

ALBANY agrees to keep payroll records for employees working on CORVALLIS's agreement and to provide those records to CORVALLIS if requested in accordance with section 1.25.070 of the Corvallis Municipal Code. ALBANY agrees to post the information provided by CORVALLIS about the Living Wage in a location where employees are likely to see the information. ALBANY also agrees to give each employee working on CORVALLIS business information provided by CORVALLIS about the Living Wage. ALBANY will notify CORVALLIS if he/she needs the information provided in a language other than English.

- 9 This writing is intended both as the final expression of the agreement between the PARTIES with respect to the included terms and as a complete and exclusive statement of the terms of the agreement. No modification of this agreement shall be effective unless and until it is made in writing and signed by both PARTIES.

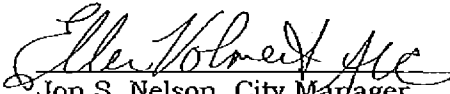
Dated this 1st day of September, 2004.

City of Albany

City of Corvallis



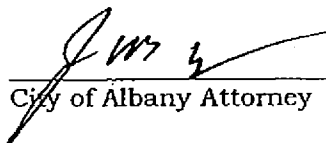
Steve Bryant, City Manager



Jon S. Nelson, City Manager

Approved as to form:

Approved as to form:



City of Albany Attorney



Corvallis City Attorney

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE 2008-2009 ADDENDUM #4 TO THE CITY OF CORVALLIS INTERGOVERNMENTAL AGREEMENT FOR THE LINN-BENTON LOOP TRANSIT SYSTEM FUNDING

WHEREAS, the City of Corvallis has submitted the 2008-2009 funding support agreement addendum #4 for the Linn-Benton Loop Transit System; and

WHEREAS, the agreement is renewable annually for one-year terms with a maximum duration of five years ending in 2009; and

WHEREAS, the City of Albany is the service provider for the Linn-Benton Loop Transit System.

NOW, THEREFORE, BE IT RESOLVED that the City of Albany accepts the City of Corvallis funding support agreement in the amount of \$16,500 for operating expenses for the Linn-Benton Loop Transit System for fiscal year 2008-2009 with the provision for review and funding adjustments in succeeding years; and

BE IT FURTHER RESOLVED that the City Council of the City of Albany, Oregon, accepts these funds and authorizes the Public Works Director to execute the agreement and conditions for their acceptance.

DATED AND EFFECTIVE THIS 24th DAY OF SEPTEMBER 2008.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

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

Grantor

City of Albany

Purpose

Converting 4 Barrier Strips in the 1964 Eastgate Park Subdivision into Right-of-way. The City recently acquired the barrier strips from Linn County.

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

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

DATED AND EFFECTIVE THIS 24TH DAY OF SEPTEMBER 2008.

Mayor

ATTEST:

City Clerk

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS, that City of Albany, hereinafter referred to as Grantor, hereby dedicate to the City of Albany, a Municipal Corporation, hereinafter called "City" for right-of-way purposes, all that real property situated in Linn County, Oregon, conveyed to Grantors by deed recorded in Linn County Deed Records 2007-22823, and being more particularly described as follows:

Four 1.00 foot wide strips of land in Section 9 of Township 11 South in Range 3 West of Willamette Meridian, City of Albany, Linn County, Oregon as described in the attached Exhibit A and as shown on the attached map labeled Exhibit B.

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 \$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.

IN WITNESS WHEREOF, the Grantor has hereunto affixed their signature this _____ day of _____, 2008.

GRANTOR:

City Of Albany

Wes Hare, City Manager

Stewart Taylor, Finance Director

STATE OF OREGON)
County of _____) ss.
City of _____)

STATE OF OREGON)
County of _____) ss.
City of _____)

The instrument was acknowledged before me
this

The instrument was acknowledged before me
this

_____ day
of _____, 2008,

_____ day of
_____, 2008,

By: Wes Hare, City Manager, as a representative
of the City Of Albany.

by: Stewart Taylor, Finance Director, as a
representative of the City Of Albany.

Notary Public for Oregon
My Commission Expires: _____

Notary Public for Oregon
My Commission Expires: _____

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 Recorder

Exhibit A

Legal Descriptions for four 1-foot wide barrier strips in Eastgate Park Subdivision

Barrier Strip 1 – Assessor Map 11-03W-9CB, TL 799. A 1-foot barrier strip located along the Westerly end of 17th Avenue, as shown on the Eastgate Park Subdivision Plat, Linn County, Oregon. Recorded in Linn County Records, Book of Plats, Volume 12, Page 50.

Barrier Strip 2 – Assessor Map 11-03W-9CB, TL 1099. A 1-foot barrier strip located along the Westerly end of 16th Avenue, as shown on the Eastgate Park Subdivision Plat, Linn County, Oregon. Recorded in Linn County Records, Book of Plats, Volume 12, Page 50.

Barrier Strip 3 – Assessor Map 11-03W-9CB, TL 800. A 1-foot barrier strip located at the South end of Lehigh Way, as shown on the Eastgate Park Subdivision Plat, Linn County, Oregon. Recorded in Linn County Records, Book of Plats, Volume 12, Page 50.

Barrier Strip 4 – Assessor Map 11-03W-9CB, TL 900. A 1-foot barrier strip located at the South end of Center Street, as shown on the Eastgate Park Subdivision Plat, Linn County, Oregon. Recorded in Linn County Records, Book of Plats, Volume 12, Page 50.

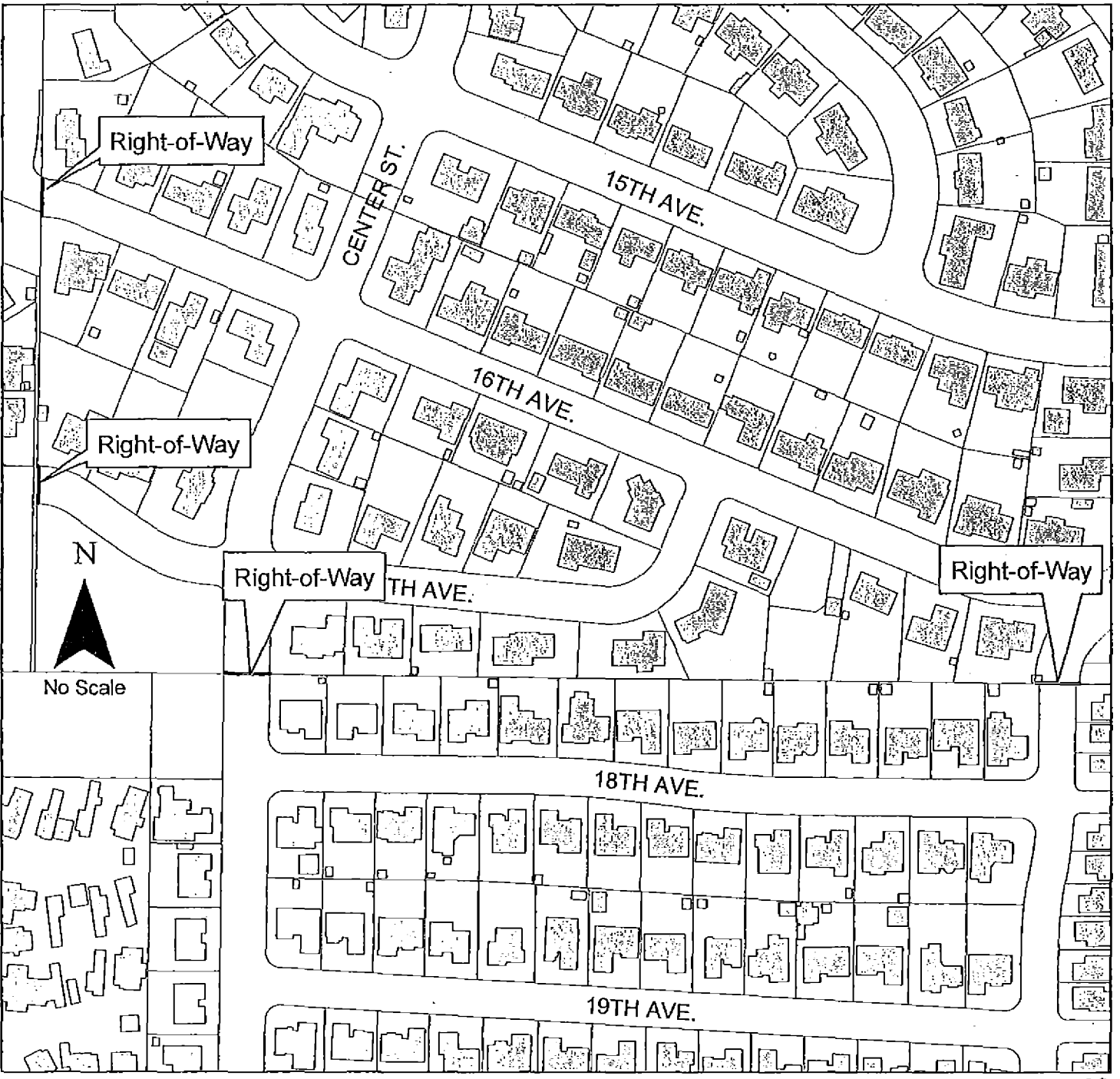
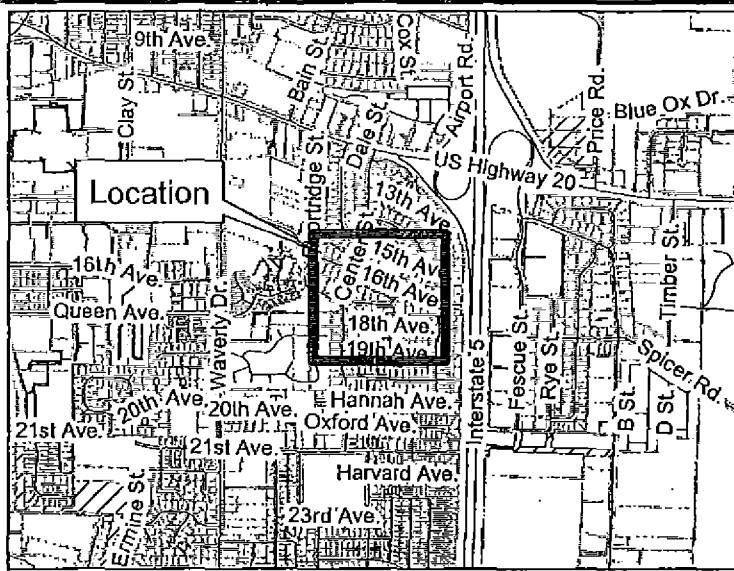
EXHIBIT B

11S03W09CB; Tax Lots: 00799,
01099, 00800, and 00900

Converting 4 Barrier Strips in the
1964 Eastgate Park Subdivision into
Right-of-way. The City recently
acquired the barrier strips from Linn
County.



