



NOTICE OF PUBLIC MEETING

CITY OF ALBANY

CITY COUNCIL

Council Chambers

333 Broadalbin Street SW

Wednesday, February 10, 2010

7:15 p.m.

AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ROLL CALL

4. SCHEDULED BUSINESS

a. Public Hearing

- 1) ST-09-03, Oak Street Local Improvement District, adopting engineering and financial investigation reports, authorizing to secure easements, to obtain bids, and to issue debt for construction. [Pages 1-16]

Action: _____ RES. NO. _____

b. Business from the Public

c. Adoption of Consent Calendar

1) Approval of Minutes

- a) August 18, 2009, City Council/Planning Commission Joint Work Session. [Pages 17-23]

- b) August 27, 2009, City Council/Planning Commission Joint Work Session. [Pages 24-25]

- c) January 11, 2010, Work Session. [Pages 26-30]

- d) January 13, 2010, Regular Session. [Pages 31-38]

- 2) Supporting a Microenterprise Assistance grant submitted by Willamette Neighborhood Housing Services for the Linn-Benton MicroBusiness Program. [Pages 39-41] RES. NO. _____

- 3) Accepting the Benton County Victim Impact Panel grant. [Pages 42-43] RES. NO. _____

4) Accepting the following easements:

- a) The state of Oregon acting through the Oregon Youth Authority. [Pages 44-49] RES. NO. _____
b) Donald G. Loring. [Pages 50-54] RES. NO. _____

- 5) GIS-10-01, 2010 Aerial Mapping Update, authorizing award of contract. [Page 55]

Action: _____

d. Award of Contract

- 1) WWTP-08-02, Wetlands Talking Water Gardens Project. [Pages 56-67]

Action: _____

e. Appointments

- 1) City Boards, Commissions, Committees. [Pages 68-72]

Action: _____

- 2) Hospital Facility Authority. [Pages 73-75]

Action: _____

OUR MISSION IS

"Providing quality public services for a better Albany community."

OUR VISION IS

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

Rules of Conduct for Public Hearing

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

5. BUSINESS FROM THE COUNCIL
6. NEXT MEETING DATE: Work Session February 22, 2010
Regular Session February 24, 2010
7. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net

The location of the meeting/hearing is accessible to the disabled. If you have a disability that requires accommodation, please notify the Human Resources Department in advance by calling (541) 917-7500.



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*
Jeff Woodward, P.E., Civil Engineer II *JW*

DATE: January 21, 2010, for the February 10, 2010, City Council Meeting

SUBJECT: ST-09-03, Oak Street Improvements Local Improvement District (LID)
Initial Engineer's Report and Financial Investigation

RELATES TO STRATEGIC PLAN THEME:

- Great Neighborhoods
- Effective Government

Action Requested:

Staff requests that Council pass the attached resolution adopting this Engineer's Report and accompanying Financial Investigation. The resolution forms the Local Improvement District (LID) and authorizes staff to proceed with design, bidding, and construction of this project.

Discussion:

The following Engineer's Report reflects the direction provided by Council at multiple Council Meetings.

Background

On January 28, 2009, Council authorized staff to initiate an Engineer's Report regarding the formation of an LID for the improvement of Oak Street between Ninth Avenue and Queen Avenue.

Staff developed a project scope and cost estimate for the project, with a map of the potential LID boundary as shown on Attachment A. This LID is somewhat unique due to the varied land uses associated with the properties inside the LID boundary, including single family homes, multifamily properties, a park, and community commercial property. Staff considered multiple assessment methodologies for the LID in an effort to develop an equitable distribution of the costs to improve Oak Street.

Staff held a neighborhood meeting on March 10, 2009, to discuss the project and present the proposed assessment methodology. There was a good turnout at the meeting with 23 people in attendance, representing all of the different property types in the LID. At the neighborhood meeting, staff presented a methodology and estimated assessments based on trip generation. Two main concerns were evident at the meeting. The first concern was the amount of City participation that would be contributed to the project, due to the City receiving \$376,300 from Linn County for taking over jurisdiction of this section of the roadway in 1990. Although all the funds the City received from Linn County have been expended, it was expected the City should participate based on the funds received from Linn County. The second concern was that the trip generation assessment methodology was developed in an effort to minimize the assessment levied against Kinder Park, with a desire to have other methodologies considered.

In response to the concerns raised at the neighborhood meeting, staff reported at the April 6, 2009, City Council Work Session, explaining the outcome of the neighborhood meeting and presenting five methodologies for consideration. The following table identifies the five methodologies discussed and the characteristics of each of the methodologies.

	Methodology	Characteristics
1	Trip Generation	Acknowledges varying land uses and benefits of those land uses. Apportions project costs based on trip generation.
2	Lot Frontage	Does not recognize higher use properties gaining greater benefit. Assessments based entirely on property frontage on Oak Street. Assessments high for residential properties.
3	Lot Area	Does not recognize higher use properties gaining greater benefit. Assessments based entirely on property area.
4	Zoning	This methodology distributes assessments based on area, but is weighted by property zoning.
5	Residential/Collector Street Cost Separation	This methodology would have all properties pay their proportional share of a residential street based on lot frontage. The incremental cost to make the street a collector street would be borne by non-residential properties. Assessments high for residential properties.

After the discussions at the April 6 Work Session, Council directed staff to move forward with the trip generation methodology. The trip generation methodology for distribution of assessments was affirmed by Council at the October 14 and 28, 2009, Council Meetings as well as the December 16, 2009, Council Meeting.

Due to issues and uncertainties with the proposed Community Commercial development at the corner of Oak Street and Ninth Avenue, the LID discussion had been put on hold until recently. Staff presented an Engineer's Report at the October 14, 2009, City Council Meeting, which modified the LID boundary to include only improvements on the north end of Oak Street and the extension between Ninth Avenue and Pacific Boulevard. This modified boundary was developed in order to address the immediate need for improvements in the vicinity of the developing Community Commercial property at the intersection of Oak Street and Ninth Avenue. This modified boundary also excluded almost all of the residential properties along Oak Street from having to participate in an LID. It is anticipated the residential properties along Oak Street are not going to be in favor of an LID in any form that requires them to be assessed.

After discussions of the proposed modified boundary, Council directed staff to change the LID boundary to include improvements to all of Oak Street between Pacific Boulevard and Queen Avenue and submit a new Engineer's Report. This modified Engineer's Report was submitted to Council at the October 28, 2009, Council Meeting.

Summary of Estimated Costs

The Oak Street and Storm Drain improvements from Ninth Avenue to Queen Avenue are estimated to be \$2,180,000. The assessment roll is prepared showing assessments based on trip generation and no City participation in the project costs, as shown on Attachment B.

The Oak Street Extension between Pacific Boulevard and Ninth Avenue is estimated at \$2,518,000, including right-of-way acquisition and building demolition. The assessment roll is prepared showing assessments based on trip generation and no City participation in the project costs.

The required water system improvements are estimated to cost \$257,000. Some of the water improvements are construction of missing water line. The costs associated with construction of this missing water line are shown as being paid by the City, with the exception of the Ping's Garden parcel. When the Ping's Garden Restaurant parcel was developed, the owner chose to

execute a Petition/Waiver for the public improvements along the Oak Street frontage, including the water line. In this way assessments for several properties are reduced and the City will recoup a portion of this cost through the collection of connection fees when the properties develop. This option will result in the City covering some of the water line costs that would otherwise be assessed to benefitting properties because Connection Fees will not completely cover the cost of the new water line construction.

The balance of the water line work is replacement of old and undersized water lines. The cost to replace the existing water line will be funded by the City. The estimated City participation in the project to construct the missing segments and replace the existing water system is \$243,770.

The total estimated costs and assessable amounts are summarized below and are shown on the assessment computation sheet enclosed as Attachment B.

Oak Street and Storm Drain	\$2,180,000
Oak Street Extension	2,518,000
Water	257,000
City Funding (Water)	<u>-243,770</u>
Net Assessable Costs	\$4,711,230

Proposed Method of Assessment

Based on Council direction, the assessment methodology for Oak Street and Storm Drain and the Oak Street Extension between Pacific Boulevard and Ninth Avenue is based on trip generation. Council determined this method will most equitably distribute the assessable costs to the parcels, considering the widely varied land uses associated with the properties included in the LID boundary.

The Oak Street Extension is shown in the draft Transportation System Plan (TSP) update as being 100 percent growth related. Therefore, the properties that receive a special benefit from this extension are those that are not yet developed, while properties that are currently developed do not receive a special benefit from this extension. In addition, there is a diminishing special benefit to properties located farther away from the improvement. Therefore, staff has proposed that the parcel north of Ninth Avenue and the undeveloped properties on the east side of Oak Street from Ninth Avenue south, to and including the park property, be assessed for the special benefit of the Oak Street extension.

The estimated assessments are based on cost estimates derived from preliminary design concepts and costs of similar work on other City projects. The final assessment amounts will be based on actual City costs, amounts of City participation, bid prices, and final work quantities, and are expected to vary from this estimate.

City Participation

Council has expressed a desire to consider City participation in the cost of the improvements of Oak Street. While Council has indicated that they are interested in having the City contribute in the costs of the Oak Street improvements, the attached assessment roll does not show any City participation. In this way property owners in the LID will see the estimated worst-case assessment scenario in the Engineer's Report.

This Council's desire to provide City participation in the LID stems from the fact that the City received some funding from Linn County when the roadway was transferred to the City. In 1990

the City of Albany and Linn County entered into a Road Transfer Agreement. This agreement outlined the conditions of transferring multiple Linn County Roads that were within the City limits to the City of Albany. In exchange for the City taking over jurisdiction of these roads, Linn County paid the City of Albany a sum of money for each road. Oak Street was included in this agreement. As such, Linn County paid the City of Albany \$376,300 in exchange for the City accepting it as a City road. The amount of the payment for Oak Street does not appear to have been enough to pay for full urban improvements of Oak Street. In 1995, the City Council chose to combine all Linn County Road Transfer funds and use them to reduce assessments for the improvement of Marion Street. Therefore, there are no remaining Linn County road transfer funds available for use on any other projects.

Since transportation funding for capital improvements is very limited, providing funding for a portion of the Oak Street improvements will delay the construction of currently planned transportation projects Council has expressed a desire to complete. Therefore, Council's policy decision regarding City contribution to the Oak Street project will impact planned projects.

While funding is limited, there are a few options available to Council should they decide the Oak Street improvement is a priority for City funding. One option is to provide funds from City Capital budgets. Another funding source for City participation would be Transportation System Development Charges.

City Participation with Capital Funds:

Public Works staff has identified potential funding sources in the Street Capital and Restoration Fund for the \$376,300 of City participation. There are three potential sources that could be used for this project.

1. Street Connection Fees – There are approximately \$100,000 of reserves in Street Connection Fees. These are monies the City collects when properties develop adjacent to improved roadways that the property did not help to pay for. Council can choose to spend this balance down as part of the City funding of Oak Street.
2. Street Capital and Restoration – The City holds a reserve of approximately \$620,000 of Street Capital funds. The City has been using these funds to leverage Surface Transportation Program (STP) funds to enable the City to complete larger scale street reconstruction projects.
3. Surface Transportation Program – The City can also use the annual Surface Transportation Program (STP) fund exchange money the City receives from Oregon Department of Transportation (ODOT). The City receives approximately \$370,000 each year in STP funds. These funds are used in conjunction with Street Capital funds to complete larger scale street reconstruction projects.

City Participation with Transportation System Development Charges Funds:

Another option for City participation in the project costs is the use of Transportation System Development (TSDC) funds. TSDC contributions can be made to both sections of the Oak Street improvements north and south of Ninth Avenue.

There are challenges regarding traffic adjacent to the community commercial property at the corner of Oak Street and Ninth Avenue. These challenges have developed over time and are not solely the result of potential development of the parcels zoned community commercial. Therefore, staff believes it could be appropriate for Council to consider some level of TSDC funding for both the improvements to support development of the vacant commercial property

along this section of Oak Street and the completion of the Oak Street extension between Ninth Avenue and Pacific Boulevard.

The extension of Oak Street between Ninth Avenue and Pacific Boulevard is eligible for 100 percent TSDC funding up to a maximum of \$2,130,000. Therefore, based on the current estimate, even if all of the potential TSDC funds are aimed at the extension of Oak Street, there would be a small balance that would need to be assessed.

Council can choose to also fund a portion of the Oak Street Improvements between Ninth Avenue and Queen Avenue with TSDC funds. TSDC funding participation could be as high as 65 percent for the portion of Oak Street between Ninth Avenue and Queen Avenue per the draft TSP.

Oak Street is not identified as a collector street or a funded project in the current TSP. Oak Street is identified as a collector street eligible for TSDC funding in the draft TSP update Council is considering at this time. Therefore, if Council adopts the new TSP, Oak Street would be eligible for TSDC funding from new TSDC revenues. The use of TSDC funds will either require Council to borrow existing TSDC funds and pay them back with future (new) TSDC funds or to mingle old and new TSDC funds. If Council would like to use existing TSDC funds, staff will need to return to Council for a discussion on the logistics and impacts of using these funds on this project.

At the time of final assessments for this project, it is anticipated the updated TSP will be adopted and this project will be identified as SDC eligible. Any TSDC funding of this project would be shown on the final Engineer's Report submitted after the project is completed and prior to levying final assessments.

Impacts of City Participation with Capital or TSDC Funds

The City cannot participate in the cost of the Oak Street project without impacting other planned transportation improvement projects. Use of funds on Oak Street will reduce funding available to use on other planned projects. If Council decides Oak Street is a priority over other projects, those other projects will be delayed.

All of the City's gas tax funds from the State are currently used for operation and maintenance activities. Therefore, STP funds are the only capital revenue source for street projects. Following is a table showing the planned projects that will have to be delayed if Street Capital reserve funds are used for Oak Street.

Project	Current Planned Project Year	Revised Project Year if Oak Funded with Capital Funds
Jackson Street	2011	2012
Hill Street – Queen Avenue to 24 th Avenue	2014	2016

In addition, funding Oak Street and these planned projects will most likely eliminate all of the City's street capital reserves unless a new funding source is identified for street capital. If this happens, the only source for street rehabilitation and reconstruction projects will be the City's share of STP funding provided by the Oregon Department of Transportation (ODOT). This funding source is not guaranteed to remain available at its current level or any level. In addition, without capital reserves, the City will not have the ability to react to emergencies or opportunities as they happen. Therefore, the decision to spend capital funds for Oak Street should be made carefully.

The amount of new TSDC funds available for improvements on Oak Street will depend on when the new TSP and TSDC fee is adopted, the amount of funding collected prior to the final engineer's report, and what portion of those funds Council chooses to direct towards Oak Street relative to other priority street projects. Council will need to weigh the use of new TSDC funds on this project with other TSDC project priorities. Council could choose to participate in the LID with TSDC funds at lower percentages than the maximum allowed.

Use of TSDC funding for this project will delay other TSDC projects Council is currently prioritizing. The extent of the delay of these projects will be dependent on the amount of TSDC funds obligated to the Oak Street project, the pace of development, and the value of the new TSDC rate Council adopts. The use of existing TSDC funds would require further discussion with Council about the impacts and implications on TSDC funds. This discussion can be delayed until the later stages of the LID process, but the final decision must be made before assessments are finalized and levied. However, Council direction as to whether they intend to use some form of TSDC funding on the project will likely impact property owner's disposition toward the project.

Proposed Project Schedule

If the LID is formed, staff will begin detailed design work and coordinate with ODOT to determine the final configuration of the Oak Street Extension.

The proposed schedule is:

Public Hearing to form the LID	February 2010
Design	Spring/Summer 2010
Bidding and Award of Contract	Fall/Winter 2010
Complete Construction	Summer 2011
Public Hearing on Final Assessments	Fall 2011

Budget Impact:

If this LID is formed, the street and storm drain costs will be funded by a combination of special assessments to the benefiting properties and City participation in the project costs. The City could contribute a combined \$376,300 from Street Capital and Restoration fund (250-50-2700), STP Funds, TSDC funds, or other funds identified by Council. The exact split of these funds is dependent on how Council wants to apply the City participation to the project. Transportation SDC funding would require some additional discussion with Council to identify how to best use these funds. Council may choose to replace or augment the \$376,300 with Transportation SDC funds at the time assessments are levied after the project is completed.

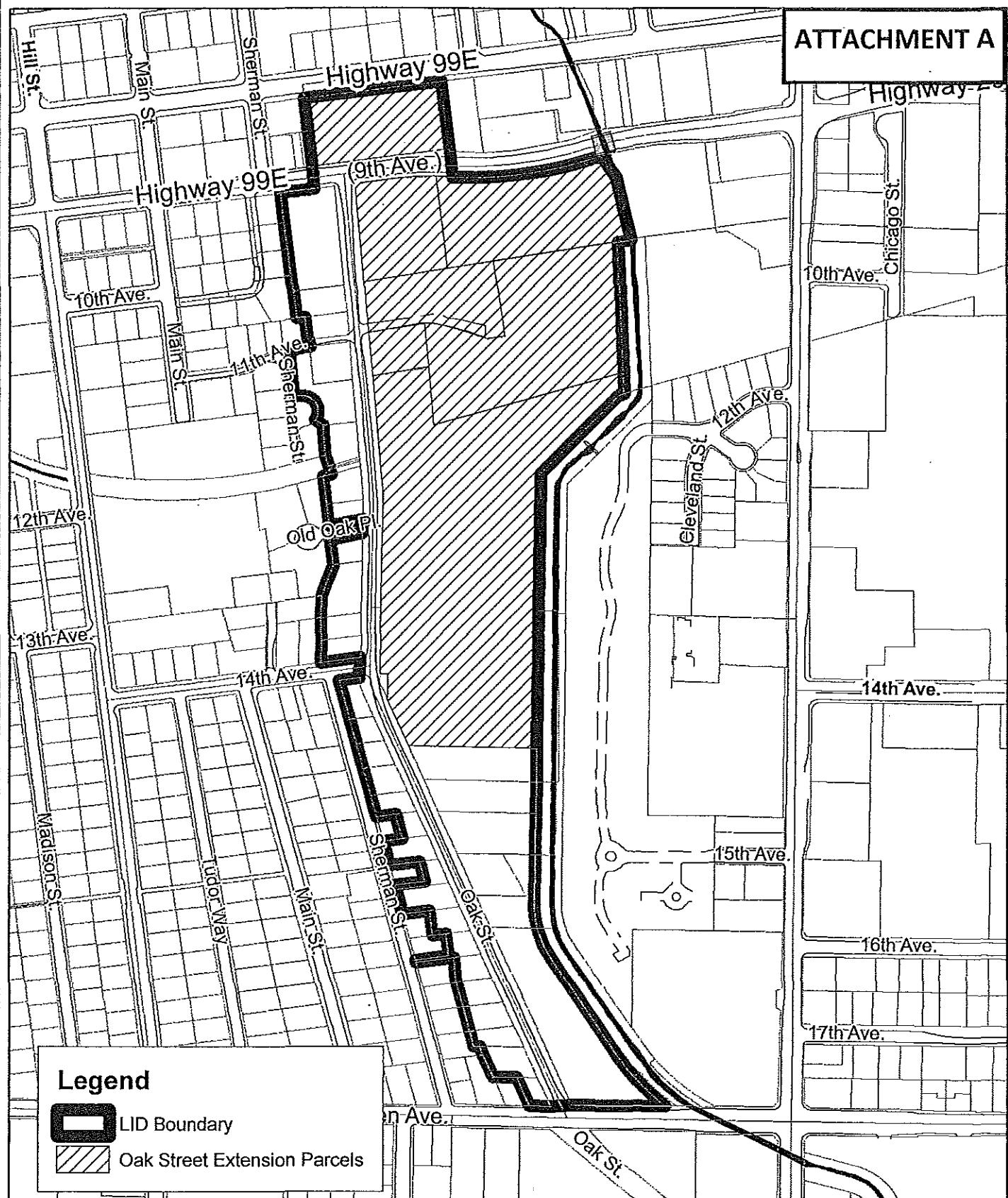
Water system improvement costs will be funded by a combination of one special assessment to the Ping's Restaurant property and approximately \$60,770 from the Connection Fee Reserves in the Water System Capital Projects Fund (615-50-2308) and \$183,000 from the Capital Reserves of the Water System Capital Projects Fund Reserve (615-50-2308).