Geographic Information Services



RESOLUTION NO. _____

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

Grantor

City of Albany

Purpose

Converting a 30 foot by 458.25 foot strip of land into 21st Avenue Right-of-way. The City retained that strip of land when the Periwinkle School property was sold to GAPS in 1996.

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

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

DATED AND EFFECTIVE THIS 24TH DAY OF SEPTEMBER 2008.

Mayor

ATTEST:

City Clerk

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS, that the City of Albany, hereinafter referred to as Grantor, hereby dedicate to the City of Albany, a Municipal Corporation, hereinafter called "City" for right-of-way purposes, all that real property situated in Linn County, Oregon, retained by Grantors in a deed recorded in Linn County Deed Records Volume 819, Page 326, and being more particularly described as follows:

Beginning at a point which is the Southwest corner of Lot 18, Block 5 of the Supplemental Plat to a Portion of Blocks 2 & 5, Britewood Subdivision; thence South 89° 58' 15" West, 458.25 feet along the right-of-way line of 21st Avenue to the East subdivision boundary of the 2nd Supplemental Plat to Meadowview Addition; thence South 2° 04' 06" East, 30 feet along the East line of said 2nd Supplemental Plat to Meadowview Addition to the Northeast corner of Lot 1 Block 2 of said 2nd Supplemental Plat to Meadowview Addition; thence North 89° 58' 15" East, 458.25 feet; thence North 2° 4' 06" West, 30 feet to the point of beginning. Lying in Section 8 of Township 11 South in Range 3 West of Willamette Meridian, City of Albany, Linn County, Oregon as shown on the attached map labeled Exhibit A.

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 \$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.

IN WITNESS WHEREOF, the Grantor has hereunto affixed their signature this _____ day of _____, 2008.

GRANTOR:

City Of Albany

Stewart Taylor, Finance Director

Wes Hare, City Manager

STATE OF OREGON)
County of _____) ss.
City of _____)

STATE OF OREGON)
County of _____) ss.
City of _____)

The instrument was acknowledged before me
this

The instrument was acknowledged before me
this

_____ day of
_____, 2008,

_____ day
of _____, 2008,
By: Wes Hare, City Manager, as a representative
of the City Of Albany.

by: Stewart Taylor, Finance Director, as a
representative of the City Of Albany.

Notary Public for Oregon
My Commission Expires: _____

Notary Public for Oregon
My Commission Expires: _____

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 Recorder

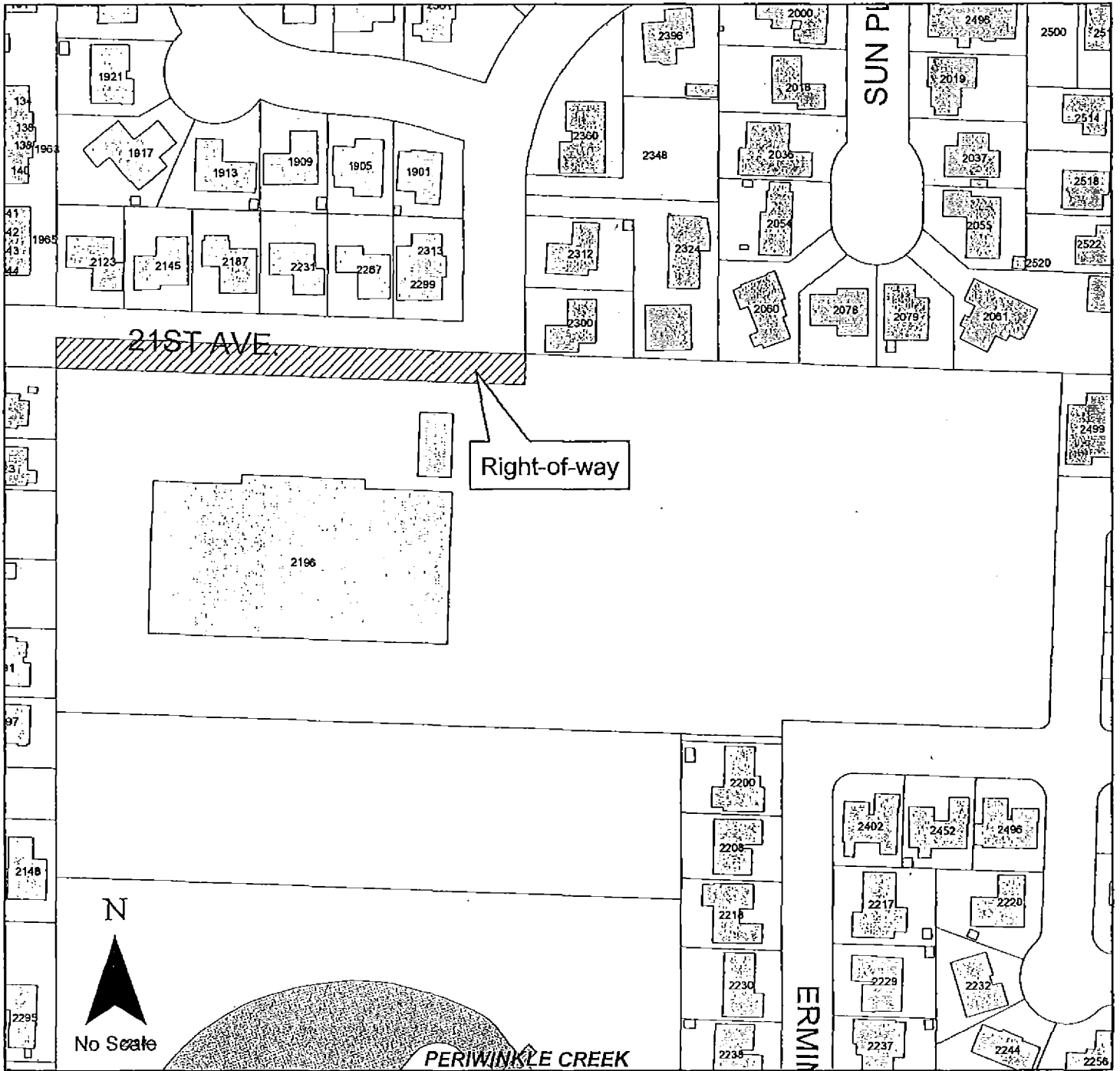
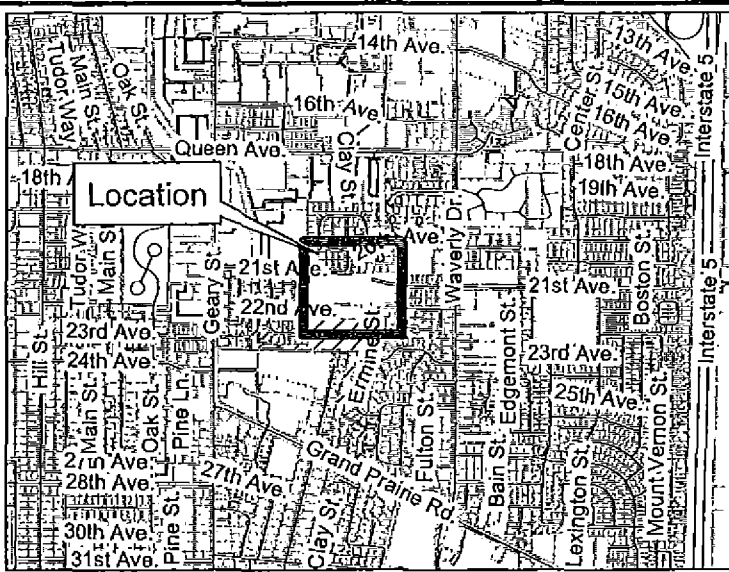
EXHIBIT A

11S03W08DC03200

Converting a 30-foot by 458.25-foot strip of land into 21st Avenue Right-of-way.



Geographic Information Services



RESOLUTION NO. _____

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

Grantor

Purpose

City of Albany

Converting a 20 foot by 60 foot area of land into Alco Street Right-of-way, as required by a condition of approval for the Eades Park development.

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

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

DATED AND EFFECTIVE THIS 24TH DAY OF SEPTEMBER 2008.

Mayor

ATTEST:

City Clerk

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS, that the City of Albany, hereinafter referred to as Grantor, hereby dedicate to the City of Albany, a Municipal Corporation, hereinafter called "City" for right-of-way purposes, all that real property situated in Linn County, Oregon, conveyed to Grantors in a deed recorded in Linn County Deed Records Volume 1162, Page 193, and being more particularly described as follows:

The West 20 feet of the South 60 feet of Lot 8, Block 7, Burkhart Park Addition to Albany, Linn County Oregon. Lying in Section 5 of Township 11 South in Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon as shown on the attached map labeled Exhibit A.

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 \$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.