Should Council decide not to form this LID, the costs incurred to date would not be recoverable through assessments and an alternative funding source would have to be identified.

JMW:kw

Attachments (4)

ATTACHMENT A



Oak Street Local Improvement District - Potential Boundary



The City of Albany Interdisciplinary teams, staff, and other documents have been gathered over many decades, using differing methods for quality control, documentation, and verification. All the information provided represents current information as it exists at the time of this document's creation. The City of Albany makes no guarantee that this information proves to be accurate, and that its currency is not verified. Prior to making any property purchases or other investments based in full or in part on the information contained within our website, verify the information contained within our website.

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Project File Location:
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City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917-7676

Methodology: TRIP GENERATION		INITIAL ENGINEER'S REPORT ASSESSMENT CALCULATION SHEET							CITY OF ALBANY		
Name and Tax Lot	Assessor's Map	Zone	Water	Oak Street	Oak Street	Oak Street & Extension	Oak Street	Total	ST-09-03, Oak Street LID	Estimated Assessments	
		(Lin Ft)	Units	Water	Units	Storm Drain	Units	Extension	Estimated	January 2010	
											NET ASSESSABLE COSTS
ABRAHAM MARIANN I TR	11S03W07AD05500	SFR		9.570	\$6,442.32				\$6,442.32	Water	\$257,000.00
ALBANY CITY OF	11S03W08BC01400	RMD		142.660	\$96,035.74	142.660	\$155,687.65	\$251,723.39	City Funding (Water)		(\$243,770.00)
BARRETT BROS	11S03W08BB04200	CC					168.520	\$183,909.17	\$183,909.17		
BURKE ARTHUR C, JEAN M TR	11S03W07AD04200	SFR		9.570	\$6,442.32				\$6,442.32		
CROOK TERRY L	11S03W07AD03500	RMD		9.570	\$6,442.32				\$6,442.32	Oak Street & Storm Drain	\$2,180,000.00
CUNNINGHAM ANTHONY L	11S03W07DA04000	SFR		13.300	\$8,953.28				\$8,953.28		
ELK KIM CHIEF, GARCIA ARTURO C	11S03W07DA05201	SFR		13.300	\$8,953.28				\$8,953.28		
FICKENSCHER GARI T, CHRISTINE M	11S03W07AD02803	RMD		9.570	\$6,442.32				\$6,442.32	Oak Street Extension	\$2,518,000.00
GERGER BRENT	11S03W07DA05200	SFR		9.570	\$6,442.32				\$6,442.32		
GLASER F T, MARY E TR	11S03W08CB00601	RMD		99.750	\$67,149.62				\$67,149.62		
GOULETT DENNIS W, PATSY I	11S03W07DA04700	SFR		9.570	\$6,442.32				\$6,442.32	Net Assessable Cost	\$4,711,230.00
GOULETT DENNIS W, PATSY I	11S03W07DA04800	SFR		9.570	\$6,442.32				\$6,442.32		
GRAZUL DOROTHY	11S03W08CB01000	RMD		63.840	\$42,975.76				\$42,975.76	UNIT ASSESSMENTS	
HARRISON MARLENE D	11S03W07AD03600	SFR		13.300	\$8,953.28				\$8,953.28		
HUMPHREY TAMIO J	11S03W07DA04600	SFR		13.300	\$8,953.28				\$8,953.28	Oak Street Water	
J CONSER & SONS LLC	11S03W08BC01201	CC		275.150	\$185,225.28	275.150	\$300,276.62	\$485,501.90	Est. Net Cost	\$13,230.00	
J CONSER & SONS LLC	11S03W08BC01202	CC		799.815	\$538,416.70	799.815	\$872,853.58	\$1,411,272.28	Units	294.00	Lin Ft
J CONSER & SONS LLC	11S03W08BC01300	CC		87.159	\$58,673.73	87.159	\$95,118.50	\$153,792.23	Unit Cost	\$45.00	per Lin Ft
KILLIN RANDY, SABRA	11S03W08BC01000	CC		529.792	\$356,644.73	529.792	\$578,172.02	\$934,816.75			
KILLIN EMILY	11S03W07DA04200	SFR		13.300	\$8,953.28				\$8,953.28	Oak Street & Storm Drain	
KILLIN EMILY	11S03W07DA04300	SFR		13.300	\$8,953.28				\$8,953.28	Est. Net Cost	\$2,180,000.00
LEE CHUNG PING, LAI KUEN	11S03W07AD00100	O/P	294.00	\$13,230.00	225.595	\$151,865.59			\$165,095.59	Units	3,238,365 Trips
LEE CHUNG PING	11S03W07DA04401	SFR		13.300	\$8,953.28				\$8,953.28	Unit Cost	\$673.18 per Trip
LEE CHUNG PING	11S03W07DA04501	SFR		13.300	\$8,953.28				\$8,953.28		
LUSCHER MARK W, VALERIE J	11S03W07AD02700	RMD		13.300	\$8,953.28				\$8,953.28	Oak Street Extension	
MEAGHER THOMAS C, DARLENE G	11S03W07DA03900	SFR		9.570	\$6,442.32				\$6,442.32	Est. Net Cost	\$2,518,000.00
NINTH & OAK CHURCH OF CHRIST	11S03W08CB00200	RMD		25.606	\$17,237.43				\$17,237.43	Units	2,307,299 Trips
NINTH & OAK CHURCH OF CHRIST	11S03W08CB00604	RMD		21.766	\$14,652.42				\$14,652.42	Unit Cost	\$1,091.32 per Trip
PERLENFEIN PHYLLIS I, EDWARD R TR	11S03W08BC01100	CC		304.203	\$204,782.99	304.203	\$331,982.47	\$536,765.46			
PERRY MARY AMBROSE	11S03W07DA05500	SFR		9.570	\$6,442.32				\$6,442.32		
PHILLIPS CARLA J	11S03W07DA05400	SFR		9.570	\$6,442.32				\$6,442.32		
PHILLIPS TIMOTHY W	11S03W07AD00103	RMD		9.570	\$6,442.32				\$6,442.32		
RONER FRED A, ANNA L TR	11S03W07AD02800	RMD		9.570	\$6,442.32				\$6,442.32		
SADRI ASGHAR R	11S03W08CB01100	RMD		62.510	\$42,080.43				\$42,080.43		
SADRI ASGHAR R	11S03W08CB01208	RMD		295.260	\$198,762.89				\$198,762.89		
SCHWAB RON	11S03W07DA04100	SFR		9.570	\$6,442.32				\$6,442.32		
SIEGRIST WILLIAM C, NANCY C	11S03W07DA05300	SFR		13.300	\$8,953.28				\$8,953.28		
STYLER MICHAEL D, MARGARET M	11S03W07AD05400	SFR		9.570	\$6,442.32				\$6,442.32		
WADLOW ROBERT A, MEREDITH A	11S03W07AD03700	SFR		9.570	\$6,442.32				\$6,442.32		
WILLIAMS SCOTT L, KAREN S	11S03W07AD05500	SFR		9.570	\$6,442.32				\$6,442.32		
WOODARD CHRIS	11S03W07DA04900	SFR		9.570	\$6,442.32				\$6,442.32		
WOODARD CHRIS A	11S03W07DA05000	SFR		9.570	\$6,442.32				\$6,442.32		
TOTALS			294.00	\$13,230.00	3,238.365	\$2,180,000.00	2,307.299	\$2,518,000.00	\$4,711,230.00		
SMR: Single Family Residential	RMD: Residential Medium Density	CC: Community Commercial	O/P: Office/Professional								

FINANCIAL INVESTIGATION REPORT
ST-09-03, Oak Street Improvements LID

(As of February 3, 2010)

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OWNER OF RECORD	PROPERTY DESCRIPTION	% OF PROJECT	TOTAL ASSESSMENT	BOND MAXIMUM	LAND	TRUE CASH VALUE IMPROVMENTS	2007/2008 TOTAL	OTHER ASMNTS	ASMNT % TO TCV	SEMI-ANNUAL PAYMENTS AT 6.55%
ABRAHAM TR, MARIANN I PO BOX 3016 ALBANY, OR 97321	11S03W07AD05500 Site: 1330 Oak St SE	0.17%	6,442.32	115,820	47,790	10,120	57,910	-	0.11	444.11
ALBANY, CITY OF PARKS & RECREATION DEP PO BOX 490 ALBANY, OR 97321	11S03W08BC01400 Site: 1326 Oak St SE	6.78%	251,723.39	787,580	383,330	10,460	393,790	-	0.64	17352.87
BARRETT BROS, PERLENFEIN INVESTMENTS 2455 FERRY ST SW ALBANY, OR 97322	11S03W08BB04200 Site: 1300 Pacific Blvd SE	4.96%	183,909.17	3,980,360	1,331,370	658,810	1,990,180	-	0.09	12678.01
BURKE TR, ARTHUR C & JEAN M BURKE TR 1220 OLD OAK PL SE ALBANY, OR 97322	11S03W07AD04200 Site: 1220 Old Oak Dr SE	0.17%	6,442.32	272,680	47,610	88,730	136,340	-	0.05	444.11
CROOK, TERRY L 1130 OAK ST SE ALBANY, OR 97322-4936	11S03W07AD03500 Site: 1130 Oak St SE	0.17%	6,442.32	299,460	54,020	95,710	149,730	-	0.04	444.11
HOUSING AND URBAN DEVEL, % HARRINGTO 20829 72ND AVE S STE 159 KENT, WA 98032	11S03W07DA04000 Site: 1680 Oak St SE	0.24%	8,953.28	390,380	64,000	131,190	195,190	-	0.05	617.21
CHIEFELK, KIM & ARTURO C GARCIA 2520 CARMELITA AVE BELMONT, CA 94002	11S03W07DA05201 Site: 1511 Sherman St SE	0.24%	8,953.28	406,080	64,000	139,040	203,040	-	0.04	617.21
FICKENSCHER, GARI & CHRISTINE M FICKEN 1110 OAK ST SE ALBANY, OR 97322-4936	11S03W07AD02803 Site: 1110 Oak St SE	0.17%	6,442.32	492,600	57,110	189,190	246,300	-	0.03	444.11

FINANCIAL INVESTIGATION REPORT
ST-09-03, Oak Street Improvements LID

(As of February 3, 2010)

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OWNER OF RECORD	PROPERTY DESCRIPTION	% OF PROJECT	TOTAL ASSESSMENT	BOND MAXIMUM	TRUE CASH VALUE 2007/2008			OTHER ASMNTS	ASMNT % TO TCV	SEMI-ANNUAL PAYMENTS AT 6.55%
					LAND	IMPROVMENTS	TOTAL			
GERGER, BRENT 1505 SHERMAN ST SE ALBANY, OR 97322	11S03W07DA05200 Site: 1505 Sherman St SE	0.17%	6,442.32	241,120	47,850	72,710	120,560	-	0.05	444.11
GLASER TR, F T & MARY E GLASER TR C/O G FIVE LLC 34343 TANGENT DR TANGENT, OR 97389	11S03W08CB00601 Site: -	1.81%	67,149.62	236,420	118,210	-	118,210	-	0.57	4629.04
GOULETT, DENNIS W & PATSY I GOULETT 1615 SHERMAN ST SE ALBANY, OR 97322	11S03W07DA04700 Site: 1615 Sherman St SE	0.17%	6,442.32	401,580	46,030	154,760	200,790	-	0.03	444.11
GOULETT, DENNIS W & PATSY I GOULETT 1615 SHERMAN ST SE ALBANY, OR 97322	11S03W07DA04800 Site: 1615 Sherman St SE	0.17%	6,442.32	49,740	13,030	11,840	24,870	-	0.26	444.11
GRAZUL, DOROTHY 2/0 R SADRI ASGHAR 203 E RESERVE ST VANCOUVER, WA 98661	11S03W08CB01000 Site: 1605 Oak St SE	1.16%	42,975.76	142,220	71,110	-	71,110	-	0.60	2962.59
HARRISON, MARLENE D 1204 OAK ST SE ALBANY, OR 97322-6666	11S03W07AD03600 Site: 1204 Oak St SE	0.24%	8,953.28	414,840	57,980	149,440	207,420	-	0.04	617.21
HUMPHREY, TAMIO J 3915 NW SITKA PL CORVALLIS, OR 97330	11S03W07DA04600 Site: 1610 Oak St SE	0.24%	8,953.28	314,260	64,000	93,130	157,130	-	0.06	617.21
J CONSER & SONS LLC, 1010 AIRPORT RD SE ALBANY, OR 97322-5125	11S03W08BC01201 Site: 1111 Oak St SE	13.09%	485,501.90	3,148,840	192,680	1,381,740	1,574,420	-	0.31	33468.68

**FINANCIAL INVESTIGATION REPORT
ST-09-03, Oak Street Improvements LID**

(As of February 3, 2010)

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OWNER OF RECORD	PROPERTY DESCRIPTION	% OF PROJECT	TOTAL ASSESSMENT	BOND MAXIMUM	LAND	TRUE CASH VALUE 2007/2008 IMPROVMENTS	2007/2008 TOTAL	OTHER ASMTNS	ASMNT % TO TCV	SEMI-ANNUAL PAYMENTS AT 6.55%
J CONSER & SONS LLC, 1010 AIRPORT RD SE ALBANY, OR 97322-5125	11S03W08BC01202 Site: -	38.04%	1,411,272.28	560,220	280,110	-	280,110	-	5.04	97287.82
J CONSER & SONS LLC, 1010 AIRPORT RD SE ALBANY, OR 97322-5125	11S03W08BC01300 Site: 1105 Oak St SE	4.15%	153,792.23	377,360	62,220	126,460	188,680	-	0.82	10601.86
KILLEN, RANDY & SABRA KILLEN C/O CONSER DESIGN & CONSTRUCTION 1010 AIRPORT RD SE ALBANY, OR 97322	11S03W08BC01000 Site: -	25.20%	934,816.75	3,241,280	1,620,640	-	1,620,640	-	0.58	64442.76
KILLIN, EMILY 615 NW QUARRY RD ALBANY, OR 97321-1558	11S03W07DA04200 Site: 1656 Oak St SE	0.24%	8,953.28	329,680	64,000	100,840	164,840	-	0.05	617.21
KILLIN, EMILY 615 NW QUARRY RD ALBANY, OR 97321-1558	11S03W07DA04300 Site: 1642 Oak St SE	0.24%	8,953.28	329,680	64,000	100,840	164,840	-	0.05	617.21
LEE, CHUNG PING & LAI KUEN LEE 1206 9TH AVE SE ALBANY, OR 97322	11S03W07AD00100 Site: 1206 9th Ave SE	4.45%	165,095.59	1,810,980	362,470	543,020	905,490	-	0.18	11381.07
LEE, CHUNG PING 2521 27TH AVE SE ALBANY, OR 97322	11S03W07DA04401 Site: 1636 Oak St	0.24%	8,953.28	314,520	64,000	93,260	157,260	-	0.06	617.21
LEE, CHUNG PING 2521 27TH AVE SE ALBANY, OR 97322	11S03W07DA04501 Site: 1626 Oak St	0.24%	8,953.28	314,520	64,000	93,260	157,260	-	0.06	617.21

**FINANCIAL INVESTIGATION REPORT
ST-09-03, Oak Street Improvements LID**

(As of February 3, 2010)

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OWNER OF RECORD	PROPERTY DESCRIPTION	% OF PROJECT	TOTAL ASSESSMENT	BOND MAXIMUM	LAND	TRUE CASH VALUE 2007/2008 IMPROVMENTS	TOTAL	OTHER ASMNTS	ASMNT % TO TCV	SEMI-ANNUAL PAYMENTS AT 6.55%
LUSCHER, MARK W & VALERIE J LUSCHER 2616 NW WESTMINSTER WAY ALBANY, OR 97321	11S03W07AD02700 Site: -	0.24%	8,953.28	360,040	64,000	116,020	180,020	-	0.05	617.21
MEAGHER, THOMAS C & DARLENE G MEAGH 1690 OAK ST SE ALBANY, OR 97322-6654	11S03W07DA03900 Site: 1690 Oak St SE	0.17%	6,442.32	350,560	40,830	134,450	175,280	-	0.04	444.11
NINTH & OAK CHURCH OF CHRIST, PO BOX 454 ALBANY, OR 97321-0130	11S03W08CB00200 Site: 1555 Oak St SE	0.46%	17,237.43	580,600	57,930	232,370	290,300	-	0.06	1188.28
NINTH & OAK CHURCH OF CHRIST, PO BOX 454 ALBANY, OR 97321-0130	11S03W08CB00604 Site: -	0.39%	14,652.42	83,540	41,770	-	41,770	-	0.35	1010.08
PERLENFEIN TR, PHYLLIS I & EDWARD R PER C/O EDWARD R PERLENFEIN 2910 NE ALEXANDER LN ALBANY, OR 97321	11S03W08BC01100 Site: -	14.47%	536,765.46	2,067,900	1,033,950	-	1,033,950	-	0.52	37002.6
PERRY, MARY AMBROSE & DOROTHEA A MIT 1405 SHERMAN ST SE ALBANY, OR 97322	11S03W07DA05500 Site: 1405 Sherman St SE	0.17%	6,442.32	312,840	47,230	109,190	156,420	-	0.04	444.11
PHILLIPS, CARLA J 2651 NW WESTMINSTER WAY ALBANY, OR 97321	11S03W07DA05400 Site: 1435 Sherman St SE	0.17%	6,442.32	275,940	44,890	93,080	137,970	-	0.05	444.11
PHILLIPS, TIMOTHY W PO BOX 1832 ALBANY, OR 97321	11S03W07AD00103 Site: 1040 Oak St SE	0.17%	6,442.32	306,520	54,590	98,670	153,260	-	0.04	444.11

**FINANCIAL INVESTIGATION REPORT
ST-09-03, Oak Street Improvements LID**

(As of February 3, 2010)

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OWNER OF RECORD	PROPERTY DESCRIPTION	% OF PROJECT	TOTAL ASSESSMENT	BOND MAXIMUM	LAND	TRUE CASH VALUE 2007/2008 IMPROVMENTS	TOTAL	OTHER ASMNTS	ASMNT % TO TCV	SEMI-ANNUAL PAYMENTS AT 6.55%
RONER TR, FRED A & ANNA L RONER 1120 OAK ST SE ALBANY, OR 97322-4936	11S03W07AD02800 Site: 1120 Oak St SE	0.17%	6,442.32	621,840	66,850	244,070	310,920	-	0.02	444.11
SADRI, ASGHAR R 203 E RESERVE ST VANCOUVER, WA 98661	11S03W08CB01100 Site: -	1.13%	42,080.43	121,180	60,590	-	60,590	-	0.69	2900.87
SADRI, ASGHAR R 203 E RESERVE ST VANCOUVER, WA 98661	11S03W08CB01208 Site: -	5.36%	198,762.89	664,360	332,180	-	332,180	-	0.60	13701.97
SCHWAB, RON 1670 OAK ST SE ALBANY, OR 97322	11S03W07DA04100 Site: 1670 Oak St SE	0.17%	6,442.32	219,480	47,680	62,060	109,740	-	0.06	444.11
SIEGRIST, WILLIAM C & NANCY C SIEGRIST PO BOX 842 ALBANY, OR 97321-0467	11S03W07DA05300 Site: 1445 Sherman St SE	0.24%	8,953.28	314,520	64,000	93,260	157,260	-	0.06	617.21
STYLER, MICHAEL D & MARGARET M STYLE 1320 OAK ST SE ALBANY, OR 97322-6651	11S03W07AD05400 Site: 1320 Oak St SE	0.17%	6,442.32	282,080	56,460	84,580	141,040	-	0.05	444.11
WADLOW, ROBERT A & MEREDITH A WADLO 1240 OAK ST SE ALBANY, OR 97322-6650	11S03W07AD03700 Site: 1240 Oak St SE	0.17%	6,442.32	264,400	46,590	85,610	132,200	-	0.05	444.11
WILLIAMS, SCOTT L KAREN S WILLIAMS 1801 NW FISHER LOOP ALBANY, OR 97321	11S03W07AD05600 Site: 1340 Oak St SE	0.17%	6,442.32	183,640	47,040	44,780	91,820	-	0.07	444.11

**FINANCIAL INVESTIGATION REPORT
ST-09-03, Oak Street Improvements LID**

(As of February 3, 2010)

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OWNER OF RECORD	PROPERTY DESCRIPTION	% OF PROJECT	TOTAL ASSESSMENT	BOND MAXIMUM	TRUE CASH VALUE 2007/2008			OTHER ASMNTS	ASMNT % TO TCV	SEMI-ANNUAL PAYMENTS AT 6.55%
					LAND	IMPROVMENTS	TOTAL			
WOODARD, CHRIS A 1600 SHERMAN ST SE ALBANY, OR 97322	11S03W07DA04900 Site: 1540 Oak St SE	0.17%	6,442.32	90,440	43,210	2,010	45,220	-	0.14	444.11
WOODARD, CHRIS A 1600 SHERMAN ST SE ALBANY, OR 97322	11S03W07DA05000 Site: 1530 Oak St SE	0.17%	6,442.32	170,620	44,530	40,780	85,310	-	0.08	444.11
Totals			4,711,229.88	26,242,720	7,435,880	5,685,480	13,121,360		1276.73%	324,774.58

FINANCIAL INVESTIGATION REPORT (Cont.)
ST-09-03, Oak Street Local Improvement District (LID)
(As of February 3, 2010)

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

The City is not currently holding property obtained through foreclosure. Twelve properties are delinquent more than one year.