IN WITNESS WHEREOF, the Grantor has hereunto affixed their signature this _____ day of _____ 2008.

GRANTOR:
City Of Albany, Oregon

Wes Hare, City Manager

Stewart Taylor, Finance Director

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

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

The instrument was acknowledged before me this _____ day of _____ 2008, by Wes Hare, City Manager, as a representative of the City Of Albany.

The instrument was acknowledged before me this _____ day of _____ 2008, by Stewart Taylor, Finance Director, as a representative of the City Of Albany.

Notary Public for Oregon
My Commission Expires: _____

Notary Public for Oregon
My Commission Expires: _____

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 No. _____
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 Recorder

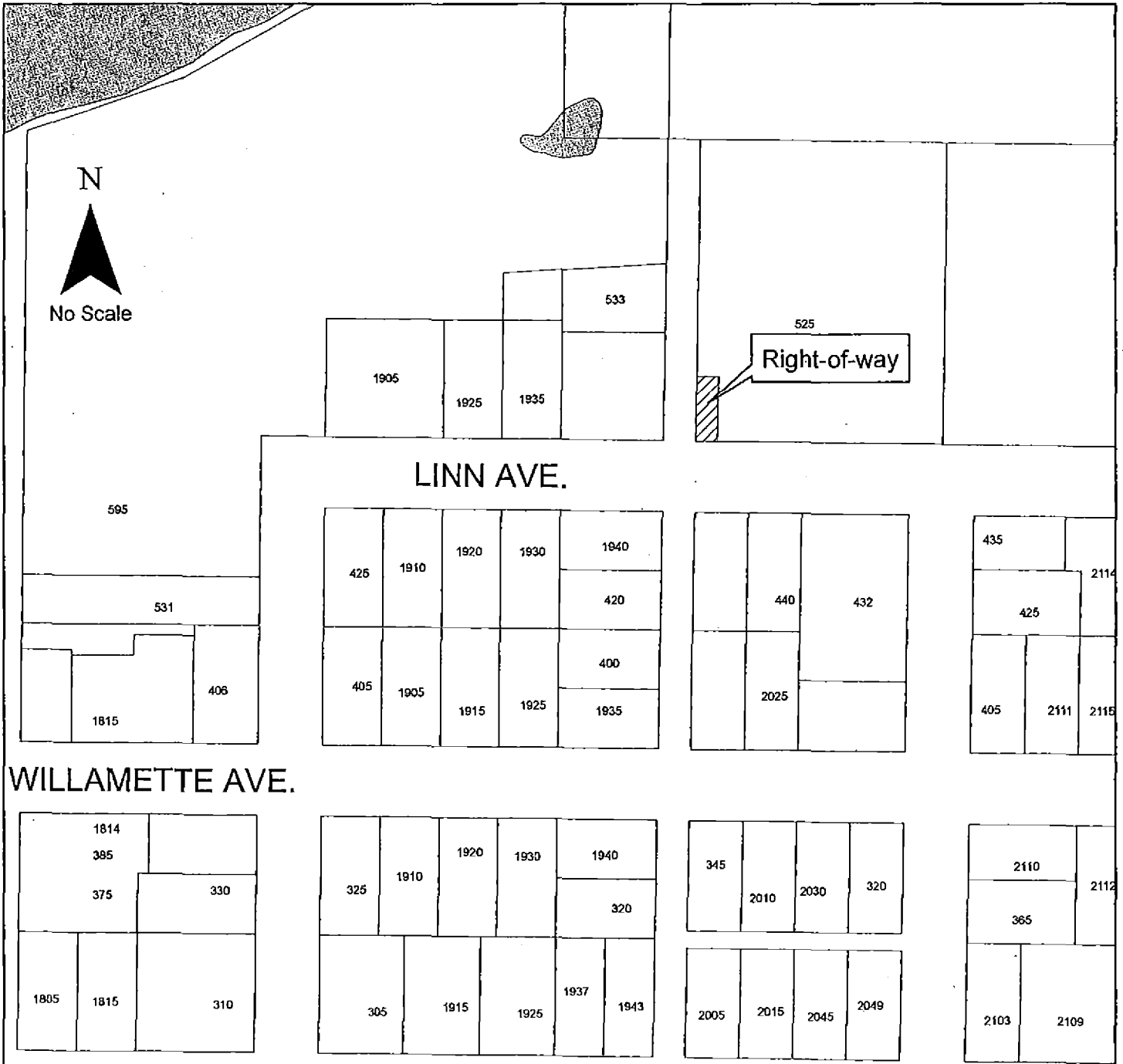
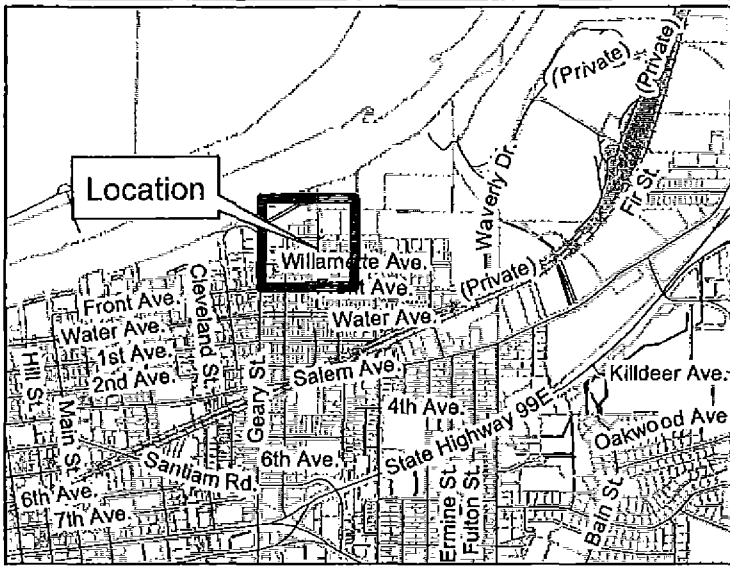
EXHIBIT A

11S03W05CA01200

Converting a 20 foot by 60 foot area of land into Alco Street Right-of-way for the Eades Park Development.



Geographic Information Services



RESOLUTION NO. _____

A RESOLUTION DIRECTING STAFF TO EXECUTE THE ATTACHED QUITCLAIM DEED:

Grantor: City of Albany

Purpose

Grantee: Ralph and Diane Nauman

Releasing a 30-foot-wide Easement for Utilities and Access in exchange for a replacement easement across the Ralph and Diane Nauman tract.

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

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

DATED AND EFFECTIVE THIS 24TH DAY OF SEPTEMBER 2008.

Council President

ATTEST:

City Clerk

CITY OF ALBANY Grantor	After Recording Return to: City of Albany
Ralph and Diane Nauman Grantees	Until requested otherwise send <u>All tax statements to:</u>

Ralph and Diane Nauman 2304 Violet Avenue NW Albany, OR 97321

QUITCLAIM DEED

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

Legal Description

A 30 foot wide Easement for Utilities and Access created by a deed recorded in Benton County Microfilm Deed Records 2004-362688, as shown on the attached map labeled Exhibit A.

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

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

IN WITNESS WHEREOF, the Grantor has executed this instrument this _____ day of _____, 2008.

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

Wes Hare, City Manager

Stewart Taylor, Finance Director

STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on _____, 2008, by Wes Hare, City Manager for the City of Albany.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

This instrument was acknowledged before me on _____, 2008, by Stewart Taylor, Finance Director for the City of Albany.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

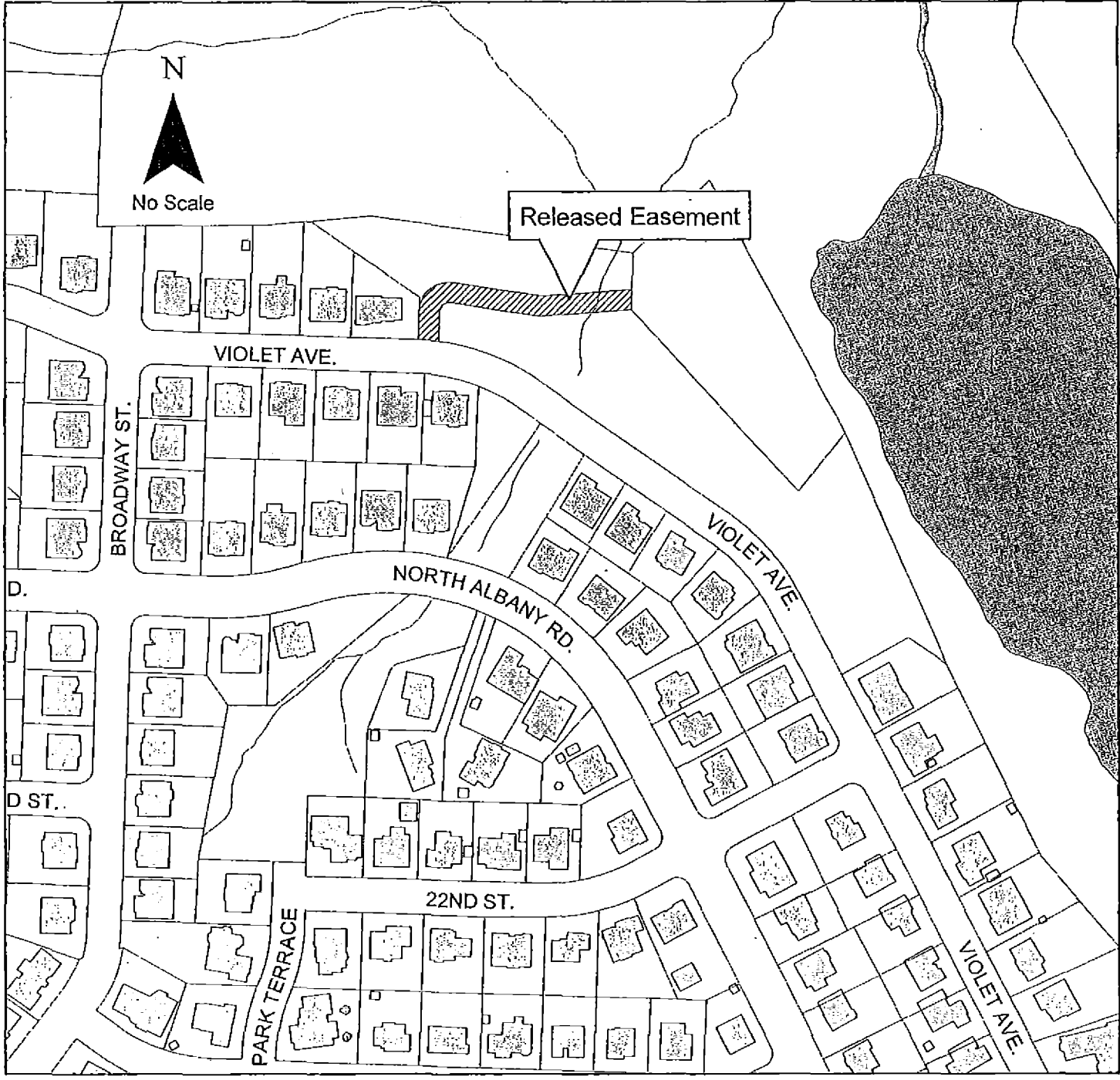
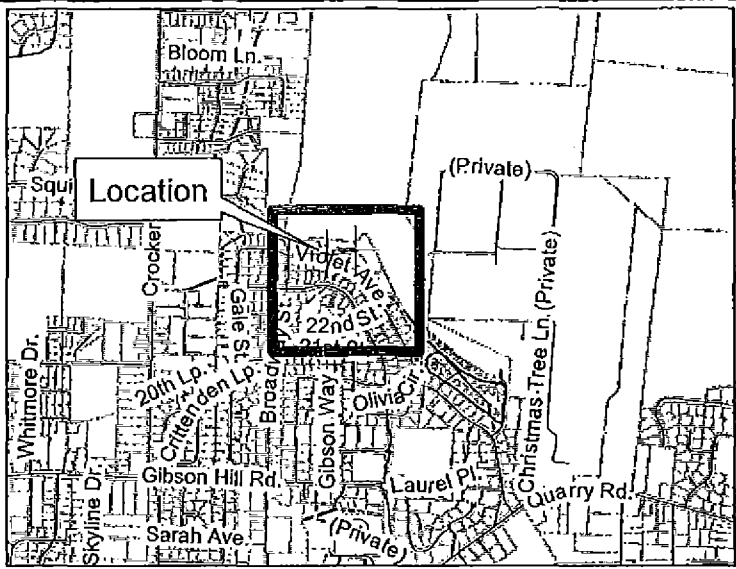
EXHIBIT A

10SO4W36 00400

Releasing a 30-foot-wide Easement for Utilities and Access in exchange for a replacement easement across the Nauman tract.



Geographic Information Services



RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Ralph and Diane Nauman

A 30 foot wide Access and Utility Easement to replace an existing easement that is being simultaneously abandoned.

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

DATED AND EFFECTIVE THIS 24TH DAY OF SEPTEMBER 2008.

Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC UTILITIES AND ACCESS

THIS AGREEMENT, made and entered into this ____ day of _____, 2008, by and between Ralph and Diane Nauman, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement 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 right-of-way hereby granted consists of:

See legal description on attached Exhibit A and maps on attached Exhibits B and C.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.
7. The grantors' use of the easement for ingress and egress shall not be impeded at any time.

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

GRANTORS:

Ralph Nauman
Ralph Nauman

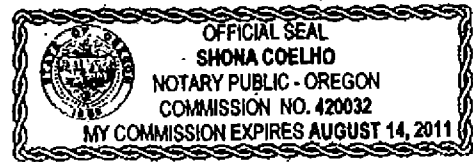
Diane Nauman
Diane Nauman

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 16 day of September, 2008, by Ralph Nauman as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 16 day of September, 2008, by Diane Nauman as her voluntary act and deed.



Shona Coelho
Notary Public for Oregon
My Commission Expires: August 14, 2011

Shona Coelho
Notary Public for Oregon
My Commission Expires: August 14, 2011

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

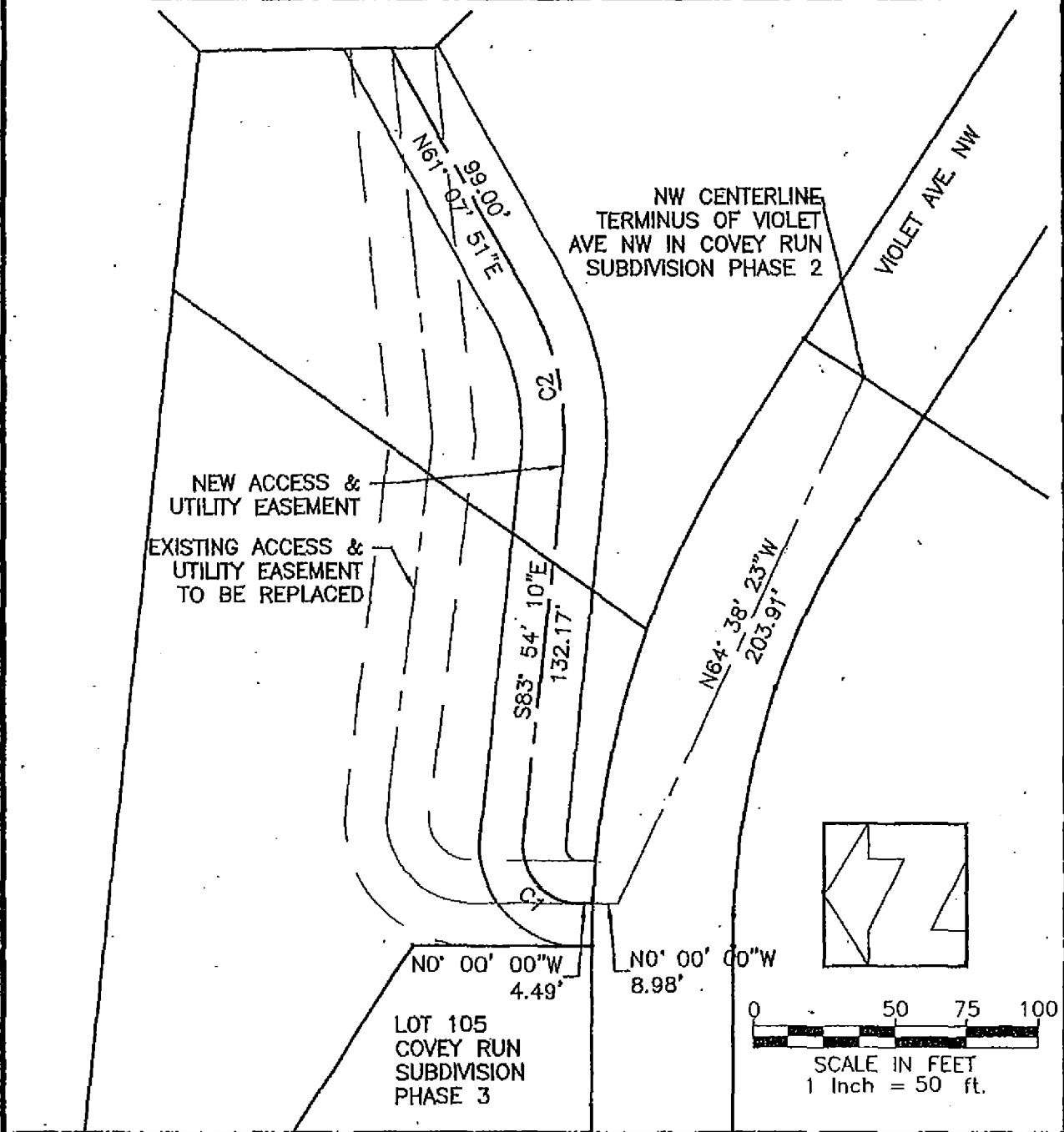
LEGAL DESCRIPTION

An Access and Utility Easement 30.00 feet in width and being 15.00 feet on each side of the following described center line:

Beginning at a Point marked with a 5/8"x30" iron rod with a 2" aluminum cap stamped "LULAY LS 1827", said point being the most northwesterly centerline terminus of Violet Avenue NW in Covey Run Subdivision Phase 2 located in the City of Albany, Benton County Oregon, in the Northeast corner of Section 36, Township 10 South, Range 4 West of the Willamette Meridian; said point also being 88.20 feet North 40°30'00" West of the most northerly corner of Lot 100 in Covey Run Subdivision Phase 2; Thence North 64°38'23" West, 203.91 feet; Thence North 0°00'00" West, 8.98 feet to a point on the North right of way line of Violet Avenue NW in Covey Run Subdivision Phase 3 which is the true point of beginning, said point also being on a line offset 15.00 feet East from the East line of Lot 105 of Covey Run Subdivision Phase 3 located in the City of Albany, Benton County Oregon, in the Northeast corner of Section 36, Township 10 South, Range 4 West of the Willamette Meridian;

Thence North 0°00'00" West 4.49 feet;
Thence 33.54 feet on a 20.00 foot radius curve to the right, the long chord of which bears North 48°02'55" East 29.75 feet;
Thence South 83°54'10" East 132.17 feet;
Thence 61.03 feet on a 100.00 foot radius curve to the left, the long chord of which bears North 78°36'51" East 60.09 feet;
Thence North 61°07'51" East 99.00 feet to the point of terminus, which is the easterly property line of the that tract of land owned by statutory warrantee deed by Ralph Nauman and Diane Nauman, recorded in Document No. 2008-4404432 in the records of Benton County, Oregon.