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

Ninety-four percent of City property assessments are current. Property tax collections are projected to be 94 percent of current taxes levied. These percentages reveal a decrease of one to two percent from a year ago.

Section 5. Real estate value trends in the area.

Real estate market values within the City are down from 8 to 15 percent for the upcoming year. Real estate sales are down by 30 percent. Residential construction is also experiencing a sharp decline with Construction permits down by more than 40 percent. Building activity is anticipated to continue a downward trend during FY 2009-2010.

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

Taxes are expected to remain fairly stable due to a difference of approximately thirty percent between the assessed value and market value. An increase of three to four percent should be expected.

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

This project conforms to the City's Comprehensive Plan.

Section 8. Status of City's debt.

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

Section 9. Estimated cost of financing.

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

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

The estimated total assessments range from \$6,442.32 to \$1,411,272.28. The semi-annual payment for the proposed assessments project to range from \$444.11 to \$97,287.82, for a ten year term.

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

RESOLUTION NO. _____

A RESOLUTION FOR THE ADOPTION OF ENGINEERING AND FINANCIAL INVESTIGATION REPORTS, AUTHORIZATION TO SECURE EASEMENTS, TO OBTAIN BIDS, AND TO ISSUE DEBT FOR THE CONSTRUCTION OF ST-09-03, OAK STREET LOCAL IMPROVEMENT DISTRICT (LID).

WHEREAS, the engineering and financial investigation reports are attached as Exhibit 1; and

NOW, THEREFORE, BE IT RESOLVED that the engineer's report of the Public Works Director and the financial investigation report of the Finance Director concerning ST-09-03, Oak Street Improvements LID are hereby adopted; and

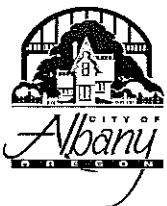
BE IT FURTHER RESOLVED that the Council authorizes the City Manager or his designee to sign agreements on behalf of the City of Albany for the purpose of obtaining easements to construct the said improvements, direct, the City Manager to obtain bids for the construction of said projects as required by law, and authorizes the City Manager to make, issue, and negotiate debt to finance construction of said improvements.

DATED AND EFFECTIVE THIS 10TH DAY OF FEBRUARY 2010.

Mayor

ATTEST:

City Clerk



APPROVED: Planning Commission, January 25, 2010

APPROVED: City Council, _____

**CITY OF ALBANY
CITY COUNCIL AND PLANNING COMMISSION WORK SESSION
City Hall Council Chambers, 333 Broadalbin Street
Tuesday, August 18, 2009
4:00 p.m.**

MINUTES

CALL TO ORDER

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

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

Commission members present: Paul Davis, David Faller, Cordell Post, Wayne Rackham, Dala Rouse, Michael Styler, Larry Tomlin, and Scott Whitney

Commission members absent: Lolly Gibbs

Staff present: Water Quality Control Supervisor Chris Bailey, Assistant City Engineer Jeff Blaine, Community Development Director Greg Byrne, Planning Manager Don Donovan, Planner III Heather Hansen, Parks and Recreation Director Ed Hodney, City Manager Wes Hare, Urban Renewal Manager Kate Porsche, Management Assistant Marylyn Smith, and Administrative Assistant I Sheena Dodson.

Others present: 8 others

CALL TO ORDER:

Mayor Konopa called the meeting to order at 4:04 p.m.

INTRODUCTIONS

The Council and Planning Commission briefly introduced themselves.

REVIEW OF GOAL 5

Community Development Director Greg Byrne introduced Planner III Heather Hansen who oversees the Goal 5 project. Hansen introduced consultant John van Staveren, from Pacific Habitat, and Ed Moore and Amanda Punton from the Department of Land Conservation and Development (DLCD). She noted that eventually there would be an interdepartmental team that would include staff from Public Works (PW), Parks and Recreation (P&R), legal council and the economic development g that will work on Goal 5 amendments to the

Development Code (DC).

Declaration: Commissioner Cordell Post submitted and read a memorandum disclosing that the implementation of Goal 5 may give rise to a potential conflict of interest as any decision may result in financial impact on real property owned by him or members of his family (Exhibit A).

Hansen handed out discussion aids (Exhibit B).

van Staveren said that to identify riparian corridors they used three methodologies; the Urban Riparian Inventory and Assessment Guide (URIAG), the Safe Harbor, and the Effective Shade methods. He recommends using URIAG for Oak Creek and Calapooia the Safe Harbor method for the Willamette and all other fish-bearing lakes and streams. He recommends going through the Economic, Social, Environmental, and Energy (ESEE) which analyzes the consequences of those four factors to be the process for the downtown waterfront.

van Staveren continued saying that the research concluded that the only significant wildlife habitat in Albany is Thornton Lake where there are turtles. The recommendation is to protect the wildlife habitat through the riparian and wetlands ordinances. An additional provision would be that if a development was proposed within 100 feet of documented wildlife habitat, then a biologist must be hired to conduct an assessment and document what the potential effects of the development would be on the species.

Hansen went through the resources listed on page 2 of Exhibit B. There are various ways to define resources. She gave the Goal 5 definition of wetlands which are areas inundated or saturated by surface water or ground water at a frequency and duration sufficient to support and under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated conditions, including farm wetlands.

Hansen noted that the method used for wetlands was the Local Wetland inventory methodology prescribed by the state. The state provides the criteria for identifying significance. They do not address setbacks or buffer requirements. She stated that wetland boundaries are considered to be accurate to within 25 feet in most cases and that most cities do have a buffer.

Hansen said that the work program is to complete inventories and develop an ordinance to protect significant wetlands. There are two approaches that can be used, either Safe Harbor or Standard. Safe Harbor is recommended by the consultant and used by most cities. With the Safe Harbor protection it would include these terms; restrict grading excavating replacement and fill, and vegetation removal other than mowing and cutting for hazard prevention. It would include a procedure for hardship variances, claims of map errors, and removal of restrictions for any lands demonstrated to have been rendered not buildable by application of the ordinance

Hansen said that the consultant recommends a 50-foot buffer but it can be reduced if there is a Department of State Land (DSL) delineation. She reminded them that every wetland must go through a DSL process delineation. Post asked if a person had a delineation done from DSL why there would need to be an additional buffer. van Staveren said it would protect the wetland.

Hansen stated that the Natural Resource Advisory Committee (NRAC) did not address buffers. She noted that Rich Catlin, the previous planner that worked with Goal 5, was going to propose a 25-foot setback and reduce to 10 feet if an approved DSL delineation was done. She commented that other cities buffers are anywhere from 25 to 200 feet and the minimum requirement is none. The DLCD does not address buffers directly but protection has to be done.

van Staveren gave different scenarios of the Standard (ESEE) process and balance. He stated that it would be
City Council/Planning Commission Work Session Minutes/August 18, 2009/Page 2

expensive to do ESEE for the Albany area. Byrne asked van Staveren if the ESEE analysis introduces subjectivity or digression that would not be there with a fixed boundary. van Staveren affirmed. He commented that in Reedsport they used the Safe Harbor method but there was a provision that if the property owner wanted to do an ESEE and then present it to City Council it was possible.

Commissioner Rackham asked for clarification, on page 31 of the agenda packet, if Thornton Lake was the only significant wetland. van Staveren explained that Thornton Lake is the only area with significant wildlife. He added that there were 159 out of 372 wetlands that were deemed to be significant in Albany.

Mayor Konopa asked if the recommendation of a buffer allows DSL delineation, would the city allow to delineate significant wetlands. Hansen said yes. She explained that the recommendation is a 50 foot buffer around the local wetland inventory and if a property owner would have a wetland delineation done, which is more site specific, then it would only be a 25 foot buffer. This is the process for all wetlands. The reason for delineation would be for a better sense of the boundary.

Councilor Collins used an example of a church in North Albany where there were three non significant wetlands. The church had a delineation done. There were non significant wetlands on the property. A program was to mitigate those. van Staveren explained that if there was no other place to put a road or a building, encroaching on the wetlands would be allowable.

Commissioner Rouse asked if the minimum buffer could be 35 feet as 25 feet was not a lot. Hansen stated that the recommended minimum buffer should be 25 feet. Mayor Konopa suggested that it be defined what would be permitted in that area. Byrne explained that DSL defines wetlands and is stricter than the City.

Commissioner Tomlin asked if there were split systems. Hansen did not recall there being any.

Councilor Collins asked if identifying all the wetlands would mean taking the buildable lands. Hansen explained that the buildable lands analysis assumed that some wetlands were not buildable.

Hansen moved on to Riparian corridors. She noted that the Goal 5 requirements did not specify a methodology to be used for inventory or significance determination. In the periodic review plan the City is asked to apply the Safe Harbor approach to identify the location of fish bearing lakes and streams and develop an ordinance to protect them. Punton commented that the first step is the inventory. She added that the Standard inventory for riparian corridors would be having a consultation with someone who understands what the function and values of the riparian areas are and develop an analysis procedure to protect them.

Commissioner Rouse asked what season the measure of flow was taken. van Staveren said that the measurements are taken throughout the year and an average is created.

Councilor Collins, using a section of the Willamette River as an example, believed that the recommendation would be more restrictive than the current Greenway application. Planning Manager Don Donovan explained if the inventory was done under the ESEE analysis all factors would be considered. Hansen stated that the consultant's recommendation is to do the ESEE analysis for the downtown water front.

Rouse asked how the ESEE method would apply to a specific site. Hansen gave an example of allowing development with a certain setback and would mitigate for that setback by planting more or improving it.

Collins asked about if there was the same restriction for utilities in the riparian corridor. Hansen replied no. She explained that the riparian corridor is more flexible than significant wetlands. She highlighted the differences found on page 3.

Hansen reviewed the recommendation options and the variations. She noted that van Staveren recommends a combination of the Safe Harbor and Standard approach. She said van Staveren is using the Safe Harbor approach to be used for all rivers and creeks except Calapooia and Oak Creek. In those cases it would be based on the site potential tree height.

Rouse asked how it would be measured if the river changes. van Staveren explained that the buffer would only be designated if there was development on the site. If the stream meandered after that and the creek was in the buffer, during a redevelopment scenario then it would need to be redone. Reid mentioned a scenario in Benton County where that had taken place.

Davis asked if Linn County were doing Goal 5 requirements at the same time as the City. Hansen explained that the Goal 5 evaluation is done during Periodic Review and each area is on a different Periodic Review cycle. Donovan said that staff would find out their schedule.

Moore mentioned that by identifying the Goal 5 resource inventory it can be taken out of the buildable lands.

Hansen noted that for the wildlife habitat they do not include fish, which is not required to be included by the State. It is habitat that performs a life support function for species that are listed on the state or federal list. Setbacks or buffer widths are not addressed in the state requirements. The periodic review work program states that the City must compile any existing inventories and develop an ordinance to protect wildlife habitat. Protection options are not specified. The Natural Resource Advisory Committee (NRAC) did not address wildlife separately; they felt that the riparian corridors and wetland protections addressed it. Most other cities do not address wildlife separately either. She noted that both the City of Eugene and Benton County have done work on wildlife protection and could be used as examples of how they implemented it. For wildlife protection, the recommendation is to address it through enhanced riparian and wetland protection.

Hansen noted that the protection requirements for wildlife depended on the value of the community. Some residents will feel strongly that all wildlife is important, others will not.

Hansen explained that it needs to be documented wildlife habitat by a state agency or by a scientist. Post asked how a property owner would know. Hansen replied that other than Thornton Lake van Staveren's research showed that there was no other documented wildlife habitat. The City would be responsible to keep the list. If people found other species in the City then it would need to be documented by the State or a scientist and then the wildlife habitat assessment area would apply. van Staveren said the research came from the Oregon Natural Heritage Center.

Tomlin asked if mitigation would have to be done on Thornton Lake if the City adopted Goal 5. Hansen replied that an interdepartmental team would figure out how to implement Goal 5 and then it would be brought before the PC and the CC for review.

Hansen clarified that the recommendation is not to have wildlife habitat done separately but to address it through the Riparian Corridors and wetlands. van Staveren reiterated that there was no significant wildlife besides Thornton Lakes.

Rouse asked for clarification of the definition of the wildlife being discussed. Donovan stated that wildlife is defined as sensitive, threatened or endangered. Hansen added wildlife that is documented. Rouse using deer and bald eagle as examples, said that the public thinks that animals coming on their property need to be protected. She said the definition of the wildlife being discussed needs to be very clear.

Davis asked what the City could do in the Safe Harbor riparian corridors, such as streets. van Staveren responded that a wildlife assessment would be done. The results of the assessment would determine if

something was going through a significant wildlife habitat and would need to be required to be moved.

Reid using an endangered butterfly as an example asked if it were to land on someone's property if it would be included on the list. Hansen explained that it is only the wildlife that is on the documented list, and only habitat that the wildlife depends on for food, shelter, water or reproduction.

Punton asked how the ordinance would apply if a new species was found and not listed on the inventory. Christman suggested that the City make it very specific to Thornton Lake as it has been found to have significant wildlife. Tomlin said that if other areas were found in the 5 year review they could be inserted.

Rouse asked if Thornton Lake was the only inventory what would happen if someone came to a PC meeting with documentation that there was significant wildlife at another location. Hansen said it would be something that the interdepartmental team would work on. Donovan explained that the meetings were to see if people found problems with the study and if the City would need to do more.

Rouse suggested listing the significant wildlife that could be found in an area *thus far* (emphasis added). Donovan stated that van Staveren had done that. Rouse recommended the language be written that if another location was found to have significant wildlife that it could be included without amending the comprehensive plan.

Reid asked if Salmon was included on the inventory. Donovan explained that fish was not included in wildlife. Byrne explained that fish are assumed to be protected by the riparian protections.

Byrne suggested that the City lists a species as being protected and if the species was found at a different location then the protection would follow. Rouse agreed.

Councilor Johnson asked if a turtle moved its nesting from one location to different location, such as the middle of a property, where the 100 feet would be. She asked for it to be discussed in the interdepartmental meetings.

Davis said at the PC meetings they have had people object to development because it would impinge on the existing wildlife corridor. He thinks the issue of corridors should be looked at in greater degree. Hansen agreed.

Rackham suggested that part of the discussions include that the City will not be taking people's property. Others agreed. Hansen said a question to ask is how the City will maximize the protection of the resource while minimizing the impact to property owners.

Hansen stated that the total acres combined, riparian corridor and wetlands, is 1500 acres. She noted that 1200 acres is private ownership. The floodway Open Space and Willamette Greenway setback account for 900 acres. She commented that what was not accounted for in the acreage is existing restrictions, such as easements, annexations agreements or deed restrictions.

Hansen pointed to the summary of what other jurisdictions are doing for their buffers (page 5). Faller asked if the listed cities were the only cities with Goal 5. Hansen replied no.

Hansen explained that there was a lot of flexibility and variety of how to implement Goal 5. It needs to be clear for the public whose property may be different than the person next doors. It needs to be flexible to achieve the goals the City wants to achieve. Rouse agreed.

Hansen remarked that property cost would be a concern. There would be an attempt to limit the impact on
City Council/Planning Commission Work Session Minutes/August 18, 2009/Page 5

individual property owners. She noted that some of the property owners may not be able to develop to the extent that they would hope. She noted in the DC there was a way to mitigate that with cluster and planned development provisions where transferring development density to a different part of the property. She commented that some people would prefer a smaller lot in order to have OS next to them. Rouse stated it was one of the reasons the City adopted cluster development. Konopa asked if it meant the City would be allowing park amenities to be allowed in order to build in the protected area, park amenities being pavement. Hansen said it would be natural path areas where a person could walk but with no pavement. Konopa recommended that it be defined what could and could not be done.

Hansen mentioned that there were a lot of requirements coming up with regards to the management of storm water; its temperature, bacteria and mercury. Also, the City is to manage development in the floodplain to the extent of making sure it functions as a floodplain and that the water can move around and is not toxic water. She noted that there is not a provision for storage of toxic materials in the floodplain. There is in the floodway.

Konopa noted that under the stormwater management section she did not see any protection for the natural drainage ways. She asked if it would be identified or addressed. Hansen replied that it was on the interdepartmental list of items to be discussed. One of staff's goals is not having to come back to the City Council for changes that another department has changed.

Hansen said that the buildable land supply did need to be analyzed. Staff does need to figure out how it affects supply and if the Urban Growth Boundary expansion needs to be discussed or rezoned.

Styler asked why the fish bearing list of river, lakes and streams did not include Timber Linn Lake. Hansen said it would be added to the fish bearing list.

Hansen continued saying that the strategic plan, the Great Neighborhoods goal, is to provide effective stewardship of Albany's significant natural resources. In addition to the environmental health benefits, wetlands and riparian corridors support Great Neighborhoods by providing connection to the natural environment. It enhances neighborhoods' livability and sense of place. She noted that economic vitality is linked together with environmental protection.

Hansen moved on to other community benefits that wetlands and riparian corridors provide. She noted that they provide services, such as Eco system services, which the City would not have to pay or provide to do. The services include regulating the flow water and ground water levels, purification, climate control, education, research and spiritual opportunities. Styler commented that the Department of State Lands (DSL) regulations do not specify how the City treats the wetlands and the City needs to set our own standards.

Hansen noted that the next step in the process is notification to property owners. Also, there will be an open house on September 10, 2009. Other avenues of information will be the City Bridges and letters to potentially impacted property owners. There will be a public roundtable in October for staff to present draft recommendations based on the information received at the open house and input from the natural resource advisory committee, and the consultant. In November, there would be a joint public meeting with draft recommendations that people could respond to but it would not be a public hearing. The public hearing process would start in January with code amendments.

Moore made a correction to an earlier comment and said that Linn County does have a riparian setback of a minimum of 50 feet to a maximum of 100 feet. He said for wildlife they have a sensitive bird overlay, which includes the northern bald eagle, osprey nests, and banded tailed pigeon. In Linn County's code they have identified that the buffer starts from a point from the nest.

Styler asked for more knowledge of what the counties are doing.

City Council/Planning Commission Work Session Minutes/August 18, 2009/Page 6

Christman commented that the schedule for input and the schedule for implementation of Goal 5 felt aggressive. He suggested there be lots of time for reviewing it as it would affect all citizens.

Stylet recommended that an email address be advertised for people that do not get out. Hansen commented that there will be a webpage set up for people to go to and provide comments.

Tomlin asked who would participate in the open house. Hansen replied that it would be great if the PC and the CC could attend and interact with the public.

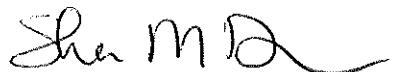
NEXT MEETING DATE

The next joint work session is scheduled for Thursday, August 27, 2009 at 4:00 p.m. in Council Chambers.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:04 p.m.