Curve Table					
Curve #	Radius	Delta	Arc Length	Chord Brg	Chord
C1	20.00'	96° 05' 50"	33.54'	N48° 02' 55"E	29.75'
C2	100.00'	34° 58' 00"	61.03'	N78° 36' 51"E	60.09'



DATE 9/8/08
SCALE 1"=50'
DRAWN PJS
FILE 08086/GIS

ACCESS EASEMENT Exhibit B

SHEET
1
OF 1 SHEETS

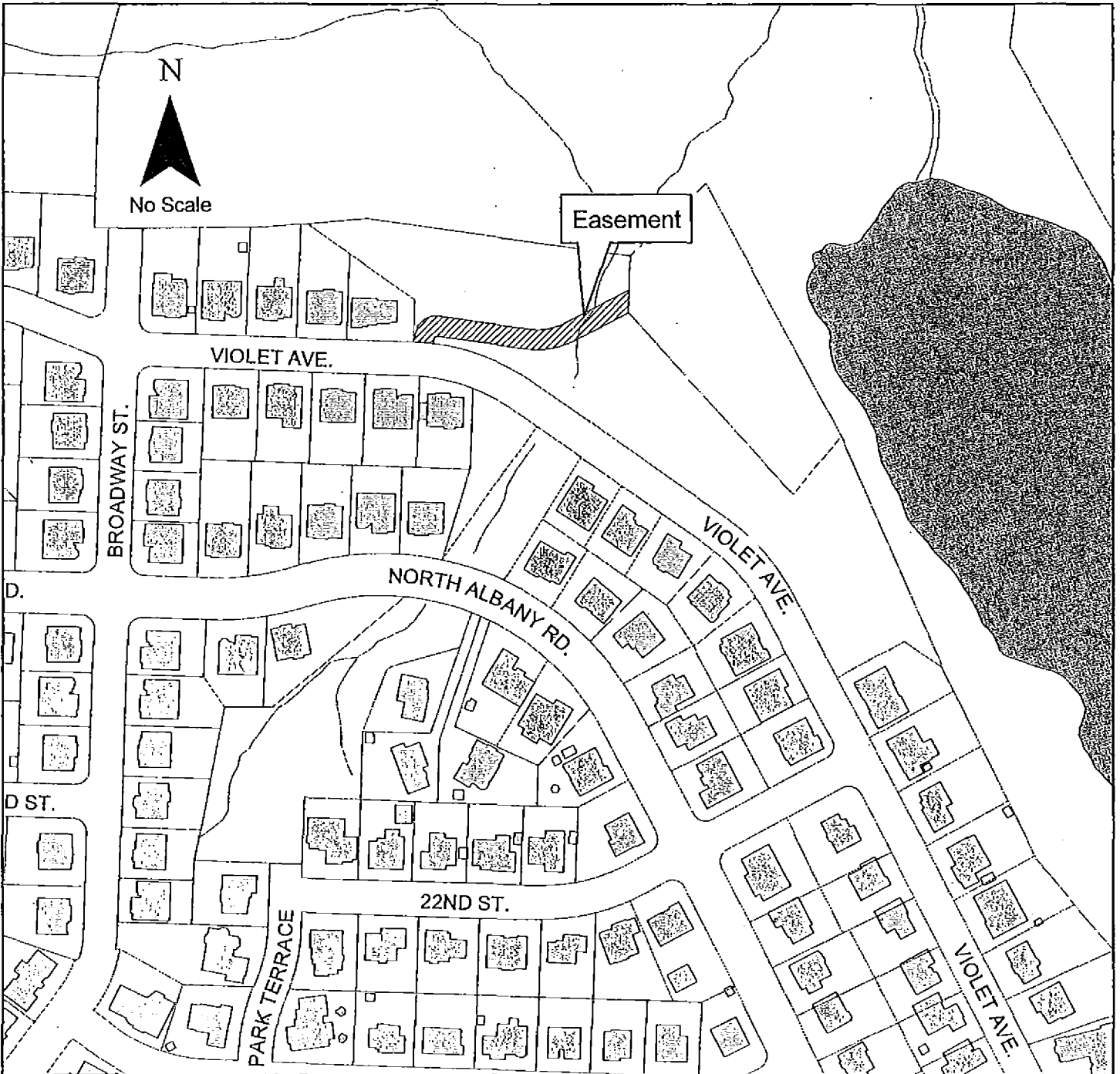
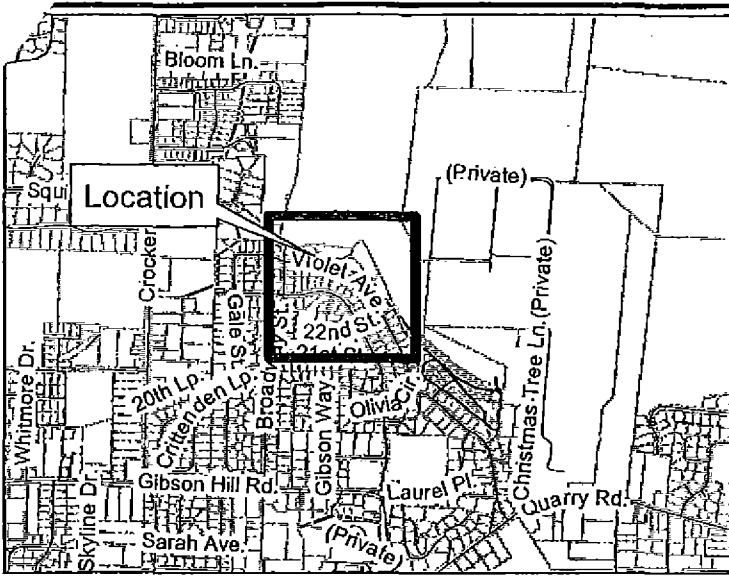
EXHIBIT C

10SO4W36 00400

A 30 foot wide Access and Utility Easement to replace an existing easement that is being abandoned.



Geographic Information Services





TO: Albany City Council

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

FROM: Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer *MWS*
Staci Belcastro, P.E., Civil Engineer III

DATE: September 16, 2008, for the September 24, 2008, City Council Meeting

SUBJECT: W-07-03, Vine Street Water Treatment Plant Seismic Upgrades

RELATES TO: • A Safe City

Action Requested:

Staff requests that Council approve the revised project scope for the Vine Street Water Treatment Plant Seismic Upgrades and the re-allocation of funds that were originally designated for the seismic retrofit the Soda Ash Building to the Vine Street Water Treatment Plant Seismic Upgrades project.

Discussion

The Vine Street Water Treatment Plant (WTP) is currently used as a peaking facility during high water demand and is the redundant/back-up supply of water for the City of Albany and surrounding areas. The plant is located in a high seismic hazard area and is at risk of damage in the event of a major earthquake. The Vine Street WTP was built in 1912 and the major buildings were not designed to meet current structural codes that protect against moderate to strong earthquakes. A map of the Vine Street Treatment Plant buildings is included as Attachment A.

The City of Albany Water Facility Plan recommends seismic upgrades to critical buildings at the Vine Street WTP. The goal of the improvements would be to make improvements that would allow the plant to produce water within 96 hours of a major earthquake and protect the lives of Water Treatment Plant staff who work in the facility. Based upon detailed evaluations and cost estimates, staff has determined that this goal can be met with an alternate project scope. Staff is not seeking additional funding for this project, but rather a change in project scope and associated project budget allocation. Following is a detailed discussion of the project history and proposed scope change.

Grant and City Funding

In the fall of 2005, the City became aware of potential federal funds for seismic retrofits for critical infrastructure facilities. Staff negotiated with a consultant to provide assistance in applying for a Federal Emergency Management Agency (FEMA) PDM grant. Staff's pursuit of the Pre-disaster Mitigation (PDM) grant was identified in the CIP and budget process. However, at that time the only information available was that the program provided grants up to a total amount of \$3,000,000 and required a 25 percent local match. On July 15, 2007, the City received final confirmation that the FEMA approved the seismic retrofit for Vine Street WTP through the PDM grant program in the amount of \$914,821.50.

City Council accepted the grant in the amount of \$914,821.50 from Oregon Emergency Management (OEM)/FEMA at the August 22, 2007, Council meeting. The required 25 percent City match of \$304,940.50 was budgeted through the CIP process in the Water System Capital Projects Fund. The original grant application did not identify the Soda Ash Building as being a critical facility at the plant. However, the chlorine gas facility was decommissioned in 2007 and

the new sodium hypochlorite system was located in the Soda Ash Building. The Soda Ash Building was the only building at the plant with adequate space to house the new disinfection system. As a result, it was determined that the Soda Ash building should also be seismically protected and funding in the amount of \$350,000 to seismically retrofit the Soda Ash building was included in the 2008 CIP.

Initial Project Design

Staff initiated the procurement process to hire a qualified consulting firm to design the needed seismic improvements in the fall of 2007. City Council authorized staff to enter into an agreement with Creegan + D'Angelo of San Francisco, California, at the October 10, 2007, Council meeting.

In April 2008, Creegan + D'Angelo (C+D) completed the Seismic Assessment and Retrofit Strategy Report for the Vine Street WTP project. The report identified a funding gap of approximately \$2,000,000 to complete seismic improvements per the scope described in the grant application. The funding gap is partly due to the inflation of construction costs since the project costs were estimated for the grant application (based on 2006 dollars). There is no provision for inflation adjustment in the grant. In addition, the preliminary engineering evaluation that was done prior to applying for the grant was an order of magnitude evaluation and not a complete and detailed seismic evaluation of every structure to the level performed as part of the pre-design efforts.