Respectfully submitted,

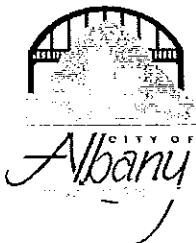


Sheena Dodson
Administrative Assistant I

Reviewed by,



Don Donovan
Planning Manager



**City of Albany - Joint Work Session
Albany City Council / Albany Planning Commission**

TRANSPORTATION SYSTEM PLAN REVIEW

Albany City Hall, Willamette Room
Thursday, August 27, 2009
4:00 – 6:00 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:03 p.m.

ROLL CALL

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

Councilors absent: None

Planning Commission present: Commissioners Cordell Post, Dala Rouse, Larry Tomlin, and Michael Styler

Planning Commission absent: Commissioners Wayne Rackham, David Faller, Lolly Gibbs, Scott Whitney, and Paul Davis.

COMMENTS FROM THE PUBLIC

There was no business from the public.

APPROVAL OF MINUTES

Minutes were presented from the July 27, 2009, Planning Commission Meeting, but were not able to be approved due to the lack of a quorum.

REVIEW OF THE DRAFT ALBANY TRANSPORTATION SYSTEM PLAN

Jeni Richardson, City of Albany Civil Engineer III, explained that staff would like to make the draft Transportation System Plan (TSP) available to the public in order to solicit their comments prior to beginning the formal public hearing adoption process.

Richardson proceeded with a PowerPoint presentation that she proposed to use for general public outreach, and asked for Council's and Planning Commission's feedback and direction following the presentation before moving forward with the outreach to the general public. Richardson further explained that the presentation provides a very brief and general description of how the Transportation System Plan is developed. Project maps and project descriptions would be distributed at the public meetings along with information on where to view the entire TSP document in person or on-line and how comments could be submitted.

TRANSPORTATION SYSTEM PLAN REVIEW
August 27, 2009

The changes to the TSP that were identified are as follows:

- Add statement wherever possible that "Projects are conceptual in nature and locations are subject to modification during design."
- Increase project cost for S2 to \$250,000 and strike last sentence in description.
- Add a bullet to the list of Albany Development Code considerations on page 81 to "Consider a requirement for meander streets."
- Add new project I38 Salem Avenue/Geary Street
- Add a bullet to list of Albany Development Code considerations on page 81 to "Update parking standards on residential streets."
 - Discussion: Minor collectors can use sharrows instead of striping bike lanes and avoid parking removal. Based on previous conversations, project costs for the Hill and Jackson projects (B3 and B5) were increased to widen roads and retain parking.

City Council and Planning Commission members agreed that the PowerPoint presentation and public outreach strategy is a good one.

ACTION: Staff will schedule a Planning Commission/City Council joint meeting between the future TSP adoption public hearings with the Planning Commission and with the City Council if needed to consider new items.

MOTION: Commissioner Post made a motion for the draft Transportation System Plan to be made available to the public for review and comments. Councilor Johnson seconded the motion, and it passed unanimously.

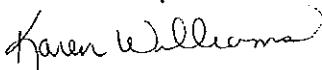
OTHER ITEMS

None.

ADJOURNMENT

The meeting was adjourned at 5:56 p.m.

Respectfully submitted,



Karen S. Williams
Public Works Project Coordinator

Reviewed by,



Jeni Richardson, P.E.
Civil Engineer III

APPROVED:

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, January 11, 2010
4:00 p.m.

MINUTES

CALL TO ORDER

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

ROLL CALL

Councilors present: Councilors Bill Coburn, Floyd Collins, Dick Olsen, Jeff Christman, and Ralph Reid, Jr. Bessie Johnson arrived at 5:20 p.m.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

James Brooks, 3749 Dunlap Avenue, spoke to the Transportation System Plan (TSP) scheduled for the January 13, 2010, Council meeting. Brooks said he understands that there was a proposal brought to the Council's attention about the possibility of a road crossing his property. He is frustrated that while the TSP has been made public, it should still be the obligation of the City to notify him if it is right next to his house. He found out about it at the "eleventh hour" and it will have a drastic and serious financial impact to his property. Regarding the potential closing of Century Drive and rerouting traffic through residential neighborhoods and vacant land, he sees lots of options. He is concerned about what happens and doesn't want to see it in the TSP without more discussion. There should be a fair chance for all affected property owners to have a say in it, before the TSP is adopted. He just found out about this last week and he doesn't think that is enough time. It is difficult for him to say what option is better than another. It is fair for all property owners to have an opportunity to address this.

Transportation Systems Analyst Ron Irish described the outreach that was done 1.5 years ago for the original plan. There has not been outreach for the new proposed plan yet because it has just recently been forwarded to the Council from the Planning Commission.

Councilor Dick Olsen asked, do we have a proposed route? Irish said, the route is not firm. We have a preferred alternative. It has not been decided and there was not enough direction to complete the plan. This came to the Council because the Planning Commission forwarded it. At this point staff cannot make up a new plan. The Council will need to resolve the alignment issues before it can be adopted. Staff is seeking direction from the Council not only on this project but on others in the TSP.

Mike Newman, 3747 Dunlap Avenue, said he is surprised. He said, the state has held meetings on the whole area, and the City participated; then all of a sudden a couple guys who don't like the plan come up with a new plan and Newman doesn't even know about it. He owns property out there and not one person asked him about it. He thinks it is not right that one person can come in and negotiate using another street because they don't want it to go by their own property. He also heard at the last minute that there is a new street design but no one has mentioned it.

City Manager Wes Hare thinks there may be a misunderstanding about what transpired. He said that yes, someone came forward with a proposal, but no agreements or decisions have been made. The ball is now in the Council's court to make a decision.

Public Works Director Diane Taniguchi-Dennis clarified that nothing has changed since the last work session. She said, there are folks in the community that are debating the use of Expo Parkway or Timber Street, but there have been no changes to the plan. There has not been a broad second notification yet because the plan has not changed. The Council could, if they so choose, direct staff to notify the public about the recent proposals; but they are just proposals at this point.

Olsen asked, has the closure of Century Drive been decided or is it still being negotiated? Konopa said she will be meeting with ODOT tomorrow at a Steering Committee meeting, and she will ask. The Council consensus was that they do not want Century Drive to be closed.

MOTION: Councilor Ralph Reid moved to direct staff to prepare a Resolution for the Wednesday, January 13, 2010, Regular Session, stating that the City Council wants Century Drive to remain open. Olsen seconded the motion.

Councilor Floyd Collins noted that this has been in the planning stage for ten years.

Hare pointed out that we don't know what ODOT would identify as an alternative to closing Century Drive; it could be worse.

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

LONG-TERM PLANNING FOR DEERFIELD AND BURKHART PARKS

Parks & Recreation Director Ed Hodney said that the Council directed staff in a previous work session to secure the continued use of Deerfield and Burkhart Parks. The parks are owned by Greater Albany Public Schools (GAPS). There is a proposal for the City to build soccer fields and a track at the new Timber Ridge School, and in consideration for the City making those improvements GAPS would convey ownership of Burkhart Park to the City and lease Deerfield Park to the City for \$1,000 annually. The Council did not take action other than to ask staff to continue discussions with GAPS. Hodney said three options are outlined in the staff memo.

Hodney said that the GAPS Business Director does not support Option 2. Options 1 and 3 are possible with some revisions. Staff is seeking direction today from the Council about the best solution.

Konopa said her goal is for the City to own the parks in the long-term. She asked, could the City make other improvements in exchange for the property to reach the real market value? Hodney will look into that option.

Hodney pointed out that the City does not have funds to purchase the property outright. However, there are Park System Development Charges (SDCs) that are targeted for construction of soccer fields. This would be one of those fields.

Collins agrees that we should secure both parks. He thinks the City should pay the assessed value, use the \$300,000 in SDCs as a down payment, and then pay off GAPS in an agreed-upon timeline. GAPS would have the soccer fields and the City would have use of them.

GAPS Business Director Russ Allen said, GAPS is looking for a win-win outcome so he supports a creative solution. To Collins suggestion, Allen said they consider Burkhart Park less valuable than the improvement of soccer fields. He wanted the Council to know that they had considered that.

Councilor Bill Coburn is comfortable with Hodney and Allen working out the details. He recognizes that the City has had use of the two parks for many years in exchange for very little money.

Hare suggested the City acquire Burkhart Park and proceed with the construction of the soccer field. Then they would have an opportunity to come back with a plan to acquire Deerfield Park.

City Attorney Jim Delapoer said he will not be drafting an agreement between the City and GAPS due to a conflict of interest.

BICYCLE-FRIENDLY CITY APPLICATION

Bill Pintard, Chair of the Bike & Pedestrian Commission, said the American Bicycle League has been recognizing cities that are "bike friendly." This recognition program operates similar to the City Tree Program. There is no filing fee or membership fee or other obligation. Albany would be listed on their website, so it could boost visits. The Bike & Pedestrian Commission has the application completed but wanted to get the Council's buy-in first. Cities are rated as gold, silver, or bronze. Pintard said some applications are denied and the League occasionally reevaluates its members so a city's rating can go up or down.

MOTION: Olsen moved that the City of Albany submit an application to be recognized as a Bike-Friendly City. Coburn seconded the motion and it passed 5-0.

COMMUNITY DEVELOPMENT INCREASES

Community Development Director Greg Byrne described the City's current fees in the building and development programs, and how they are not in compliance with current Council policies.

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

Konopa said this was a good presentation because it shows how the City has not dealt with the gap between costs and revenues. Year after year our fee structure has not kept up with program costs and it has finally reached a critical point. She would like to see a comparison of numbers for 2001 and 2009 for the Building and Planning Department.

Hare said, when building activity was high the Council didn't backfill with full-time employees (FTEs); instead, the work was completed by using contracted employees. The net result is that the cuts Byrne has shown are not indicative of all the cuts that have been actually made.

Collins said the alternative to having building and planning programs offered by the City, is that citizens must go through the county; and if the county doesn't want the responsibility, it falls to the state. Or, the City can contract the work out. This is a service that is being demanded by the public. He asked, what would the fee increase to the citizen be if the county or state issued permits, or if the City contracted it out? Byrne showed fee comparisons for state of Oregon, City of Albany, and Linn County permits. The City fees are lower, and in the case of specialty permits, Albany is hundreds of dollars lower.

Collins asked, if the City were to increase our fees to match the states' fees, would that close the gap? Byrne said the state only provides this level of service for a few counties, so it is difficult to compare. It would be easier to compare Albany to other cities. Compared to Corvallis, Springfield, and Salem, Albany's fees are 35-45% less.

Byrne said that last year, the Council didn't want to raise fees and approved a subsidy from the General Fund instead. But, that is no longer an option.

Olsen asked if keeping the fees low encouraged building activity. Byrne said no, and pointed out that when Linn County temporarily waived fees, they only got two permit applications.

Olsen asked, do builders prefer faster service or a lower permit fee? Coburn is in the private industry and said that in Portland, where half of the inspectors were laid off, it takes too long to get the electrical inspection and it brings a halt to other building activities, like insulation, dry walling, painting, etc.

Hare said that when permit processes take too long it also leads to a lot of unpermitted activity. He foresees problems if the programs were to be diverted to Linn County.

Byrne said that if the City were to consolidate it would make sense for Linn County to merge with us because we provide fire-life safety inspections, and because the fire districts are bigger anyway. Fire Chief John Bradner agreed, and added that Building/Planning and Fire work well together. Bradner's preference is to keep building permits at the City because then fire-life safety issues are addressed before a structure is built.

Byrne added that Code Enforcement is also an important service the City provides. Currently there are 68 active cases with one inspector working all of them.

Reid pointed out that in today's economy any home being built or remodeled is not a spec home; rather, it is a job that has to be done quickly so that the buyer can move in. Thus, timing is critical. He thinks that inspectors getting to a site quickly is a benefit both to the City and to citizens.

Hare said, other jurisdictions raised fees or had significant layoffs in their Building Departments driven by the current economic crisis. Albany had one lay-off and did not raise fees. Albany made most cuts with attrition and reorganization in order to keep service levels high. But Albany is at the point now that if the City has to lay-off employees, it will not be able to provide critical services.

Konopa thinks the City should consider sharing services with other cities and counties. The dialogue should be started right away. She does support an increase in fees now, but that won't sustain the department if this trend continues.

Collins said he has heard from those outside the community that they enjoy working with Albany's Building and Planning Departments because they are easy to work with. Regarding the Building Department, Collins thinks fees should be raised to the point to sustain current core staff.

Councilor Bessie Johnson arrived at 5:20 p.m.

Discussion followed about options.

Byrne asked if the Council supports average-cost recovery for the development review side. Discussion followed. Byrne returned to the Power Point slide titled "permit raw data". The core business for Planning is site plan review. The Council discussed how fees could be equitable for different lot sizes and the varying efforts required in their review.

Collins pointed out that the "pre-app" meetings are very constructive and that getting the information to consumers at the front end saves lots of headaches for the consumer and staff in the long run.

The Council asked staff to schedule a work session for this topic and to prepare fee options.

Johnson supports raising fees. She is thankful the Council did not raise them last year given the economy, but feels that we are now at the point where we must raise them.

Olsen would like for this service to pay for itself at some point in the future.

AMBULANCE FEE INCREASES

Bradner introduced EMS/Operations Division Chief Mark Bambach. Bradner said that it has been 3.5 years since ambulance fees were raised. He pointed out that Albany used to charge extra for out-of-district runs but tracking it became difficult and cumbersome. It was rarely charged. A new charge being proposed now is for bariatric services.

Brander said that as of January 1, 2010, Medicare implemented a new fee schedule that cut an additional 11.5% for Medicare reimbursement. In Albany, approximately 55% of patients the ambulance transports are on Medicare. On an average ambulance bill of \$1,078, under the fee increase being proposed, Medicare will only pay \$408. This is a revenue significant loss.

Bradner pointed out an error in the staff memo: the additional revenue received over the last six years was from the Public Safety Levy, not the General Fund.

Bradner said fee increases were proposed to the Public Safety Commission. They were presented with three options: 10%, 15%, or 20%. They unanimously chose 20%.

Reid said to keep in mind that when we raise rates it only impacts 45% of the customers (those without Medicare.)

Councilor Jeff Christman said he supports the increase but pointed out that it is a substantial one. He feels that it would be better for citizens to make smaller increases over time as opposed to one big increase.

Hare noted that the only two increases that will be coming to the Council this year are for Ambulance and Building. They are scheduled for the Wednesday, January 13, 2010, Council meeting.

AIRPORT ADVISORY COMMISSION

Taniguchi-Dennis said there are substantial issues for Council to consider for the ordinance setting the Airport Advisory Commission.

Delapoer said the fundamental issue is that membership should not be allowed for those who have a substantial financial interest in the Airport. This is unlike other Commissions for this reason. Under state ethics laws those with a personal stake cannot vote or participate in the discussion. The Airport has a relatively narrow user base. Delapoer asked the Council, do you want to attract those who use the Airport, or do you want to attract those from the broader community? For example, it would be unethical for a person that owns a hangar vote on what the hangar fees should be. Discussion followed about what defines "interest".

Delapoer said that another issue is if members should be required to live in Albany. Current language supports this for other City Commissions. A pilot might use our Airport but live somewhere else. Is it important that members be Albany taxpaying?

Taniguchi-Dennis recognizes that several pilots have been active already and that this is one of their biggest fears -- that this Commission would not have a fair representation of pilots.

Reid asked, do Commissions spend City money? Delapoer said, generally speaking, yes. Reid said, if all decisions have to be ratified by the Council anyway, then why would we have to bar pilots from being on the Commission? Delapoer said, it is up to the Council to determine what should disqualify a person from being a member. He wanted to point out potential conflicts of interest, but ultimately the decision is the Council's.

Christman said he wonders if this Commission is trying to solve a problem that does not exist. Collins does not believe so; he said there has been conflict between staff and citizens in the past. This is a way to ensure that the Airport's care is not dependent on whether the staff person in charge of it happens to be interested.

Collins thinks members should be either a resident of, or have their primary place of employment in Albany. Secondly he thinks they could own improvements at the Airport so long as they are not a pilot. Third, there should be a limit of four pilots on the Commission. Olsen added that they should be an Albany taxpayer, and Johnson agreed.

Daniel Miltenberger, no address given, said he just listened to the Council discuss building and ambulance fee increases. He asked, who does that benefit? He said he got into the business of hangars because finally after a long time, the City let him put them up. Then he started investing in buildings by investing in the Airport. He asked, so have I disqualified myself from being on the Airport Commission? He asked the City not to tear down the old hangars. If he doesn't have extra space he calls other hangar owners to see if they can squeeze other planes in. He said in the past there has been staff in charge of the Airport that knew nothing about it at all.

MOTION: Collins moved to add language to the draft of the Airport Advisory Commission, Section 2.26.30, Term of office, that persons with an improvement on the Airport site are allowed to be members; that pilots are allowed to be members; that four of the seven members must be current holders of pilot certificates; and that four of the seven members must be City of Albany residents. Christman seconded the motion.

Olsen thinks they should be Albany taxpayers and that this should be an advisory group only.

MOTION: Johnson moved to table the original motion to a future work session, with the date to be determined by the City Manager's Office. Olsen seconded the motion and it passed 4-2, with Collins and Reid voting no.

Taniguchi-Dennis introduced Water Quality Control Supervisor Chris Bailey, who is on a special assignment to the Public Works Director with the Transit and Airport programs in preparation for the retirement of the current manager.

KISH TREE-CUTTING COMPLAINT

Planning Manager Don Donovan briefly described the Kish tree-cutting complaint. Donovan had been talking to Bob Kish while Parks & Facilities Maintenance Manager Craig Carnagey had been talking to Bob Stewart. When

Donovan and Carnagey decided that Carnagey would notify "Bob" about the tree's health, neither was aware they were talking about two different people. Carnagey said the tree was a hazard so cutting it was appropriate.

Konopa passed out a flyer about the Grand Opening of Duraflake on January 21 (see agenda file).

RECESS TO EXECUTIVE SESSION TO DISCUSS REAL PROPERTY TRANSACTIONS AND CURRENT LITIGATION OR LITIGATION LIKELY TO BE FILED IN ACCORDANCE WITH ORS 192.660(2)(e)(h)

The work session recessed to Executive Session at 6:34 p.m.

RECONVENE

The work session reconvened at 6:54 p.m.

COUNCILOR COMMENTS

There were no Councilor comments.

CITY MANAGER REPORT

There was no report from the City Manager.

ADJOURNMENT

There being no other business, the Work Session adjourned at 6:54 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
Deputy City Clerk

Stewart Taylor
Finance Director

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APPROVED: _____

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, January 13, 2010
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Konopa called the meeting to order at 7:16 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge of allegiance to the flag.

ROLL CALL

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

SCHEDULED BUSINESS

Communication

Accepting Derryl James' resignation from the Landmarks Advisory Commission.

MOTION: Councilor Collins moved to accept the resignation of Derryl James from the Landmarks Advisory Commission and send him a letter of thanks for his service to the City. Councilor Reid seconded the motion and it passed 5-0.

Final Decision

SP-37-08, SP-38-08, VR-09-08; making a final decision on the site plan reviews to construct a Lowe's home improvement and garden center and to remove 42 trees and to allow the building area of the proposed Lowe's building to be 152,236 square feet.

Konopa explained that this would be the final decision on three land use applications to construct a Lowe's home improvement and garden center, to remove 42 trees, and to allow the building area of the proposed Lowe's building to be 152,236 square feet when ADC 4.090, Table 1, shows the maximum building area to be 100,000 square feet. The applicants are Conser Homes, Inc., J. Conser & Sons LLC, and Phyllis Perlenfien. This is Albany case files, SP-37-08, SP-38-08, and VR-09-08.

Konopa said that following a public hearing on December 9, 2009, the Council made a Tentative Decision to approve with staff recommended conditions and include some of the applicants suggested changes. The supplemental findings can be found on pages 4 through 20 of the Council agenda packet.

Planner II Janet Morris said the City of Albany staff and the applicant's attorney prepared the supplemental findings and they reflect the testimony and direction of the City Council at the December 9 meeting. On pages 6 and 7 of the Council packet are the findings that clarify the discussion on the building size and the bike path width. So there would be no confusion later, staff has included a motion in the packet to amend Conditions of Approval 3.1 and 4.1, regarding those issues.

Community Development Director Greg Byrne commented that they have met with the applicants and believe they have found a solution that allows the construction to meet all City standards, conform with the Council's requests, and to retain the parking that Lowe's required. The applicants have agreed to submit a revised site plan for approval.

MOTION: Collins moved to approve with conditions the Site Plan Review application to construct a Lowe's home improvement and garden center on 11.54 acres of land located at the southeast corner of Oak Street SE and Ninth Avenue SE, the Site Plan Review-Tree Felling application to remove 42 identified trees from the development site, and the Variance application to allow the area of the Lowe's building to be 152,236 square feet when 100,000 square feet is the standard (files SP-37-08, SP-38-08, and VR-09-09); also that the Council amends Conditions of Approval 3.1 and 4.1 for VR-09-08 to read, "The developer or its successor shall construct a master plan bike path section on the west side of Periwinkle Creek from Ninth Avenue south connected to the existing path on Kinder Park. The path shall be constructed to City standards, which includes 10 feet of pavement and a minimum of two feet of unobstructed clear space on both sides of the paving. Safety fencing shall be constructed as deemed necessary. The final plans for the path shall be reviewed and approved by the City's Community Development and Parks & Recreation Directors. Any changes to the Site Plan to accommodate the pathway shall be reviewed and approved by the Planning Division in accordance with Condition 5.1."; and that the Council adopts the Findings of Fact, Conclusions, and Conditions set forth in the Staff Report, as modified by the Supplemental Findings, including the conditions set forth therein. Councilor Johnson seconded the motion.

Reid thinks Lowe's is aesthetically inconsistent with the surrounding community.

Councilor Christman said that he hopes the applicants follow through on using porous material on the pathway and donating the trees that are cut to the organization represented by Mr. Azevedo.

Johnson disagrees with Reid. She believes it will be a good fit. She had concerns about Pings Restaurant possibly losing part of their property.

VOTE: The motion was voted on and passed 4-1, with Reid voting no.

Konopa explained that within five days of the decision the Community Development Director will provide written notice of the decision to the applicant and any other parties entitled to notice. A decision of the City Council may be appealed to the Land Use Board of Appeals by filing a Notice of Intent to Appeal not later than 21 days after the decision becomes final.

Continued Legislative Public Hearing

CP-02-09, amending Ordinance No. 4477, which adopted the Albany Comprehensive Plan, adopting findings; and declaring an emergency.

Konopa explained that this continued Legislative Public Hearing was regarding amendments to the Comprehensive Plan that will revise the text of Chapter 5: Transportation, and adopt the Albany Transportation Plan (TSP), dated October 2009, as a supporting document. The applicant is the City of Albany.

Konopa reopened the hearing at 7:34 p.m.

Staff Report

Planning Manager Don Donovan explained that the current version of the TSP that the Council would be working with tonight would, once adopted, supersede the current TSP. There have been numerous meetings of various types on the update to the TSP since work began in 2006. The Planning Commission has been reviewing the TSP as well and has recommended the Council adopt the TSP and the related amendments with one change – they recommend that Timber Street be extended north of Knox Butte Road instead of Expo Parkway. All of the revisions recommended by the Engineering staff and included in the Council packet were posted on the City's web site for public review. State law requires that the TSP be adopted as a supporting document to the City's Comprehensive Plan (Comp Plan). As part of the TSP staff also proposes to update the text in Chapter 5 of the Comp Plan that talks about transportation to reflect changes included in the TSP. The proposed text revisions are included as attachments to the staff report. Also, a couple of maps need to change with the update. These changes are part of the state-mandated periodic review of the City's Comp Plan.

Donovan explained that when staff makes changes to the Comp Plan they are required to explain how the changes meet the review criteria included in the Albany Development Code. Included in the staff review in the Council packet, is an explanation of how the review criteria are met.

Donovan said there have been discussions with Council regarding the Expo Parkway/Timber Street/Century Drive topic since the November meeting with the Planning Commission. In addition, K&D Engineering submitted a letter (in agenda file) regarding this topic for tonight's hearing, on behalf of the Barna family, who own property near Century Drive and Knox Butte Road. Richard Loffelmacher also submitted a letter (in agenda file) that explains how important the Expo Parkway intersection is for development of the Barna property with retail establishments. Glenda Fleming submitted a comment sheet (in agenda file) that talks about South Shore Drive.

Civil Engineer III Jeni Richardson said a copy of the TSP that includes Attachments 1 and 2, has been available on the project website, the libraries, city hall, the Senior Center, and Chamber of Commerce, since late 2009. Attachments 8 and 9 include final revisions discussed at the November public hearing and available for public review. The goal tonight is not to adopt the TSP, but to receive public testimony and direction from Council; to incorporate the revisions in Attachments 1, 8, and 9. Staff believes there is a need for additional neighborhood meetings regarding the Timber Street and Expo Parkway projects, L17 and L18. They also believe there should be more discussion regarding the concerns of the South Shore neighborhood as it pertains to the I-5 Interchange studies S9 and S10, and page 73 in the TSP document. Staff suggests the Council close the hearing tonight except for L17, L18, S9, S10, and the paragraph on page 73, and any other outstanding items that come up tonight, and direct staff to incorporate the comments regarding Attachments 1, 2, 8, and 9 into the TSP, so that the follow-up public hearing can concentrate on those items still outstanding.

Testimony

Konopa reminded the audience that if anyone wishes to enter an exhibit into the record as part of their testimony, please briefly describe the letter, photo, or map and then present it to the City Clerk.

John deTar, 3700 SW Philomath Boulevard, Corvallis, representing the Oregon Department of Transportation (ODOT), said with the amendments and updates the TSP now responds to their concerns.

Konopa said that she attended a steering committee meeting with Mr. deTar and ODOT members working on the I-5 Corridor and Interchange Environmental Assessment (EA) project and voiced the City and Linn County's concerns about blocking off Airport Road and Century Drive near the Knox Butte and Hwy 20 Interchanges.

Councilor Collins asked if the resolution of projects L17, L18, S9, S10, and page 73 would be delayed until after the I-5 EA study was completed. City of Albany Transportation Systems Analyst Ron Irish said the City will revisit the TSP 2-3 years down the road at the conclusion of the I-5 EA but that the issues with these specific projects cannot wait for conclusion of the EA and must be completed now.

Councilor Olsen asked if the plan to expand the bridges over the Willamette River from two to three lanes was included in the TSP. DeTar said widening the existing bridges is not a project in the TSP, would not resolve the local or regional issues, and the effect downtown would be significant. Olsen added that a new bridge down river would be a better solution. DeTar said that the location of a future bridge and a funding mechanism have not been identified so it was not relied upon when studying future traffic routes. He said the TSP relies on interim solutions that allow state facilities to meet performance standards and transportation needs, including downtown pedestrian movements.

Reid commented on the need to expand the Highway 99E (Pacific Boulevard) viaduct near downtown and the railroad. DeTar said they are currently addressing the traffic safety issues on Highway 99E to eliminate the weaving patterns and when completed it appears there is sufficient capacity over the bridge through the planning horizon. Reid still had concerns about the overpass capacity.

Collins asked when the corridor analysis from I-5 to Corvallis on Highway 20 would take place. DeTar answered that at this time it isn't scheduled. Collins asked if it was on their priority list to be funded. DeTar said needs are significant, but it is not on their calendar at this time. Collins said if something isn't done between I-5 to Corvallis, state highways through Albany will be continually overloaded. If Albany had no growth, the increased traffic coming from northern Corvallis would continue to drive traffic coming through Albany at even higher ratios. An analysis regarding capacity ratios on Highway 20 needs to be on the priority list.

James Brooks, 3749 Dunlap Avenue, lives in the Knox Butte area and had concerns about not being notified of road changes that would impact his property. Currently there is a lot of open space around his property. He is concerned about the new proposal for a street system that would change that. The neighborhood didn't suggest Timber Street, rather one individual did. It is dangerous to take a recommendation like this and put it into a transportation plan. He asked the Council to slow down and communicate with the property owners. Communication needs to be better. He doesn't scan the paper for Council issues that may impact his property. His expectation is that the City will bring the information to him.

Christman said that is what staff is proposing; to slow down on these projects, including the Timber Street suggestion.

Konopa added that staff will be doing an outreach to the neighborhood.

Matthew Conser, 1010 Airport Road, representing the Conser Group, urged the Council to move the TSP forward. They do have concerns on how the TSP might impact Airport Road and Oak Street.

Jerry Baysinger, 1006 SE Grand Avenue, Suite 300, Portland, encouraged the Council to move ahead with the TSP update. He said it will benefit new development and the Oak Street extension is necessary for safety and to improve connection between Pacific Boulevard and 9th Street. This street improvement will happen with or without the Lowe's development.

Dan Watson, representing K&D Engineering, 710 Thornton Lake Drive, said they had submitted a letter expressing their concerns about not identifying Expo Parkway as a signalized connection to Knox Butte and asked if the Council had any questions. There was none.

Glenda Fleming, 3018 South Shore Drive, said the 1997 TSP shows traffic off of Airport Road would be diverted to South Shore Drive, then on to Bain Street, then on to Santiam Highway. She believes that is a bad plan. There is a pronounced grade at the intersection of Airport Road and South Shore Drive, and traffic moves on Airport Road at 35 to 40 miles per hour. It would have to be choked down to 20 miles per hour to go through the neighborhood and pass an elementary school on Bain Street. The difficulty of turning onto Santiam Highway from Bain Street is also an issue. During TSP open house meetings the neighborhood discussed this concern with staff, but she said the draft TSP has a paragraph at the top of page 73 that says the City would implement whatever route ODOT decides. If Airport Road needs to be closed, it needs to be closed north of the neighborhood at Oakwood Avenue, so that none of the south bound traffic gets diverted to the neighborhood. Although she has been assured that no one wants to cut

through the neighborhood, sentiments may change years down the road. It matters that those words are in the TSP. She would like it changed.

Dick Owen, 810 Cox Street, said he lives a block and half from Airport Road. He said it is a hazardous entryway onto South Shore Drive. There is a safety and sight distance issue over the culvert with a potential for accidents.

Konopa closed the public hearing at 8:23 p.m.

Deliberation

MOTION: Collins moved to direct staff to finalize (adopt) all attachments with the exclusion of L17, L18, S9, S10, and the paragraph on page 73 of the Transportation System Plan (TSP). Johnson seconded the motion and it passed 5-0.

Olsen asked, what procedures will staff use to solve the problems of Timber Street and South Shore Drive? Irish explained that staff will hold neighborhood meetings; one for the area around South Shore Drive and one for the area around Expo Parkway and Timber Street, which the Council will be invited to. Staff will receive input, but he suspects not all the residents will agree. There will still have to be a decision made on what the TSP pages should look like. The citizen input will be reviewed and the issues will be brought back to the Council for a public hearing and decision. It may be a two to three month process.

Legislative Public Hearing

DC-03-09, amending Ordinance No. 4441, which adopted the Albany Development Code and Zoning Map by amending the Development Code text related to the expiration of land use approvals, modifications to approved plans, increasing notice areas for land use applications, refining definitions for restaurants and bars, adopting findings, and declaring an emergency.

Konopa opened the public hearing at 8:31 p.m.

Planner II Anne Catlin said the amendments include:

Article 1, Administration and Procedures:

- Public notice for land use applications: Sections 1.203, 1.330(3), 1.350(2), 1.360(2), and 1.370(2). Some residents have asked to more broadly distribute public notices for land use applications that require notices; and
- Section 1.080, Expiration of Land Use Approvals. Some property owners have asked that the City consider extending the length of time which a land use approval is valid; and
- The entire article includes revisions related to grammar, clarity, and intent.

Articles 4, Commercial and Industrial Zoning Districts; Article 5, Mixed Use Village Center Zoning Districts; and Article 22, Use Categories and Definitions:

- Sections 4.050 and 5.060, Schedule of Permitted Uses. Residents have asked that we evaluate where taverns, bars, breweries, and night clubs should be allowed and the review process; and
- Changes to Article 22, Definitions and Use Categories. A new use category, "taverns, bars, breweries, and night clubs" is being proposed related to this request.

Article 11, Land Divisions:

- Section 11.060, Expiration of Land Use Approvals. Some property owners have asked that the City consider extending the approval time period so that approved subdivisions do not expire; and
- Section 11.070, Staged Subdivision Development. Clarify language and reevaluate approval time periods.

Catlin said the changes include the Planning Commission recommendations.

Testimony

Dirk Olson, 1037 North Albany Road, said he understood that all developments approved between January 1, 2007, and June 30, 2008, will have an extension added to expire June 30, 2011. North Albany's Citizens in Action supports the Planning Commission's recommendation. He commented that in his conversations with staff, they indicated that they do not support the extension because of Goal 5 and stormwater concerns.

Catlin commented that the staff report reflects the wrong dates for the extension and that would be corrected as the staff report becomes part of the ordinance.

Konopa asked if Mr. Olson was concerned about subjective language regarding traffic guidelines. Olson said staff told him that there would be traffic code changes that would come to a Council public hearing that would replace the guidelines and he could comment then.

Byrne mentioned that as a result of changes to the TSP there would be other Development Code changes coming to the Council.

Vi Anderson, 914 North Albany Road, said she would like the Council not to support the extension dates discussed. They will produce large increases in traffic volume.

Bill Root, 2364 Valley View, representing North Albany Neighborhood Association (NANA), said the changes allow a few developments to run out to June 30, 2011. They feel it is a compromise due to the economy. NANA supports this as a temporary change.

Corey Barton, 2310 Woodcrest NW, supports the language change regarding bars. He and his family recently moved away from the Elm Street neighborhood partly because of the bar issue.

Mark Spence, 707 Broadalbin Street, said that what the Planning Commission recommended was a more restrictive conditional use regarding taverns and bars. Catlin said staff had recommended "no taverns or bars". The Planning Commission decided that it would be okay with the conditional use process that requires a public hearing. Spence wants the Council to adopt what staff recommended, not what the Planning Commission recommended. The purpose of planning is to get the right types of uses in the right parts of town. The Elm Street area is mostly residential. He is concerned that other properties may be able to be converted to bars or taverns in the area if the language as presented is adopted.

Konopa closed the public hearing at 8:57 p.m.

Council Deliberation

Collins asked if the area mentioned on page 265 of the Council agenda, Article 1.070 (4), 750 square feet, is an enlargement of non-residential accessory buildings. Catlin said no; there were different standards in the Code and this section clarifies requirements for residential and non-residential accessory buildings over 750 square feet.

Johnson asked, regarding the possibility of a tavern in a residential neighborhood, where would the public hearing be held and in front of which decision making body? Catlin said it would be the Hearings Board or the Planning Commission.

City Manager Wes Hare said there is always a difference of opinion about what is an appropriate use in a neighborhood. He thought perhaps there could be a neighborhood that would be okay with a "pub" within its boundaries, and historically there has been one in the Elm Street neighborhood. He thinks the Planning Commission recommendation was to cover those possibilities but with a higher level of scrutiny.

City Attorney Jim Delapoer added that one of the criteria that will be looked at to determine if bars and taverns are allowed, is compatibility. That would look at things such as the characteristics of the neighborhood, the configuration of the building, along with inside or outside operations. The ability to go through that process allows for conditions to be set.

There followed more discussion regarding the recommendations about neighborhood taverns and bars, and the process for conditional use, including revising the Schedule of Permitted Uses on page 295 of the agenda.

Johnson said since there would be a public hearing and conditions could be attached, she would be in favor of the Planning Commission recommendation.

Regarding the conditions set on page 268 of the agenda for three years, Konopa asked staff to give an example of what that would apply to. Catlin said the North Albany Village shopping center.

Konopa said the way it is written, if one building is built, their approval would be indefinite. She said considering that planning changes throughout the years, along with Code, she would like it to be within a certain window of time. She asked if the Planning Commission had discussion regarding this. Catlin said no.

Konopa asked if language could be added to change this. Catlin said that is possible. Most applications are for one building but sometimes there is more than one building on a site.

Byrne said typically when a site comes to this step they have already made a substantial investment and are ready for completion. They have installed streets, parking lots, etc. This language is much more tangible than what has been in the Code before. Byrne is more comfortable with this language than what is there currently.

Christman asked if noticing could be expanded past the proposed 1,000 feet. Byrne said that would be an added expense and time commitment for staff.

Collins asked if noticing to 1,000 feet would be for all land uses. Catlin said if you changed it to only 1,000 feet, it would apply to all uses.

Delapoer said the burden to staff could be immense and there is never a complete recovery of costs. There is also the concern about timelines and the constraints the state puts on land use issues. He said the Council could give the Department Director discretion to go farther out.

Olsen asked, regarding page 280 in the agenda, Article 1.330 (5) (d), do they have to be appealed to the Land Use Board of Appeals (LUBA) or can it be the Council? Delapoer said it pertains to limited land use here; that generally would not end at the Council. It would mean more expense for the applicant, because they always have the option to appeal to LUBA.

Olsen asked if the examples that have been lined out (stricken) throughout the document could be retained. Catlin said the examples aren't always valid, but they can be kept in.

Olsen asked, is it only certain people that can appeal these types of procedures on page 280? Catlin reviewed the appeals process. Delapoer said it is addressed in 1.350 (5).

MOTION: Olsen moved to change CUII to N under "NC –Neighborhood Commercial District", Use Category "Taverns, Bars, Breweries, Nightclubs", on the "Schedule of Permitted Uses", on page 295 of the agenda. The motion died for lack of a second.

City Attorney Jim Delapoer read for the first time in title only "AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND ZONING MAP BY AMENDING THE DEVELOPMENT CODE TEXT RELATED TO THE EXPIRATION OF LAND USE APPROVALS, MODIFICATIONS TO APPROVED PLANS, INCREASING NOTICE AREAS FOR LAND USE APPLICATIONS, REFINING DEFINITIONS FOR RESTAURANTS AND BARS, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY (FILE DC-03-09).

MOTION: Reid moved to have the ordinance read a second time in title only. Johnson seconded the motion and it failed, 4-1, with Olsen voting no. It takes a unanimous vote of the Council for an ordinance to be read twice and adopted at the same Council meeting. This ordinance will come back to the January 27, 2010, City Council meeting for a second reading.

Recess

The Council took a brief recess at 9:50 p.m.

Reconvene

The Council reconvened at 10:03 p.m.

Business from the Public

There was no business from the public.

Adoption of Resolutions

Establishing ambulance service fees.

Fire Chief John Bradner said a complete report was presented to the Council at the January 11 City Council Work Session. He explained "Bariatric Services" saying that special equipment is needed to transport morbidly obese clients. These clients are increasing. One Ambulance unit has been outfitted with the bariatric equipment.

Olsen asked if the department had a hardship policy for those unable to pay. Bradner said they do have a policy in place for hardship cases and encourage participation in the Fire Med program.

MOTION: Johnson moved to adopt the resolution establishing ambulance service fees and repealing Resolution No. 5276. Collins seconded the motion and it passed 5-0, and was designated Resolution No. 5876.

ST-09-03, Oak Street Local Improvement District, accepting the Engineer's Report and Financial Investigation Report and setting a public hearing.

Public Works Director Diane Taniguchi-Dennis explained that the reports were based on the worst case scenario as directed by the Council.

MOTION: Reid moved to adopt the resolution accepting the Engineer's Report and Financial Investigation Report for ST-09-03, Oak Street Local Improvement District (LID), and setting a public hearing for February 10, 2010. Olsen seconded the motion and it passed 5-0, and was designated Resolution No. 5877.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) December 7, 2009, Work Session.
 - b) December 9, 2009, Regular Session.
 - c) December 16, 2009, Regular Session.
- 2) Accepting a Ready to Read grant from the Oregon State Library for collection development, programs, and materials at both libraries. RES. NO. 5878
- 3) Authorizing an application for a Recreation Trails Program grant from the Oregon Parks and Recreation Department for the proposed rehabilitation of Periwinkle Creek Trail. RES. NO. 5879
- 4) Approving liquor licenses for:
 - a) Wine Depot & Deli, 300 Second Avenue SW, #112.
 - b) Lucky Garden Chinese Restaurant, 2845 Santiam Highway SE.

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

Appointments

City Boards, Commissions, and Committees.