The detailed design report that has now been completed includes an evaluation of each building and proposes specific seismic retrofits for each building to bring the structures up to the objective of life-safety performance under earthquake shaking standards. The report states that in the case of the Control Building, Raw Water Pumping Station and Old Filter Building, upgrades to meet the seismic retrofit objective is likely not possible, even with the proposed improvements. These buildings are red brick constructed circa 1912-1927. They can be retrofitted to meet a lower performance level; however, irregularities in their construction such as changes in floor area, wall thickness, and building materials have a detrimental affect on their performance under earth shaking.

The following table compares the original cost estimates that the FEMA grant was based on with the cost estimates for the proposed retrofits listed in the detailed seismic retrofit strategy report. Numbers are rounded to the nearest dollar:

	Original Grant Estimate	C+D Cost Estimate Original Project Scope
Control Building	\$ 288,000	\$ 1,860,938
Old Filter Building	250,000	401,283
Large Filter Building	50,000	27,218
High Pressure Pump Station	25,000	98,118
Raw Water Pump Building	90,000	107,818
Chemical Building	60,000	112,871
Maple Reservoir	120,000	232,500
Anchor Equipment	0	31,000
Construction Subtotal	\$ 883,000	\$ 2,871,746

	Original Grant Estimate	C+D Cost Estimate Original Project Scope
Engineering, Testing, Etc.	264,900	264,900
Pre award costs	13,778	13,778
Sub Applicant PM Cost	58,084	58,084
Total Project Cost	\$ 1,219,762	\$ 3,208,508
FEMA Grant	914,821	914,821
City Match	304,941	304,941
Subtotal	\$ 1,219,762	1,219,762
Under/(Over) Budget	\$ 0	\$ (1,988,746)

The improvements to the Soda Ash Building are being designed by C+D and this work is funded by the City as a separate project from the FEMA grant. The following table shows a funding gap of \$523,735 for seismic improvements to the Soda Ash Building based on the construction estimates provided in the Seismic Retrofit Strategy Report.

	C+D Cost Estimate
Soda Ash Building	\$ 819,454
Engineering	54,280
Total Project Cost Estimate	\$ 873,734
Budget	\$ 350,000
Under/(Over) Budget	\$ (523,734)

The costs to retrofit the 1912-1927 Control Building, Old Filter Building and Soda Ash Building are substantially more than the current funds and grant available.

Revised Project Scope

Once the funding gap and potential inadequacy of the improvements to the older buildings to meet life safety performance standards was identified, staff contacted Dennis Sigrist with Oregon Emergency Management (OEM). Mr. Sigrist is the state liaison between the City and FEMA. His recommendation to the City was to either 1) have the City come up with additional funds to complete the project, or 2) propose a revised project scope to FEMA that could be completed with the identified grant funding while still meeting the intent of the original project defined in the grant application. The purpose of the original project was to be able to make water within 96 hours of an earthquake and to protect WTP staff.

Staff was successful in developing a project scope and path that could be completed without additional funds while still meeting the intent of the original project. The revised project path includes the following:

1. Eliminate improvements to the Control Building, Old Filter Building, and Soda Ash Building from the project scope because these facilities cannot be upgraded to meet the life safety objective. These buildings could be considered for other grants in the future.
2. Construct an operator's control room in the Chemical Building because this building can be upgraded to meet the life safety objective.

3. Move the Environmental Services work group and Instrumentation and Control staff that are housed at the Vine Street Plant to a new modular office space to be created at the Public Works Operations Facility.
4. Emergency backup equipment will be purchased to provide a setup for temporary emergency disinfection in the event that the Soda Ash building is destroyed in an earthquake. The equipment would include a metering pump and additional totes to hold sodium hypochlorite in an emergency.
5. Funds that were identified to retrofit the Soda Ash Building would be used to fund the construction of the new WTP operator's office space, purchase emergency disinfection equipment, and to relocate the Environmental work group.

Staff presented this revised project path to OEM and FEMA during a meeting held in July 2008. FEMA and OEM gave their verbal approval to the revised project path. OEM has also submitted a formal written request to FEMA recommending they approve the revised project scope (see Attachment B). Once the City receives written approval from FEMA, the project can proceed with Council approval.

The following table compares the cost of the original project to the revised project using cost estimates from the seismic retrofit strategy report completed by C+D.

	C+D Cost Estimate	C+D Cost Estimate Revised Project Scope
Control Building	\$ 1,860,938	\$ 0
Old Filter Building	401,283	0
Large Filter Building	27,218	27,218
High Pressure Pump Station	98,118	98,118
Raw Water Pump Building	107,818	107,818
Chemical Building	112,871	112,871
Maple Reservoir	232,500	232,500
Anchor Equipment	31,000	31,000
Soda Ash Building	819,454	0
Remodel Chemical Building, Relocate Staff, Purchase Equipment	0	350,000
Construction Subtotal	\$ 3,691,200	\$ 959,525
Engineering, Testing, Etc.	319,180	319,180
Pre award costs	13,778	13,778
Sub Applicant PM Cost	58,084	58,084
Total Project Cost	\$ 4,082,242	\$ 1,350,567
FEMA Grant	914,821	914,821
City Match	304,941	304,941
CIP Funds – Soda Ash Retrofit	350,000	350,000
Subtotal	1,569,762	\$ 1,569,762
Under/(Over) Budget	\$ (2,512,480)	\$ 219,195

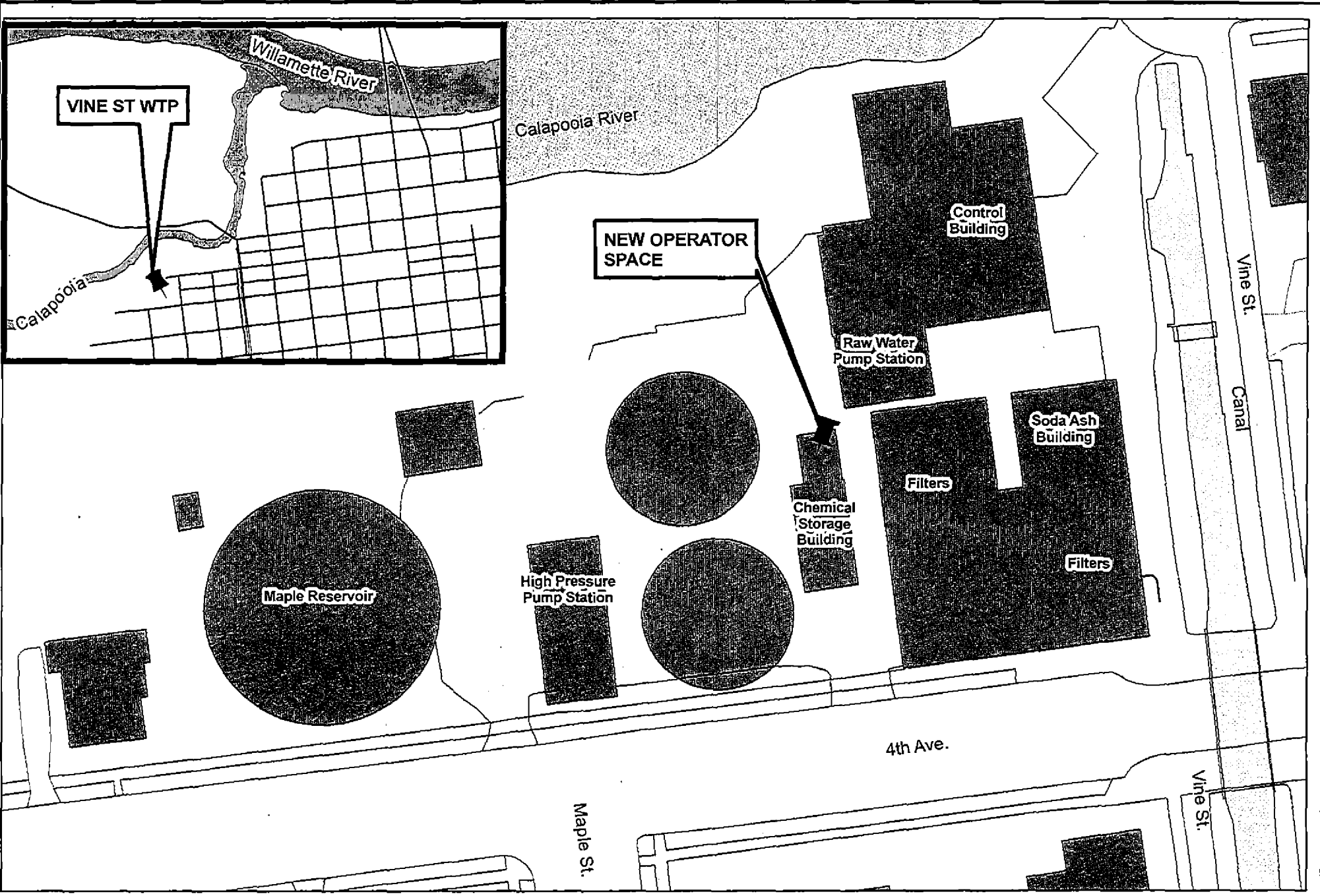
Budget Impact:

The proposed new project scope can be completed within the combined total approved budget for the two projects, the Vine Street Water Treatment Plant Seismic Upgrades (W-07-03) and the Soda Ash Building Improvements (W-08-02). If the scope change is approved, all future expenditures on the project will be made from the Vine Street Water Treatment Plant Seismic Upgrades line item (615-50-2308-89002) and no additional expenditure will be made from the Soda Ash Building Improvements project (615-50-2308-89004). As a result the fiscal year 2009-2010 budget will show an increase in the funding for Vine Street Water Treatment Plant Seismic Upgrades line item (615-50-2308-89002) and a corresponding decrease in funding for the Soda Ash Building Improvements project (615-50-2308-89004). The Water System Capital projects fund will remain in balance with no additional funding and expenditures.


Staff will reevaluate the options for reducing the seismic vulnerability of the Control Building, Old Filter Building and Soda Ash Building based on the new information from Creegan + D'Angelo as a separate project. As options are identified, staff will determine what potential funding sources and grants might be available to fund future projects.