MOTION: Reid moved to approve the following appointments to various City Boards, Committees, and Commissions as recommended by the Mayor:

Albany Arts Commission

Lynn Whitacre (Mayor's reappointment)

Albany Bicycle and Pedestrian Advisory Commission

Jim Lawrence (Mayor's reappointment)
Terry Virnig (Mayor's reappointment)
Tim Siddiqui (Mayor's new appointment)

Albany Budget Committee

Colleen Keller (Councilor Johnson's reappointment)
Wendy Kirby (Councilor Christman's reappointment)

Building Board of Appeals

Dan Watson (Mayor's reappointment)
David Smith (Mayor's new appointment)

City Tree Commission

Tom Krupicka (Mayor's reappointment)

Human Relations Commission

Kim Whitley (Councilor Johnson's reappointment)

Landmarks Advisory Commission

Oscar Hult (Mayor's reappointment)
Heidi Overman (Mayor's reappointment)
Erin Johnson (Mayor's new appointment to fill vacant position for term that expires December 31, 2011)

Library Board

Heather Huzefka (Mayor's new appointment)
Georgiann Wheeler (Mayor's new appointment)

Parks & Recreation Commission

Mike Graham (Mayor's new appointment)

Planning Commission

David Faller, *Ward I* (Mayor's reappointment)
Bob Kish, *Ward III* (Councilor Johnson's new appointment to fill vacant position for term that expires December 31, 2010)

Public Safety Commission

Ray Lusk (Councilor Reid's reappointment)
Terry Virnig (Councilor Christman's reappointment)

Senior Center Endowment Committee

Mary Brock (Mayor's reappointment)
Connie Lanham (Mayor's reappointment)

Traffic Safety Commission

Irene Coburn	(Mayor's reappointment)
Jason Desler	(Mayor's reappointment)

Johnson seconded the motion and it passed 5-0.

BUSINESS FROM THE COUNCIL

Christman requested staff run an ad in the paper for the vacant Planning Commission position for Ward III.

Hare reported that the City of Albany was selected for a Presidential Forum on Economic Development, from 9:00 a.m. to 12:00 noon, Thursday, January 21, 2010, at the Expo Center.

Collins asked, if Linn County is still talking to FEMA about using their data for the Flood Plain maps, does their data include North Albany? If so, he would like staff to find out if accurate data has been provided. Byrne said that the Planning staff provided the data for the City of Albany for both counties. He doesn't believe the data would change within the boundaries of the City. Collins said under the proposed maps that he saw his property would be under three feet of water even though he had a survey done that shows that he is not under water at all. It cost him extra to have the survey done. Inaccurate data could produce maps that potentially require citizens to spend extra money in order to protect their properties. Byrne suggested staff return with answers to determine if the map they have is a different map than the City has. Collins will consult with staff to see if there is an issue.

Konopa shared a thank you proclamation for the Council's participation in the Veterans Day Parade and the City's grant contribution (in agenda file).

Public Information Officer/Executive Assistant Marilyn Smith reminded the Council of the Human Relations Committee annual Martin Luther King Day observance on Friday, January 29, 2010, at the Library.

Public Works Director Diane Taniguchi-Dennis reminded the Council of the groundbreaking for the Wetlands Project, on February 12, at 1:30 p.m.

Byrne said staff did a "sign sweep" to remove signs illegally posted in the City's right-of-way.

NEXT MEETING DATE

The next City Council Work Session is scheduled for Monday, January 25, 2010, at 4:00 p.m., in Municipal Court Room of City Hall. The next City Council Regular Session is scheduled for Wednesday, January 27, 2010, at 7:15 p.m., in the Council Chambers of City Hall.

ADJOURNMENT

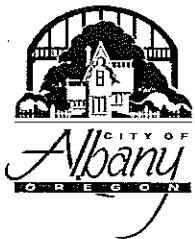
There being no other business, the meeting was adjourned at 10:26 p.m.

Respectfully submitted by,

Betty Langwell, MMC
City Clerk

Reviewed by,

Stewart Taylor
Finance Director



TO: Albany City Council

VIA: Wes Hare, City Manager
Greg Byrne, Community Development Director *[Handwritten signature]*

FROM: Anne Catlin, Community Development Planner II *[Handwritten signature]*

DATE: February 3, 2010, for the February 10, 2010, City Council Meeting

SUBJECT: Linn-Benton MicroBusiness Program Assistance Grant Support

Action Requested:

Adoption of the attached Resolution that declares the City's support for a Microenterprise Assistance Grant submitted by the Linn-Benton MicroBusiness Program.

Discussion:

The Linn-Benton MicroBusiness Program hopes to obtain grant funds from the State Community Development Block Grant (CDBG) to operate a Regional Microenterprise Assistance Program. The grant funds help to fulfill the mandates of the Oregon Microenterprise Act, which recognizes microenterprise programs as important elements in the Oregon economy and job creation. Microenterprise includes self-employment and start-up businesses.

The Linn-Benton MicroBusiness Program (LBMP) started in 2005 as collaboration between Willamette Neighborhood Housing Services (WNHS, formerly Corvallis Neighborhood Housing Services) and Linn-Benton Community College (LBCC). The LBMP is being managed by a program coordinator, who is staffed through WNHS, and an instructor, who is staffed through the Small Business Development Center at LBCC. Attached is information on the program and its past accomplishments.

The grant is available on a competitive basis. The grant must include at least three non-entitlement communities. The LBMP is asking Albany to participate in the program again this year. WNHS is coordinating the grant application on behalf of the program and the participating communities (Albany, Benton County, Linn County, Lebanon and Sweet Home). Benton County will be the lead applicant. (Note: Because Corvallis is an entitlement community, Corvallis residents are not eligible for the grant.)

Participating in the regional microenterprise grant will not count against Albany's maximum of three open CDBG grants.

Budget Impact:

None.

alc

Attachments: Resolution and Linn-Benton MicroBusiness Program Development handout

RESOLUTION NO. _____

A RESOLUTION DECLARING THE SUPPORT OF THE CITY OF ALBANY FOR A MICROENTERPRISE ASSISTANCE GRANT SUBMITTED BY WILLAMETTE NEIGHBORHOOD HOUSING SERVICES FOR THE LINN-BENTON MICROBUSINESS PROGRAM.

WHEREAS, the Oregon Economic & Community Development Department has announced guidelines for its 2010 Method of Distribution for Community Development Block Grants for Microenterprise Assistance; and

WHEREAS, Willamette Neighborhood Housing Services has prepared a project proposal to request such a grant for the Linn-Benton MicroBusiness Program; and

WHEREAS, the City of Albany, as a public agency supports the development of microenterprise businesses commonly defined as a business with fewer than five employees and with capital needs of under \$35,000; and

WHEREAS, the City of Albany is forming a regional microenterprise assistance program with the Cities of Lebanon and Sweet Home, and Linn and Benton Counties to support economic development through microenterprise services; and

WHEREAS, the City of Albany recognizes that Benton County is the lead applicant for this proposal and will act on the regional program's behalf as lead applicant,

THEREFORE, BE IT RESOLVED THAT the City of Albany declares its support of the Linn-Benton MicroBusiness Program grant application for microenterprise development services throughout the area of the regional program.

DATED AND EFFECTIVE THIS 10TH DAY OF FEBRUARY 2010.

Mayor

ATTEST:

City Clerk

Linn -Benton MicroBusiness Program Update

February 2010

This is the fifth year of the Linn-Benton MicroBusiness Program. The program is geared towards low- to moderate-income individuals who are interested in starting or expanding a small business.

We hold three workshops (each workshop is 12 sessions, 36 hours) per year. Workshops are held in Albany, Corvallis, and Lebanon. We also provide access to counseling, technical assistance, and access to capital in the form of Individual Development Accounts and Microloans.

Number of Entrepreneurs Served

Since the programs' inception, we have graduated 200 people. Seventy-five (75) Albany residents have participated in the program and 41 of them have graduated. Some examples of the businesses located in Albany include gluten free foods, human resources consulting, quilting, goat milk soaps and lotions, graphic design, massage therapy, and mobile engine repair.

Supportive Resources

Access to Capital. Program participants have access to two microloan programs; one through OSU Federal Credit Union and one through the Oregon Microenterprise Network. Participants also have access to the Valley Individual Development Account Program, a long-term matched savings in which they can be matched \$3 for every \$1 they save. These funds can be used for the start-up or expansion of a business. Right now we have eighteen people enrolled in the VIDA program; together they will access \$86,000 in match funds. Three of these people are Albany residents; together they will access a total of \$19,000.

Access to Markets. We bring knowledgeable Librarians from Oregon State University and Linn-Benton Community College into the classroom to talk with participants about the databases and resources available through our library system. Participants also have access to MarketLink, a market research program through the Oregon Microenterprise Network. Through this program they're able to access industry information and/or create mailing lists of potential customers.

Mentoring Program. Participants can be paired up with a mentor through ExperienceXchange, a business mentoring program that we offer in collaboration with the Corvallis Independent Business Alliance, Downtown Corvallis Association, the Chamber Coalition, and Linn-Benton Community College. This program links new business owners with experienced entrepreneurs and professionals. Over 40 participants have been paired up with a mentor.



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: *Edward Boyd*, Edward Boyd, Chief of Police
DATE: January 29, 2010, for February 10, 2010, Council Meeting
SUBJECT: Acceptance of Grant from the DUII Benton County Victim Impact Panel, Inc.

RELATES TO STRATEGIC PLAN THEME:

- An Effective Government
- A Safe City

Action Requested:

City Council authorization for the Albany Police Department to accept the Benton County Victim Impact Panel, Inc. grant of \$1,667, by adopting the attached resolution.

Discussion:

The Benton County Victim Impact Panel, Inc. annually distributes non-federal funds to Benton County law enforcement agencies based on their DUII arrests for the prior year. The amount of the grant for the Albany Police Department for Fiscal Year 2009-10 is \$1,667. The funds must be used for DUII-related services. The Department plans to apply these funds for one Multi-Agency Accident Investigation Team (MAAIT) Officer to attend crash investigation training.

Budget Impact:

Increase education and training line item by \$1,700 in Fiscal Year 2009-10 General Fund budget.

Attachment: Resolution

RESOLUTION NO. _____

A RESOLUTION IN SUPPORT OF ACCEPTING THE BENTON COUNTY VICTIM IMPACT PANEL GRANT.

WHEREAS, the Benton County Victim Impact Panel makes grants to law enforcement agencies; and

WHEREAS, the City of Albany Police Department has been invited and approved to receive \$1,700; and

WHEREAS, grant acceptance will add DUII enforcement-related crash investigation training for a Multi-Agency Accident Investigation Team (MAAIT) member; and

WHEREAS, grant acceptance will require the funds be spent on DUII enforcement-related expenses; and

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

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

BE IT FURTHER RESOLVED that the Albany City Council authorizes the Albany Police Department to accept this grant for \$1,700 and the following appropriations be made for Fiscal Year 2009-10:

<u>Grant Fund</u>	<u>Line Item</u>	<u>DR</u>	<u>CR</u>
Benton County Victim Impact Panel Grant	100-10-1002-47012	\$1,700	
Education and Training for Crash Investigation	100-30-1301-61011		\$1,700

DATED AND EFFECTIVE THIS 10TH DAY OF FEBRUARY 2010.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

THE STATE OF OREGON, ACTING THROUGH
THE OREGON YOUTH AUTHORITY

Purpose

A variable-width public water easement as required
by a condition of approval for the OYA expansion
project.

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

DATED AND EFFECTIVE THIS 10TH DAY OF FEBRUARY 2010.

Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 5th day of JANUARY, 2010, by and between THE STATE OF OREGON, ACTING THROUGH THE OREGON YOUTH AUTHORITY, 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, 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:
A variable-width public water easement for the Oregon Youth Authority Expansion Project, per legal description on attached Exhibit A and maps on attached Exhibit B and Exhibit 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 Grantor may obtain therefrom.
4. The Grantor does hereby covenant with the City that it is lawfully seized and possessed of the real property above-described and that it has a good and lawful right to convey it or any part thereof and that it will 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.

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

GRANTOR:

The State of Oregon, acting through the Oregon
Youth Authority

Jean Straight

STATE OF OREGON
County of MARION) ss.
City of SALEM)

The instrument was acknowledged before me
this 5th day of JANUARY, 2010,
by JEAN STRAIGHT,
(Title) BUSINESS SERVICES ASSISTANT DIRECTOR,
on behalf of the Oregon Youth Authority.

Jean Marie Bergen
Notary Public for OREGON
My Commission Expires: APRIL 6, 2013



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 _____, 2009.
2010.

City Manager

ATTEST:

City Clerk

Exhibit A

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

City of Albany Utility Easement

A variable width strip of land for easement purposes located in Section 19, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon said strip of land being a portion of Parcel 2 of Partition Plat 1996-04, a partition recorded in Linn County, Oregon and is more particularly described as follows:

Beginning at a point on the westerly right-of-way of Lochner Road that is South 01°03'33" West 361.19 feet from the northeast corner of said Parcel 2; thence North 83°07'57" West 385.35 feet; thence North 38°09'13" West 44.39 feet; thence North 89°09'13" West 21.21 feet; thence South 38°09'13" East 57.81 feet; thence South 83°07'57" East 398.03 feet to a point on said westerly right-of-way line; thence North 01°03'33" East 9.55 feet to the Point of Beginning.

Basis of Bearings of the above described strip was established per County Survey Number 21457, a record of survey filed in the office of the Linn County Surveyor.

END DESCRIPTION

Oct. 14, 2009
Utility easement
(07-191-C) JSM
File Ref: titan/projects/07-139-a/Surveying/Documents/utility easement.doc

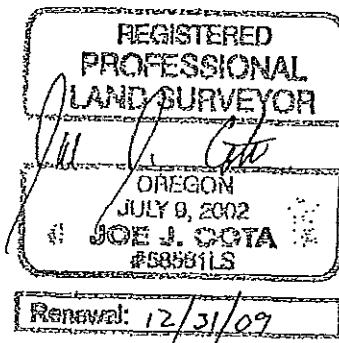
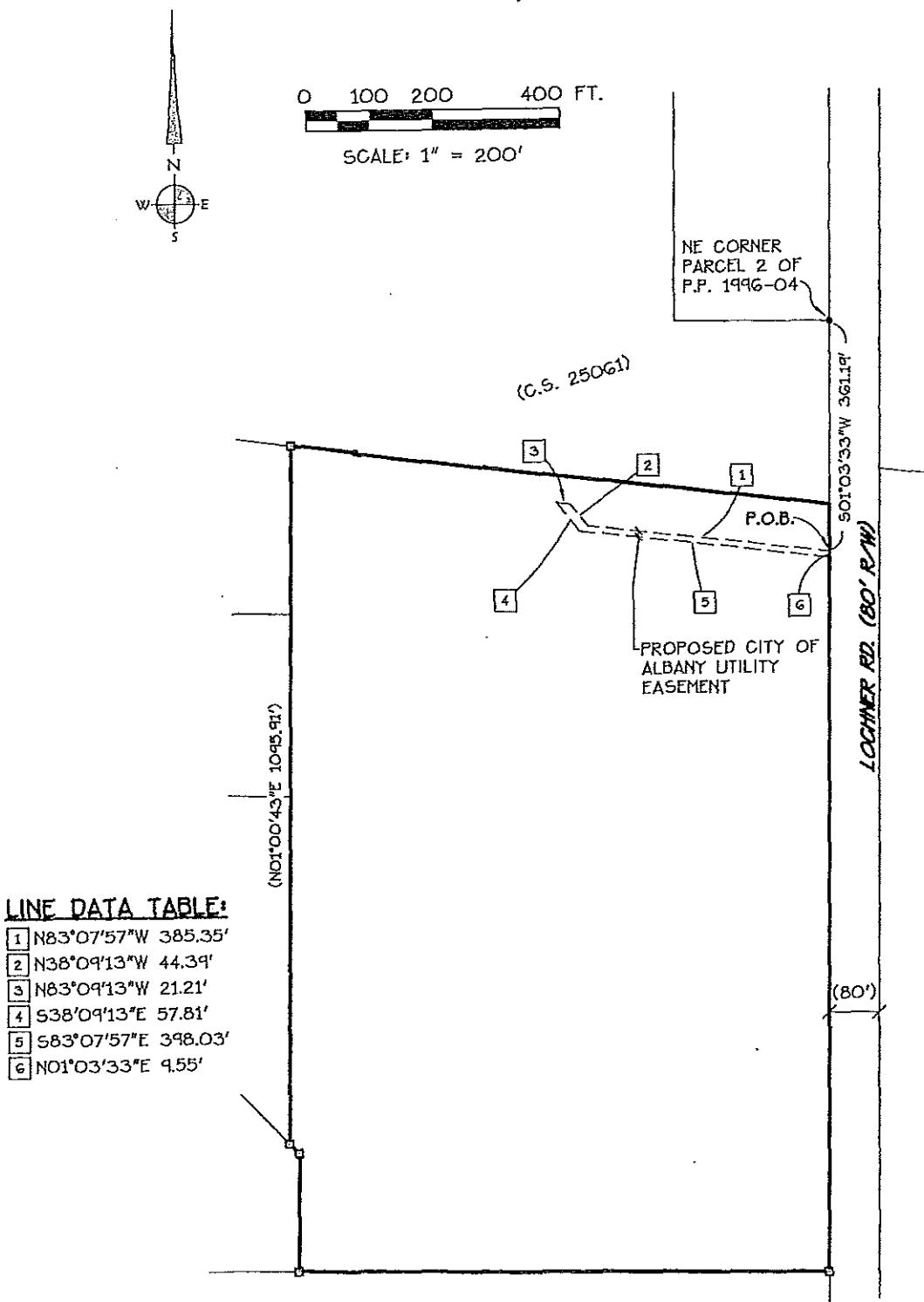


Exhibit B

EXHIBIT MAP
 FOR
CITY OF ALBANY
 LOCATED IN
 THE TRUETT DAVIS D.L.C. No. 54
 NE 1/4 SEC. 19, T. 11 S., R. 3 W., W.M.
 IN THE
 CITY OF ALBANY, LINN COUNTY, OREGON
 OCTOBER 14, 2009



Date: 10/14/2009 Time: 11:18
 Scale: 1=200
 File: dwg\2007\07-139-a\139a-exh.dwg (Justin M)

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

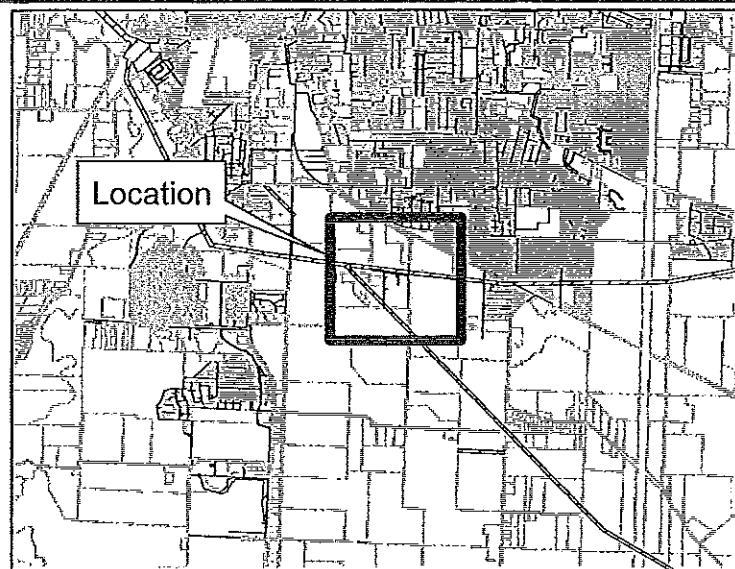
EXHIBIT C

11SO3W19A 00501

A variable-width public water easement
as required by a condition of approval
for the OYA expansion project.



Geographic Information Services



RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Donald G. Loring

Purpose

A variable width easement over a public sanitary sewer line as part of a sewer replacement project.

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

DATED AND EFFECTIVE THIS 10TH DAY OF FEBRUARY 2010.

Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this _____ day of _____, 2010, by and between Donald G. Loring, 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:
A variable width easement over a public sanitary sewer line as part of a sewer replacement project. See legal description on attached Exhibit A and map on attached Exhibit B.
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.

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

GRANTOR:

Donald G. Loring
Donald G. Loring

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

The foregoing instrument was acknowledged before
me this 2nd day of February, 2010,
by Donald G. Loring as his voluntary act and deed.