SLB:kw


Attachments



W-07-03, Vine Street Water Treatment Plant Seismic Upgrades



The City of Albany is not responsible for the accuracy or completeness of the information provided in this map. The City of Albany is not responsible for the accuracy or completeness of the information provided in this map. The City of Albany is not responsible for the accuracy or completeness of the information provided in this map.



 0 25 50

 Feet

SITE MAP
Attachment A

City of Albany - 333 Broad/b'n St SW, Albany, Oregon 97321 (541) 917-7676



Oregon

Theodore R. Kulongoski, Governor

ATTACHMENT B

RECEIVED

July 17, 2008

JUL 21 2008

Military Department
Oregon Emergency Management
PO Box 14370
Salem, OR 97309-5062
(503) 378-2911
Fax: (503) 373-7833
TTY: (503) 373-7857

PUBLIC WORKS/ENGINEERING

Ms. Susan Reinertson
Regional Administrator
FEMA Region 10 – Federal Regional Center
130 228th Street SW
Bothell, WA 98021

Attn: Jeffrey Markham
Reference:

City of Albany - Seismic Retrofit for Vine Street Water Treatment Plant
FEMA: EMS-2006-PC-0003 (1), PDM Grant application: PDMC-PJ-10-OR-2006-002

Dear Ms. Reinertson:

The purpose of this letter is to request a scope-of-work (SOW) modification for the referenced Pre-Disaster Mitigation FY2006 sub-grant. Oregon Emergency Management and the City of Albany remain committed to implementing this important hazard mitigation project within the intent of the FEMA-approved SOW and budget. The calculated project benefits for the obligated costs should remain essentially unchanged.

Status. Although no on-the-ground construction activities have yet occurred, there has been a considerable effort expended to better refine the engineering to properly implement this project. In fact, the revised engineering undertaken by the subgrantee has identified some components of the project may not be cost-effectively implemented while other critical components can receive mitigation treatments that will retain the computed benefits of the project. The project remains on schedule while we consider the subgrantee's SOW request for this modification.

Justification. The attached letter from the subgrantee to OEM along with the engineering evaluation of the project provides a strong case for making the SOW adjustment. Furthermore, OEM, FEMA and the subgrantee's benefit-cost (BCA) contractor met with the subgrantee on July 1, 2008, to discuss the details of the SOW modification. Supporting documentation from the BCA contractor reports the revised SOW meets the primary objectives of the originally submitted project and is still clearly cost effective per the PDM program requirements.

Project Cost. The subgrantee is committed to completing this project within the approved FEMA grant obligation and 25% non-federal matching requirement.

The subgrantee has provided considerable documentation (see attachments) to support this request. Please feel free to call Dennis Sigrist at 503.378.2911, ext. 22247, should you have any questions related to this request. The subgrantee will be 'on-hold' and not implementing any on-the-ground project activities until we receive a response from Region 10.

Sincerely,



Abby Kershaw
Section Director, Financial and Recovery Services

cc: S. Belcastro - City of Albany

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**Goettel & Associates Inc.
1732 Arena Drive
Davis, CA 95618**

TO: Dennis Sigrist, OEM
FROM: K.A. Goettel
RE: Albany Vine Street Seismic Mitigation Project
DATE: July 1, 2008

The original benefit-cost analysis documented a BCR of 1.74. Subsequent to the original PDM application, the City of Albany has changed the mitigation project scope in response to engineering cost estimates which raised the cost estimate vis-à-vis the cost estimate used for the submitted application.

The original project scope has three primary objectives:

- 1) provide life safety for occupied buildings,
- 2) reduce damage to buildings and water process/storage infrastructure, and
- 3) minimize the probability and duration of loss of water service.

The original BCA considered reductions in damages and life safety improvements for four building, reductions in damages to the 2 MG water reservoir, and reductions in the probability and duration of water outages.

The revised scope of work meets nearly all of the original objectives, including 100% of the life safety objectives and 100% of the improvement in the reliability of water supply. Cost savings were achieved by eliminating the seismic retrofit of the Control building and the Old Filter Building. However, life safety benefits are not reduced because the current strategy is to relocate staff currently in the control building to another building being retrofitted to life safety. Furthermore, the enhancement of the reliability of the water supply has not been reduced by the scope change because the water flow path has been modified to bypass Old Filter Building.

A July 1, 2008 memo from Staci Belcastro, an engineer in Albany's Public Works Department provided robust documentation of the project scope/budget changes. The original benefits calculation was reduced by \$331,095 the benefits previously attributed to the seismic retrofit of the Control Building and Old Filter Building. With this reduction the resulting BCR is 1.63. Actually, some of these benefits will still be captured by the revised scope project: the life safety benefits previously captured by the retrofit of the Control Building will still be captured by moving the staff to another building which will also meet life safety standards. Thus, the actual BCR will be higher than 1.63.

In summary, this revised scope meets the primary objectives of the originally submitted project and is still clearly cost effective.



TO: Diane Taniguohi-Dennis, P.E., Public Works Director

FROM: Staci Belcastro, P.E., Civil Engineer III *SB*

DATE: May 20, 2008

SUBJECT: W-07-03, Vine Street Water Treatment Plant (WTP) Seismic Retrofit

In April 2008, the City's consultant Creegan + D'Angelo completed a Seismic Assessment and Retrofit Strategy Report for the Vine Street WTP. The report identified a budget shortfall of approximately 2.5 million to complete the seismic improvements per the scope listed in the Pre-disaster Mitigation (PDM) Grant from FEMA. Staff contacted the City's OEM agent, Dennis Sigrist, once the budget shortfall was identified. His recommendation was either the City come up with additional funds to complete the entire project, or come up with a new project path that would meet the intent of the original project and come close to the original project's benefit cost ratio of 1.74. The intent of the original project was to be able to make water within 96 hours of an earthquake and to protect staff.

Staff met to discuss a proposed project path that could be completed within budget, meet the intent of the original project, and come close to the original project's benefit cost ratio. This memo summarizes those discussions and staff's recommendation. At this point, staff is seeking your approval of the recommended project path.

Background

Pre-disaster Mitigation (PDM) Grant Application

The City of Albany Water Facility Plan recommends seismic upgrades to critical buildings at the Vine Street Water Treatment Plant (WTP). In the fall of 2005, the City became aware of potential federal funds for seismic retrofits at critical infrastructure facilities. Staff negotiated with a consultant to provide assistance in applying for a Federal Emergency Management Agency (FEMA) PDM grant. Staff's pursuit of the PDM grant was identified in the CIP and budget process. However, at that time the only information available was that the program provided grants up to a total amount of \$3,000,000 and required a 25 percent local match. On July 15, 2007, the City received final confirmation that the FEMA approved the Seismic Retrofit for Vine Street WTP through the PDM grant program in the amount of \$914,821.50.

Pre-disaster Mitigation (PDM) Grant Acceptance

City Council accepted the grant in the amount of \$914,821.50 from Oregon Emergency Management (OEM)/FEMA at the August 22, 2007, Council meeting. The required 25 percent City match of \$304,940.50 has been budgeted in the CIP in the Water System Capital Projects Fund.

Consultant Selection

City Council authorized staff to enter into an agreement with Creegan + D'Angelo, of San Francisco, California, at the October 10, 2007, Council meeting. The consultant agreement is in the amount of \$319,180 and is for provision of professional engineering services for design and construction of the seismic retrofit work at the Vine Street WTP.

Project Budget

A combined budget shortfall of approximately 2.5 million was identified in the seismic retrofit strategy report completed by Creegan + D'Angelo. The seismic retrofit strategy report includes an evaluation of each building and proposes seismic retrofits to bring the structures up to the objective of life-safety performance under earthquake shaking with a peak ground acceleration of 0.33g. The report states that in the case of the Control Building, Raw Water Pumping Station and Old Filter Building, upgrades to meet the seismic retrofit objective is likely not possible, even with the proposed improvements. Cost estimates for the proposed retrofits are included in the report.

The following table compares the original cost estimates that the FEMA grant was based on with the construction estimate listed in the seismic retrofit strategy report. Numbers are rounded to the nearest dollar:

	Original Grant Estimate	C+D Cost Estimate
Control Building	\$ 288,000	\$ 1,860,938
Old Filter Building	250,000	401,283
Large Filter Building	50,000	27,218
High Pressure Pump Station	25,000	98,118
Raw Water Pump Building	90,000	107,818
Chemical Building	60,000	112,871
Maple Reservoir	120,000	232,500
Anchor Equipment	0	31,000
Construction Subtotal	\$ 883,000	\$ 2,871,746
Engineering, Testing, Etc.	264,900	264,900
Pre award costs	13,778	13,778
Sub Applicant PM Cost	58,084	58,084
Total Project Cost	\$ 1,219,762	\$ 3,208,508
Femi Grant	914,821	914,821
City Match	304,941	304,941
Subtotal	\$ 1,219,762	1,219,762
Under/(Over) Budget	\$ 0	\$ (1,988,746)

Improvements to the Soda Ash Building were not included in the FEMA grant. However, \$350,000 for design and construction improvements has been included in the 2008 CIP and in the budget. The following table shows there is a budget shortfall of \$523,735 based on the construction estimate in the Seismic Retrofit Strategy Report.