Kevin L Hamilton
Notary Public for Oregon
My Commission Expires: October 7, 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 _____ 2010.

City Manager

ATTEST:

City Clerk

EXHIBIT A

PERMANENT UTILITY EASEMENT

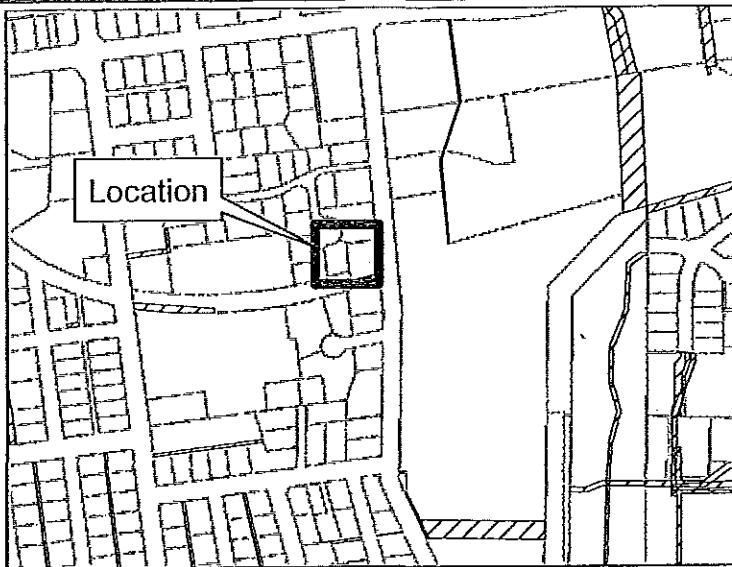
A 10-foot wide north-south easement centered over an existing sewer main, and a 7 foot wide southwest-to-northeast easement which lies 5 feet north of and 2 feet south of an existing sewer main, both easements lying over the property at 1133 Sherman Street SE in Albany, Oregon. More particularly described as follows and as shown on the attached map labeled as Exhibit B.

Beginning at the North corner of Tax Lot 3400 as shown on the 12/2/2009 Linn County, Oregon Assessor's Map 11S03W07AD, said corner lying on the right-of-way line of Sherman Street SE; thence Southeast 4.0 feet along the Northeast property line of said tax lot 3400; thence South 34.5 feet; thence West 12.5 feet; thence Southwest 48 feet, passing adjacent to the North-Northwestern corner of the existing house, to the West property line of said tax lot 3400; thence North 7.5 feet along the West property line of tax lot 3400; thence Northeast 51 feet, parallel to the aforementioned 48 foot long line; thence North 20 feet to the right-of-way line of Sherman Street SE; thence Northeasterly 10 feet along the right-of-way line of Sherman Street to the point of beginning. As shown on the attached map labeled Exhibit B, attached hereto and incorporated herein by this reference.

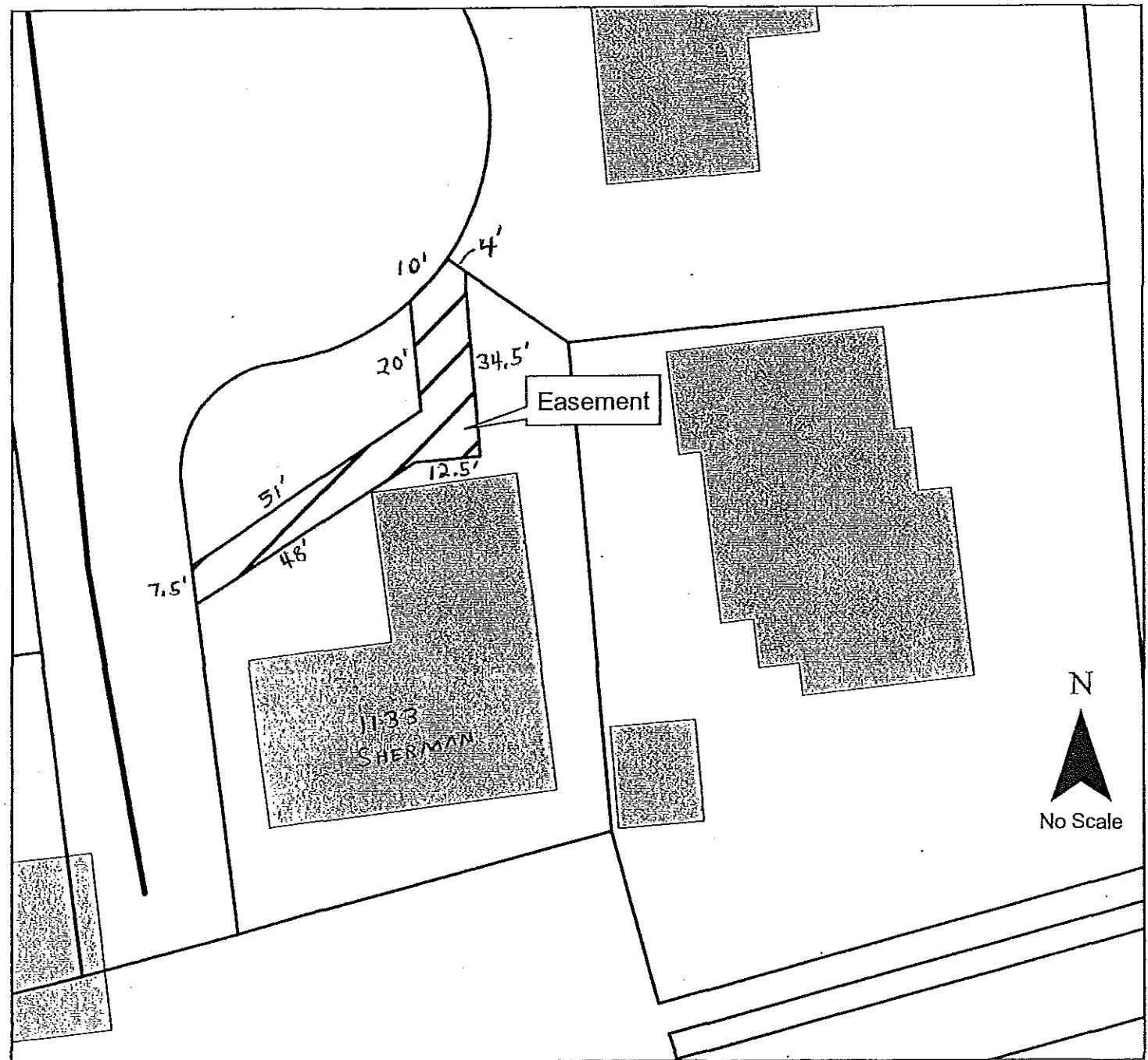
EXHIBIT B

11SO3W07AD03400

A variable width easement over
a public sanitary sewer line as
part of a sewer replacement
project.



Geographic Information Services





TO: Albany City Council
VIA: Wes Hare, City Manager *JH*
Jorge Salinas, Information Technology Director
FROM: Peter J. Brandstetter, Data Systems Manager *PJB*
DATE: January 29, 2010, for the February 10, 2009, City Council
SUBJECT: GIS-10-01, 2010 Aerial Mapping Update

RELATES TO STRATEGIC PLAN THEME: • Effective Government

Action Requested:

Authorization to award contract for GIS-10-01, 2010 Aerial Mapping Update.

Staff requests authorization to enter into a professional services contract with 3Di West from Eugene, Oregon, for GIS-10-01, 2010 Aerial Mapping Update, a project approved in the FY2009-2010 budget.

Discussion:

This project was discussed at Council Work Sessions on October 12, 2009, and February 8, 2010. The project will provide updated aerial mapping for the City's Geographic Information System. This project is contracted for every four years beginning in 1994 and last conducted in 2006.

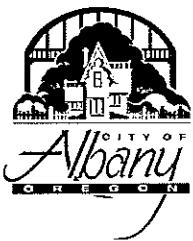
The quotation received totaled \$96,841 for the project. Additionally, the City of Millersburg has agreed to fund costs associated with map updating within their jurisdiction and will be providing \$4,035 toward the project cost (reducing Albany's cost).

Budget Impact:

A portion of the project funds has been reserved annually for the last four years, and the total accumulated amount has been allocated and approved in the FY2009-2010 budget. The total amount allocated is \$120,000. After accounting for the City of Millersburg's contribution, the City of Albany's cost for the project will be \$92,806.

PB:de

U:\Public Works\Engineering\Engineer\Gis\GIS-10-01\CCMemo 2010 Aerial Mapping Contract Approval.docx



TO: Albany City Council

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

FROM: Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer
Mark Yeager, P.E., Utility Services Manager
Peter Harr, P.E., Civil Engineer III

DATE: February 4, 2010, for the February 10, 2010, City Council Meeting

SUBJECT: WWTP-08-02, Wetlands Talking Water Gardens Project – CM/GC Contract Award

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Staff requests that Council award a “Guaranteed Maximum Price” (GMP) contract to C&M Construction, Sherwood, Oregon, in an amount of \$6,677,299 for the Wetlands Talking Water Gardens Project in accordance with the provisions of the Construction Manager/General Contractor (CM/GC) project delivery approach, approved by Council on September 9, 2009. The approach followed was consistent with the principles and goals outlined in OAR 137-049-0600 through OAR-137-049-0690.

Discussion:

Project Background

As noted above, on September 9, 2009, Council approved the CM/GC selection process for the Albany-Millersburg Talking Water Gardens Wetlands Project. On September 14, 2009, the City advertised for CM/GCs and received six (6) proposals. City Staff and the Project Engineer, CH2M Hill, found two (2) of the proposals to be non-responsive. The remaining four proposals were evaluated in detail, resulting in City and CH2M Hill staff selecting C&M Construction (C&M) as the preferred CM/GC.

Based on the evaluations, a contract was awarded to C&M for the Phase I constructability review and engineering assistance concerning the final design of the wetlands. This approach is analogous to the one successfully followed for the North Albany Pump Station and Force Main project. Since being selected, C&M Construction has been actively working with the City and CH2M Hill to advance the engineering design from the 30-percent stage at the time of RFP advertisement to a point where the design has been substantially defined in order for the CM/GC to provide a Guaranteed Maximum Price (GMP).

Guaranteed Maximum Price (GMP)

Based on the final design, the CM/GC has been able to price all wetlands project construction work and materials. This includes work the Contractor will be self-performing, as well as work to be completed by all subcontractors. Competing proposals from both subcontractors and from materials suppliers were solicited. All of this was completed in accordance with the required CM/GC process. Staff now seeks approval for the Phase II construction, based on a Guaranteed Maximum Price for all identified project work and components. Refer to Exhibit 1 for an overview of the wetlands configuration.

In addition to the direct wetlands construction, the CM/GC will also be constructing the ATI Wah Chang (ATI) force main from the point where the pipeline reaches the overall wetlands project area and then extends to the existing Secondary Clarifiers at the Water Reclamation Facility (WRF). This work will be executed as part of a separate construction contract between C&M and ATI. ATI will pay for all engineering and construction costs involved with this work. Having C&M construct this work avoids having two separate contractors occupy the same construction space in the southwest corner of the project site. The rest of the ATI force main from ATI's industrial facility will be constructed under a separately designed and procured contract by ATI.

A Technical Memo from the Engineer (Exhibit 2) is attached that summarizes the Engineers' review of major cost items and the contractor overhead and profit markup that comprise the total GMP. A more detailed breakdown of the Contractor's GMP is also attached. The submitted information indicates the GMP is valid and the calculated project costs are consistent with requirements of the CM/GC's proposal. Also included is the Engineer's Bid Review Check List, which is a tool used by the Department of Environmental Quality (DEQ) to ensure compliance with DEQ bidding and procurement requirements.

Recommendations

Staff recommends a GMP contract be awarded to C&M Construction, Sherwood, Oregon, for \$6,677,299. If approved by Council, project work will begin later this month with the completion expected in late spring of 2011. Table 1 summarizes the total project costs based on the GMP.

Table 1 GMP Summary

Phase 2 Services (Construction Phase)	Cost
Wetlands Treatment System:	
General Conditions (GCs)	\$ 155,000
Self performed work	\$ 3,051,784
Self performed work GCs	\$ 152,589
Self performed work overhead and profit	\$ 152,589
Subcontract performed work	\$ 2,555,000
Total Direct Work	\$ 6,066,962
Project Overhead and Profit	\$ 182,009
Bonds	\$ 62,490
Insurance	\$ 62,490
Project Contingency	\$ 303,348
Subtotal	\$ 6,677,299
Phase 1 Services (Design Phase)	\$ 20,000
TOTAL GMP	\$ 6,697,299

Budget Impact and Discussion:

The City of Albany and the City of Millersburg have each received \$4,000,000 in federal ARRA stimulus funds from the Department of Environmental Quality Clean Water Revolving Loan Program. These funds will be combined for the construction of the above-referenced wetlands project. Engineering design and services during construction are also included in this funding.

Albany City Council

Page 3

February 4, 2010, for the February 10, 2010, City Council Meeting

In addition to Albany and Millersburg, ATI-Wah Chang (ATI) is a partner in this project. ATI will contribute a total of \$2,500,000 to participate in the project for which they will also receive enhanced treatment for their effluent in the constructed wetlands. ATI's funding is being used exclusively to acquire the wetlands property.

The overall budget impacts and funding will be as follows:

Resources:

- 601-50-2508-42037 – ARRA: Wetlands – Albany
- 601-50-2508-42038 – ARRA: Wetlands – Millersburg
- 601-50-2508-42821 – ATI-Wah Chang (ATI)

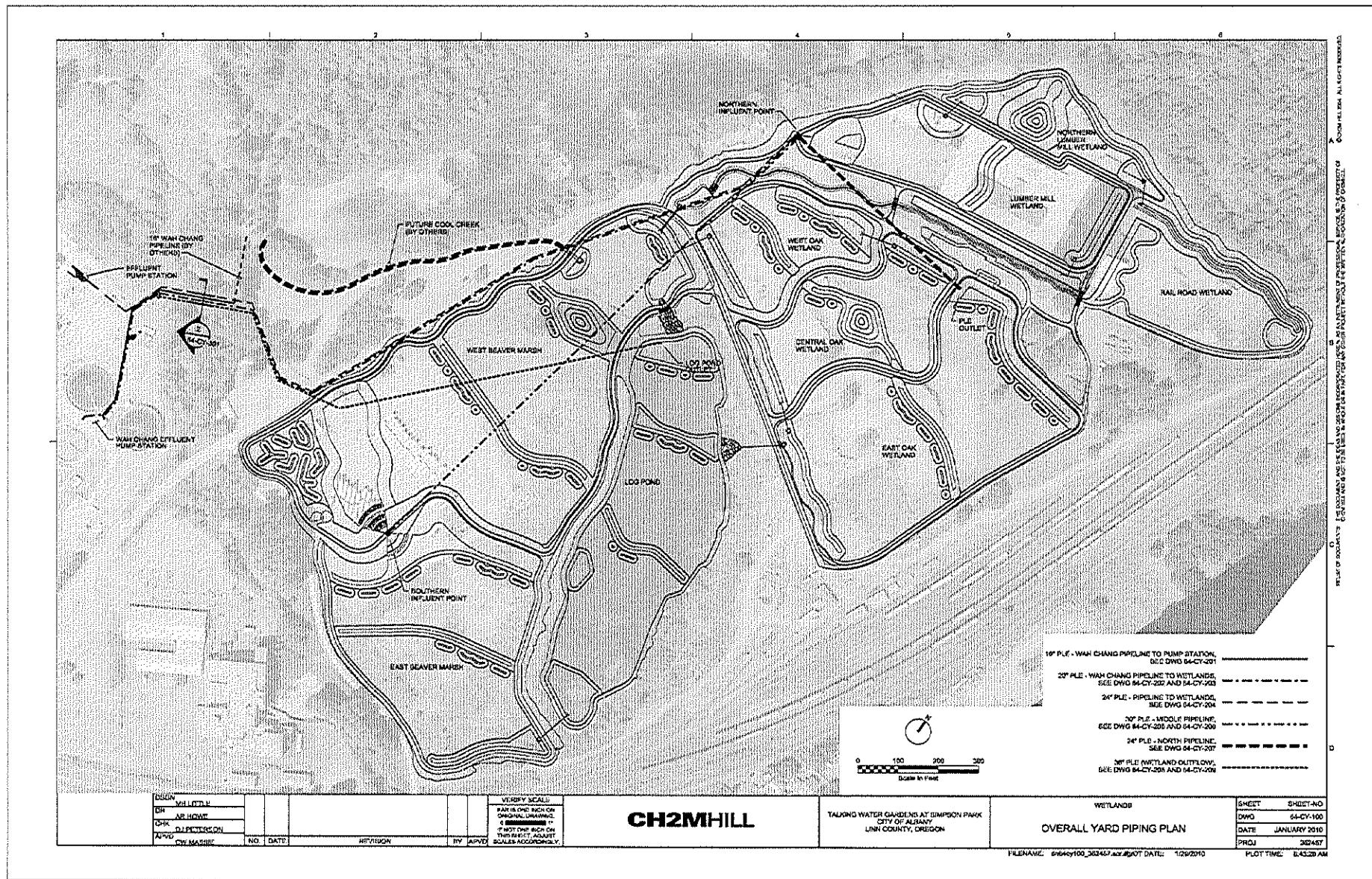
Requirements:

- 601-50-2508-88003 – WWTP-08-02 Wetlands Project
- 601-50-2508-70030 – Land Acquisition: Wetlands Project

PH:kw:prj

Attachments (4)

EXHIBIT 1 – Phase 1 Wetlands Project Map



MEMORANDUM

CH2MHILL

Talking Water Gardens at Simpson Park Project GMP Review

TO: Peter Harr/City of Albany
COPIES: John Sams/CVO
FROM: Craig Massie/CVO
DATE: February 4, 2010
PROJECT NUMBER: 362457.WT.PM.01

CH2M HILL has reviewed the Guaranteed Maximum Price (GMP) submitted by C&M construction for the Talking Water Gardens at Simpson Park Project. Specifically, our review included the following:

1. Review of the self performed work labor, materials and equipment.
2. Review of the subcontractor quotes received for all major subcontracted portions of the work.
3. Review of the cost factor markups applied for consistency with those submitted in the CM/GC proposal.
4. Review of the quotes received for the major piping and equipment items.
5. Review of specialty construction quotes (e.g. borings and landscape architecture) for reasonableness.
6. Comparison with the Engineer's estimate prepared in July 2009.

Based on our review of the materials submitted, we concluded that C&M Construction followed the process outlined in the RFP for developing their GMP and procured the materials and subcontracts in a competitive manner as required. The summary of the GMP with markups is below in Table 1.

Note that the markups are consistent with the markups required to be submitted with the proposal during the CM/GC RFP period.

Table 1 GMP Summary

Phase 2 Services (Construction Phase)	Cost	Markup Factor
Wetlands Treatment System		
General Conditions (GCs)	\$ 155,000	
Self performed work	\$ 3,051,784	
Self performed work GCs	\$ 152,589	5%
Self performed work overhead and profit	\$ 152,589	5%
Subcontractor performed work	\$ 2,555,000	
Total direct work	\$ 6,066,962	
Project Overhead and Profit	\$ 182,009	3%
Bonds	\$ 62,490	1%
Insurance	\$ 62,490	1%
Project Contingency	\$ 303,348	5%
Subtotal	\$ 6,677,299	
Phase 1 Services (Design Phase)	\$ 20,000	

Total GMP \$ 6,697,299

The Engineer's Estimate last updated in July 2009 for the equivalent scope of work was \$7,892,828.

The major subcontractors that C&M will be using to complete the work include an electrical subcontractor, a boring subcontractor, and two landscape architecture subcontractors. The boring contractor is also a minority subcontractor.

In addition, we have reviewed the Contractor's submittal of forms, which are required by the DEQ SRF program. The Contractor submitted some of these forms with the proposal. The remaining required forms have now been provided by the contractor with the GMP. These forms will be submitted by Albany to DEQ along with the Bid Review Checklist, attached, and other required project documentation.

Attached is the GMP detail cost breakdown.