	Original Grant Estimate	C+D Cost Estimate
Soda Ash Building	\$0	\$ 819,454
Engineering	0	54,281
Total Project Cost	0	\$ 873,735
Funding	0	\$ 350,000
Under/(Over) Budget	0	\$ (523,735)

Proposed Project Path

City staff developed the following project path that meets water production and life safety goals:

1. Complete all recommended seismic retrofit to the following buildings:
 - a. Raw Water Pump Station
 - b. Large Filter Building
 - c. High Pressure Pump Station
 - d. Maple Reservoir
 - e. Chemical Building
2. Move operator space and SCADA from the Control Building to the Chemical Building.
3. Remodel Chemical Building to include work space for operators. Remodel will need to include heat, AC, restroom, etc. (Building code requirements need to be investigated prior to initiating the plan.)
4. Move Environmental Services Work Group to another work space.
5. Move SCADA staff to another work space.
6. There will be no staff in the Control Building.
7. No improvements to Control Building, Old Filter Building, Soda Ash Building.
8. CIP Budget of \$350,000 to improve Soda Ash Building would be used, if necessary, to create new office space for staff and remodel the Chemical building. The Soda Ash Building houses the plants disinfection equipment. However, staff determined that in an emergency chlorine could be added with a portable tote and pump. Re-allocation of these funds would require Council authorization.

Comparison of Benefit/Cost Analysis

The following table compares the B/C ratio between January 2006 cost estimates and April 2008 cost estimates. The Benefit listed below is taken from the January 30, 2006 Benefit-Cost Analysis Report that was completed during the grant application process:

BUILDING	GRANT COST ESTIMATE (From 2006 FEMA/DEM Grant Application)	PROPOSED PROJECT PATH	BENEFIT (From Jan 30, 2006 Benefit-Cost Analysis Report)
Control Building	288,000	0	*331,095
Old Filter Building	250,000	0	
Large Filter Building	50,000	27,218	288,202
High Pressure Pump Building	25,000	98,118	
Raw Water Pump Building	90,000	107,818	121,392
Chemical Building	60,000	112,871	40,343
+Remodel, Relocate Staff	0	187,129	
Maple Reservoir	120,000	232,500	4,550
Loss of Water	N/A	N/A	1,341,048
Subtotal Construction Cost	883,000	765,654	N/A
BLA	336,762	336,762	N/A
Total Project Cost	1,219,762	1,102,416	N/A
Total Benefit (Sum of BENEFIT Column)	2,126,630	1,795,535	
Benefit-Cost Ratio	1.74	*1.63	

*The B/C ratio for the Proposed Project Path does not include the benefit of \$331,095 in its calculation since the proposed path does not include improvements to the Control Building or Old Filter Building.

Staff Recommendation

Staff recommends the adoption of the proposed project path described above. The new project path meets the intent of the original project by protecting staff and providing the means to make water within 96 hours of an earthquake. The B/C ratio of 1.63 comes close to the original ratio of 1.74 and it is reasonable to assume that the proposed project path's B/C ratio would be higher if we were allowed to apply an inflation rate to the Benefit cost.

Following our in-house review and approval, the following steps are required to adopt the proposed project path:

1. Meet with Building Department regarding moving operators to Chemical Building.
2. Schedule meeting with City staff, OEM, FEMA, and Creegan + D'Angelo to discuss proposed project path. Revising the scope of the seismic retrofit project requires approval from FEMA and OEM.
3. Memo to Council advising them of the new project path and requesting Council approval to reallocate funds budgeted to retrofit the Soda Ash Building.

Budget Impact

The proposed project path could be completed within the current budget of \$1,219,762. With Council Authorization, the \$350,000 budgeted for retrofits to the Soda Ash Building would be used to cover costs associated with relocating staff and SCADA from the Control Building to the Chemical Building. Costs at this stage are planning level estimates that will be further refined before proceeding.

SLB:kw

- o: Ted Mikowski, P.E., Facilities Engineering Manager
- Jeff Blaine, P.E., Assistant City Engineer
- Jim Young, Water Superintendent
- Keith Wolf, Water Treatment Plant Supervisor
- Mike Wolski, Assistant Public Works Director/Operations Manager
- Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer
- Chris Delp, Creegan + D'Angelo



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JUL 07 2008

Oregon Emergency Management

July 2, 2008

CITY HALL
333 Broadalbn SW
P.O. Box 490
Albany, OR 97321-0144
www.cityofalbany.net

(541) 917-7600

ADMINISTRATIVE SERVICES
City Manager's Office
(541) 917-7600
FAX (541) 917-7511

Finance/Recorder
(541) 917-7500
FAX (541) 917-7511

Municipal Court
(541) 917-7740
FAX (541) 917-7748

COMMUNITY DEVELOPMENT
Planning
(541) 917-7550
FAX (541) 917-7598

Building Division
(541) 917-7553
FAX (541) 917-7598

ECONOMIC DEVELOPMENT
(541) 917-7500
FAX (541) 917-7511

Call-A-Ride
(541) 917-7770
FAX (541) 917-7573
TDD (541) 917-7762

Transit
(541) 917-7667
FAX (541) 917-7573
TDD (541) 917-7678

FIRE ADMINISTRATION
(541) 917-7700
FAX (541) 917-7716

HUMAN RESOURCES
(541) 917-7500
FAX (541) 704-2324

INFORMATION TECHNOLOGY
221 Third Avenue SW
(541) 917-7500
FAX (541) 917-7511

PARKS & RECREATION ADMINISTRATION
(541) 917-7777
FAX (541) 917-7776

**Urban Forestry/
Building Maintenance**
(541) 917-7679
FAX (541) 917-7776

PUBLIC WORKS
Engineering
(541) 917-7676
FAX (541) 917-7573

Water/Sewer Billing
(541) 917-7547
FAX (541) 917-7511

Dennis J Sigrist
Oregon Emergency Management
P.O. Box 14370
Salem, OR 97309-5062

Dear Dennis:

**REQUEST FOR SCOPE OF WORK CHANGE
W-07-03, VINE WATER TREATMENT PLANT SEISMIC UPGRADE
PDMC-PJ-10-OR-2006-002**

Please accept this letter as a formal request for a scope of work (SOW) change to the Seismic Retrofit of the Vine Street Water Treatment Plant (PDM-PJ-10-OR-2006-002). The proposed change to the SOW is summarized in the attached memo dated May 20, 2008. Also attached is the quarterly report for the period covering April 1 through June 30, 2008.

On Tuesday, July 1, 2008, the following met at the Vine Street Water Treatment Plant, Albany, Oregon:

- Staci Belcastro – City of Albany
- Ted Mikowski – City of Albany
- Keith Wolf – City of Albany
- Dennis Sigrist – Oregon Emergency Management
- Jeff Markham – FEMA
- Ken Goettel – Goettel & Associates, Inc.

The purpose of the meeting was to discuss the proposed project path City staff came up with following the budget shortfall that was identified by the City's consultant Creegan + D'Angelo in the Seismic Assessment and Retrofit Strategy Report.

The proposed project path described in the May 20, 2008, memo meets the intent of the original project by protecting staff and being able to make water within 96 hours of an earthquake. Based on predesign estimates, the improvements identified in the memo could be completed within the original project budget. The benefit/cost ratio of the proposed project is 1.63 and comes close to the benefit/cost ratio of the original project of 1.74.

The city is committed to successfully completing this project. We will use City funds to relocate the Environmental Services and SCADA staff out of the Control Building to a new location and will remodel the Chemical Building to include a space for the plant operators. Spare totes and a chlorine metering pump will be purchased to have on hand

July 2, 2008

in the event the Soda Ash Building is lost during an earthquake. Following approval by FEMA, staff will take a memo to City Council advising them of the SOW change and request the funds being used to retrofit the Soda Ash Building instead be used in implementing the new project path and, as a contingency, to ensure the successful completion of this project.

Please forward the request for the SOW change to FEMA on the City's behalf. I appreciate your help on how to handle the SOW change and in facilitating the July 1st meeting. It was valuable meeting face to face to discuss the project. Do not hesitate to call me at (541) 917-7645 or e-mail staci.belcastro@cityofalbany.net if you have any questions or need additional information.

Sincerely,



Staci Belcastro, P.E.
Civil Engineer III

SLB:prj

Enclosure

c: Ted Mikowski, P.E., Facilities Engineering Manager
Jim Young, Water Superintendent

Goettel & Associates Inc.
1732 Arena Drive
Davis, CA 95618



JUL 01 2008

Oregon Emergency Management

TO: Dennis Sigrlst, OEM
FROM: K.A. Goettel
RE: Albany Vine Street Seismic Mitigation Project
DATE: July 1, 2008

The original benefit-cost analysis documented a BCR of 1.74. Subsequent to the original PDM application, the City of Albany has changed the mitigation project scope in response to engineering cost estimates which raised the cost estimate vis-à-vis the cost estimate used for the submitted application.

The original project scope has three primary objectives:

- 1) provide life safety for occupied buildings
- 2) reduce damage to buildings and water process/storage infrastructure, and
- 3) minimize the probability and duration of loss of water service .

The original BCA considered reductions in damages and life safety improvements for four building, reductions in damages to the 2 MG water reservoir, and reductions in the probability and duration of water outages.

The revised scope of work meets nearly all of the original objectives, including 100% of the life safety objectives and 100% of the improvement in the reliability of water supply. Cost savings were achieved by eliminating the seismic retrofit of the Control building and the Old Filter Building. However, life safety benefits are not reduced because the current strategy is to relocate staff currently in the control building to another building being retrofitted to life safety. Furthermore, the enhancement of the reliability of the water supply has not been reduced by the scope change because the water flow path has been modified to bypass Old Filter Building.

A July 1, 2008 memo from Staci Belcastro, an engineer in Albany's Public Works Department provided robust documentation of the project scope/budget changes. The original benefits calculation was reduced by \$331,095 the benefits previously attributed to the seismic retrofit of the Control Building and Old Filter Building. With this reduction the resulting BCR is 1.63. Actually, some of these benefits will still be captured by the revised scope project: the life safety benefits previously captured by the retrofit of the Control Building will still be captured by moving the staff to another building which will also meet life safety standards. Thus, the actual BCR will be higher than 1.63. ✓

In summary, this revised scope meets the primary objectives of the originally submitted project and is still clearly cost effective.