C & M CONSTRUCTION, INC.
IB551

B I D F O R M C A L L - O U T S H E E T

ESTIMATE : 29015- ALBANY TALKING WATER (GMP)
ALTERNATE : 1

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	EXTENSION
GENERAL CONDITIONS				
1	GENERAL CONDITIONS	1.00 EA	155,000.00	155,000.00
	TOTAL GENERAL CONDITIONS			155,000.00
SP/DW MARKUP				
3	SELF PERFORMED WORK (SPW)	1.00 EA	3051,784.00	3,051,784.00
4	SPW-GC MARKUP (5%)	1.00 EA	152,589.00	152,589.00
5	SPW-OVERHEAD AND PROFIT (5%)	1.00 EA	152,589.00	152,589.00
6	DIRECT WORK (DW)	1.00 EA	2555,000.00	2,555,000.00
	TOTAL SP/DW MARKUP			5,911,962.00
OVERHEAD/BONDING/CONTINGENCY				
8	JOB OVERHEAD / PROFIT (3%)	1.00 EA	182,009.00	182,009.00
9	BONDING (1%)	1.00 EA	62,490.00	62,490.00
10	INSURANCE (1%)	1.00 EA	62,490.00	62,490.00
11	CONTINGENCY (5%)	1.00 EA	303,348.00	303,348.00
12	DESIGN AND PLANNING SERVICE	1.00 EA	20,000.00	20,000.00
	TOTAL OVERHEAD/BONDING/CONTINGENCY			630,337.00
			BID TOTAL :	6,697,299.00

C & M CONSTRUCTION, INC.

IB504

ESTIMATE : 21004- ALTERNATE : TALKING WATER (GMP)

TOTALS & ADD-ONS REPORT

FEB 3, 2010 14:34:22

PAGE 1

MU/M\$:	LABOR	EQUIPMENT	RENTAL EQ.	FUEL/REP'R	MATERIAL	SUBCONTRACT	ST & S	INDIRECTS	ITEM TOTAL
MU :									
M\$:	850,297	526,890			1,674,597	2,555,000			5,606,786
G\$:	850,297	526,890			1,674,597	2,555,000			5,606,786
HRS :	17,447.85	11,907.83							29,355.68

ROUNDED ITEM VARIANCE : 0 ROUNDED ITEM COSTS : 5,607,085
 ROUNDED ITEM PRICES : 5,607,085

ADD-ON COST : ADD-ON MU % : 0.00% ADD-ON PRICE : OUR PRICE GRAND TOTAL : 5,607,085

ADD-ON CODE	BASIS	PHASE CODE	COST TYPE	SOURCE	METHOD B/A	CONSTANT	AMOUNT
600 *** 600 - 699 LABOR BURDEN lines	NET AMOUNT	3095- -	LABOR	TABLE			0.00

< - - - - - ESTIMATE CHECKS - - - - - >
 TOTAL MARK-UP / LABOR : 0.00% LABOR / TOTAL COST : 15.16%
 TOTAL MARK-UP / EQUIPMENT : 0.00% EQUIPMENT / TOTAL COST : 9.40%
 TOTAL MARK-UP / RENTAL EQ. : RENTAL EQ. / TOTAL COST : 0.00%
 TOTAL MARK-UP / FUEL/REP'R : FUEL/REP'R / TOTAL COST : 0.00%
 TOTAL MARK-UP / MATERIAL : 0.00% MATERIAL / TOTAL COST : 29.87%
 TOTAL MARK-UP / SUBCONTRACT : 0.00% SUBCONTRACT / TOTAL COST : 45.57%
 TOTAL MARK-UP / ST & S : ST & S / TOTAL COST : 0.00%
 TOTAL MARK-UP / INDIRECTS : INDIRECTS / TOTAL COST : 0.00%
 TOTAL MARK-UP / TOTAL COST : 0.00% TOTAL MARK-UP/BID TOTAL : 0.00%

C & M CONSTRUCTION, INC.
IB551

B I D F O R M C A L L - O U T S H E E T

ESTIMATE : 21004- TALKING WATER (GMP)
ALTERNATE :

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	EXTENSION
INTERNAL PIPELINES				
1	36" PVC - LOG POND OUTLET	1,520.00	LF	125.00
2	96" MANHOLE (OVER EXT 54")	1.00	EA	19,900.00
3	84" MANHOLE	3.00	EA	12,500.00
4	72" MANHOLE	1.00	EA	9,935.00
5	24" C-905 (PLE) COA	510.00	LF	90.00
6	24" HDPE (PLE) COA	1,625.00	LF	66.00
7	NORTHWEST INFLUENT POINT	1.00	EA	53,000.00
8	SOUTHERN INFLUENT POINT	1.00	EA	33,000.00
9	24" HDPE 32.5 (EOW)	580.00	LF	70.00
10	30" HDPE 32.5 (MIDDLE PIPE)	1,450.00	LF	85.00
11	16" HDPE 32.5 (SOUTH INLET WF)	180.00	LF	60.00
12	48" MANHOLE WITH GRATE	1.00	EA	3,500.00
13	COX CREEK CROSSING	1.00	LS	180,000.00

TOTAL INTERNAL PIPELINES				
854,635.00				
EARTHWORK				
14	MOBILIZATION	1.00	LS	300,000.00
15	CLEARING AND GRUBBING	53.00	ACR	1,500.00
16	DEMOLITION	53.00	ACR	4,800.00
17	EROSION CONTROL	53.00	ACR	1,800.00
18	GRADING	100,000.00	CY	5.00

TOTAL EARTHWORK				
1,229,300.00				
PLANTINGS				
19	PLANTINGS	1.00	LS	665,000.00
20	TEMPORARY IRRIGATION	1.00	LS	225,000.00
21	MAINTENANCE AND ESTABLISHMENT	1.00	LS	110,000.00

TOTAL PLANTINGS				
1,000,000.00				
FLOW CONTROL STRUCTURES				
22	TYPE II WEIRS	11.00	EA	9,650.00
23	LOG BOOMS	11.00	EA	3,000.00
24	RIP RAP AND WW PREPARATION	1.00	LS	125,000.00
25	INSTALL CULVERTS	700.00	LF	100.00

TOTAL FLOW CONTROL STRUCTURES				
334,150.00				

C & M CONSTRUCTION, INC.
IB551

BID FORM CALL-OUT SHEET

ESTIMATE : 21004- TALKING WATER (GMP)
ALTERNATE :

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	EXTENSION
FEATURES				
26	BRIDGES	1.00	EA	48,000.00
27	PATHWAYS	11,000.00	LF	11.00
28	FEATURES	1.00	LS	1060,000.00
TOTAL FEATURES				1,229,000.00
EFFLUENT PUMP STATION				
29	PUMP STATION AND MECHANICAL	1.00	LS	735,000.00
30	ELECTRICAL	1.00	LS	225,000.00
TOTAL EFFLUENT PUMP STATION				960,000.00
BID TOTAL :				5,607,085.00

Attachment B
CWSRF BID REVIEW CHECKLIST

This form is to be filled out by the public agency representative and returned to DEQ along with: (1) a copy of the bid tabulation, (2) a copy of the apparent low bidder's bid package, and (3) proof of advertisement. These documents will be reviewed by DEQ prior to final approval of bid award.

Borrower Cities of Albany & Millersburg CWSRF Project No. OR-RD6105 & OR-RD6654
Contract Name/No. TALKING WATER GARDENS AT SIMPSON PARK
Apparent Low Bidder C&M Construction Inc Date Feb 4, 2010
Bid Amount \$6,697,295 Engineer's Estimate \$7,892,000

Reviewer's Name/Title Craig Missie /Project Manager CH2M HILL

The following signed documents must be included for DEQ to concur in bid award. Forms that are not applicable should be marked "NA" and signed and dated.

Attach.

Yes No No

- 1. List of Small, Women, and Minority Business Enterprises to be utilized
- 2.1 Sworn Statement of Compliance with Small, Women, and Minority Business Utilization Requirements (include good faith effort documentation).
- 2.2 List of Contacted Minority, Women and Small Businesses -- a list of businesses contacted, along with names and phone numbers of contacts.
- 3. Contractor's Compliance Statement (with *Executive Order #11246*)
- 4. Certification of Non-segregated Facilities
- 5. Notice to Labor Unions or Other Organization of Workers of Non-discrimination in Employment
 - Note: one form must be submitted for each union represented in the contractor's workforce.
- 6. Certification Regarding Debarment, Suspension, and other Responsibility Matters
- 7. Certification Regarding Lobbying Activities (applicable to projects worth over \$150,000)
- 7a. Disclosure of Lobbying Activities (if any)
- 8. Certification of Independent Price Determination

Attachment B

Answers to the following questions must be affirmative for DEQ to concur in bid award. Negative answers shall be explained in the space below.

<u>Yes</u>	<u>No</u>	<u>Item</u>	<u>Note</u>
<input checked="" type="checkbox"/>		1. Construction documents approved by DEQ?	<i>City of Albany has plan review exemption, however, DEQ is currently reviewing plans</i>
		2. Date of approval _____?	<i>N/A to 8/1/10</i>
<input checked="" type="checkbox"/>		3. Has a bid bond equal to at least 5% of the bid been included?	
<input type="checkbox"/>		4. If applicable, does pre-qualified equipment meet requirements?	<i>N/A</i>
<input type="checkbox"/>		5. If applicable, are addenda acknowledged?	<i>N/A</i>
<input checked="" type="checkbox"/>		6. Is there appropriate documentation of a good faith effort?	
		Supplies: 0.43% MBE 1.28% WBE	
		Services: 2.58% MBE 4.45% WBE	
		Equipment: 1.08% MBE 2.69% WBE	
<input type="checkbox"/>		7. If the low bid was contested by another bidder, has the protest been resolved?	<i>N/A</i>
<input checked="" type="checkbox"/>		8. Is award to lowest responsive, responsible bidder justified in lieu of re-advertising?	

RECOMMENDATION FOR CONTRACT AWARD

In my determination, the lowest responsive, responsible bidder is

C&M Construction

and I recommend that this entity be awarded the contract.

Reviewer's Signature Craig Morris Date 2/4/2010



TO: Albany City Council
FROM: Sharon Konopa, Mayor
DATE: February 5, 2010, for February 10, 2010, City Council Meeting
SUBJECT: Appointments to City Boards, Committees, and Commissions
RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Council approval of the following appointments to City advisory groups:

Albany Arts Commission

Liz Montague (Mayor's new appointment)

Planning Commission

Dave Wood, Ward III (Councilor Christman's new appointment)

Public Safety Commission

Lucy Hughes (Councilor Johnson's new appointment to fill vacant position for term that expires December 31, 2010)

Discussion:

Recommendations for any remaining vacancies on the City advisory groups will be submitted for approval at subsequent Council meetings.

Budget Impact:

None.

SK:ldh

Attachments 2 [Applications for Liz Montague and Lucy Hughes; you already have a copy of Dave Wood's application.]

U:\Administrative Services\City Manager's Office\Boards-Commissions\2010 Recruitment\2010 appointments-boards & commissions-msk-3.doc



BOARD, COMMISSION, AND COMMITTEE APPLICATION

(Please print legibly or type)

RECEIVED

JAN 28 2010

City of Albany
City Manager's Office

CITY HALL
333 Broadalbin Street SW
P.O. Box 490
Albany, OR 97321-0144
www.cityofalbany.net
(541) 917-7500

Board, Commission, and/or Committee Preference:

Albany Arts Commission

(List all that apply)

Name: Elizabeth Montague

Preferred First Name: Liz

Residential Information:

Home Address:

Albany 97321

Phone: Only cell

Cellular: 541-971-8531

(Optional)

E-mail: Artist@JourneyToOz.com

Fax: n/a

(Optional)

Employment Information:

Employer's Name:

Work Address:

Albany 97321

Phone:

Cellular:

(Optional)

E-mail:

Fax:

(Optional)

Please provide information as requested below to describe your qualifications to serve on this City of Albany Board, Commission, or Committee. Feel free to provide additional information that you may wish to share with the City.

- List current or most recent occupation, business, trade, or profession: Currently an Office Specialist. Prior to that I left an Asst Manager (12 years) position at a travel agency in California when I found out I had breast cancer. I decided to take a few years to focus on my health, and to promote my arts and crafts business. I will forever be grateful for being in a financial position to give that gift to myself. Also, upon moving to Albany, I became a CASA volunteer for Linn County, something I've wanted to do for a long time.

For City use only: Ward I II III or Lives Outside City Limits (Circle One)

If lives outside city limits, does applicant meet special definition for the specific b/c/c for which applying?

Yes No If yes, how? _____

OVER



BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM

Page 2

- List community/civic activities. Indicate activities in which you are or have been active: _____

I am a CASA for Linn County. I'm new to the Albany area. I offer classes through the Parks and Recreation program and I have donated several pieces of my art to worthy causes.

I'm eager to get involved and become an active member of the art community. While in California, I served as VP and then President of California Writers & Artists, a volunteer position in which I brought in speakers monthly, conducted meetings, did the monthly newsletter, and attended functions.

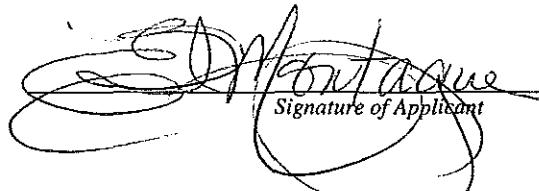
CWA was the largest (100 Members) and most active writing group in northern California.

- Indicate why you are interested in serving on this board or commission and what other qualifications apply to this position.

I find it quite rewarding to give back to the community in which I live. Since arriving in Albany I immediately searched for ways that I could volunteer my time and donate my art to help in anyway possible. I would love to interact with other artists and play a part in promoting the arts in Albany.

- What contributions do you hope to make?

I want to mentor young artists. I want to surround myself with creative people that I can learn from. I want to help Albany become a haven where artists and art can thrive.



Sandra Montague
Signature of Applicant

1/26/10
Date



BOARD, COMMISSION, AND COMMITTEE APPLICATION

RECEIVED

JAN 25 2010

City of Albany
City Manager's Office

CITY HALL
333 Broadabbin Street SW
P.O. Box 490
Albany, OR 97321-0144
www.cityofalbany.net
(541) 917-7500

(Please print legibly or type)

Board, Commission, and/or Committee Preference:

Public Safety Commission
(List all that apply)

Name: Lucy Hughes

Preferred First Name: Lucy

Residential Information:

Home Address: 2409 Bain Ct SE
Albany OR 97322 Phone: 541-981-2884
Cellular: 541-220-9116
(Optional)

E-mail: lucy.hughes@albany.k12.or.us Fax: _____
(Optional)

Employment Information:

Employer's Name: Greater Albany Public Schools
Work Address: 1005 Springhill DR NW
Albany, OR 97322 Phone: _____
Cellular: _____
(Optional)

E-mail: lucy.hughes@albany.k12.or.us Fax: _____
(Optional)

Please provide information as requested below to describe your qualifications to serve on this City of Albany Board, Commission, or Committee. Feel free to provide additional information that you may wish to share with the City.

- List current or most recent occupation, business, trade, or profession: Special Education
School Support Specialist

For City use only: Ward: I II III or Lives Outside City Limits (Circle One)

If lives outside city limits, does applicant meet special definition for the specific b/c/c for which applying?

Yes No If yes, how? _____

OVER



BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM

Page 2

- List community/civic activities. Indicate activities in which you are or have been active:

South Albany Community Church

Sunday School teacher, VBS worker

- Indicate why you are interested in serving on this board or commission and what other qualifications apply to this position.

I am interested in the future of Albany.

- What contributions do you hope to make? I work with a wide variety of parents of school children in GAPS

Lucy Hughes

Signature of Applicant

1-24-10

Date



TO: Albany City Council
FROM: Sharon Konopa, Mayor
DATE: February 3, 2010, for February 10, 2010, City Council Meeting
SUBJECT: Hospital Facility Authority (HFA)

RELATES TO STATEGIC PLAN THEME: • An Effective Government

Action Requested:

Council's action to fill two vacancies: 1) vacant position for a term that expired December 31, 2009, and 2) vacancy due to a resignation with the term expiring December 31, 2010.

Discussion:

At the January 27 council meeting, the Council appointed Councilor Bill Coburn to fill the vacancy due to Councilor Reid's term that expired December 31, 2009.

However, there are two other vacant seats that need to be filled: 1) Colleen Keller's term expired December 31, 2009, and 2) the vacancy due to a resignation mid 2009 with the term expiring December 31, 2010.

ORS 441.535 requires that at least one director be a member of the governing body. By Council policy, the other four members of the HFA are from the Albany Budget Committee. No member can serve more than two consecutive terms.

A copy of the HFA roster ending December 31, 2009, is attached as well as a copy of the Budget Committee dated January 21, 2010.

Budget Impact:

None.

SK:ldh

Attachments 2

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Albany Budget Committee (lay members)

ALBANY BUDGET COMMITTEE = Lay members plus City Council members

Term of Office: 3 years

Member	Business Information			Home Information			Position Information	
Doug Moore Secretary <i>Pending Council approval</i> Appointed By: Ward I-a	Attorney-at-Law 433 Fourth Avenue SW P.O. Box 1362 Albany OR 97321	Phone (541) 928-4503 Fax E-mail		522 Seventh Avenue SW Albany OR 97321	Phone (541) 928-1403 Cell: Fax E-mail		Original Appointment Date: 01/13/99 Full Consecutive Term: Third Current Position Term Begins: 01/09/08 Expires: 12/31/10	
Bruce Peters <i>Pending Council approval</i> Appointed By: Ward II-b	Betaseed, Inc. 34303 Highway 99E Tangent OR 97389	Phone (541) 926-0162 ext. 111 Fax (541) 928-4405 E-mail bpeters@betaseed.com		1732 Belmont Loop SW Albany OR 97321	Phone Cell (541) 979-8565 Fax E-mail		Original Appointment Date: 01/27/10 Full Consecutive Term: — Current Position Term Begins: 01/27/10 Expires: 12/31/10	
Steve Terjeson Vice Chair <i>Pending Council approval</i> Appointed By: Ward III	Citizens Bank 275 SW Third Street P.O. Box 30 Corvallis OR 97339	Phone (541) 766-2256 Fax E-mail ster@citizensbank.com		3455 Bartley Drive SE Albany OR 97322	Phone (541) 926-8128 Cell Fax E-mail terjeson@comcast.net		Original Appointment Date: 01/22/03 Full Consecutive Term: Third Current Position Term Begins: 01/07/08 Expires: 12/31/10	
Susan (Sue) Folden Chair <i>Pending Council approval</i> Appointed By: Ward I-b		Phone (541) 926-7252 or (503) 394-4294 Fax E-mail			Phone Cell (541) 990-8533 Fax E-mail susanfolden@comcast.net		Original Appointment Date: 01/08/03 Full Consecutive Term: Second Current Position Term Begins: 01/14/09 Expires: 12/31/11	
Raymond (Ray) Lusk <i>Pending Council approval</i> Appointed By: Ward II-a	—	Phone Fax E-mail		Albany OR 97321	Phone Cell (541) 981-0404 Fax E-mail raylusk@thepfeiffercottageinn.com		Original Appointment Date: 01/14/09 Full Consecutive Term: First Current Position Term Begins: 01/14/09 Expires: 12/31/11	
Colleen Keller <i>Pending Council approval</i> Appointed By: Ward III-a	—	Phone Fax E-mail		3201 18th Avenue SE Albany OR 97322	Phone (541) 926-4856 Cell (541) 990-1502 Fax E-mail sueccd@aol.com		Original Appointment Date: 01/10/07 Full Consecutive Term: Second Current Position Term Begins: 01/13/10 Expires: 12/31/12	
Wendy Kirbye <i>Pending Council approval</i> Appointed By: Ward III-b	—	Phone Fax E-mail		2135 22nd Place SE Albany OR 97322	Phone (541) 704-0259 Cell (541) 990-3736 Fax E-mail Kirbye4511@comcast.net		Original Appointment Date: 01/10/07 Full Consecutive Term: Second Current Position Term Begins: 01/13/10 Expires: 12/31/12	

a) meets when necessary

b) ORS 294.336 provides for the Budget Committee

c) Resolution No. 3539 provides for appointment procedures. [Must be residents of the city of Albany; Councilors' appointments not required to be from their respective wards.]

d) staff liaison: City Manager Wes Hare, (541) 917-7505; or Finance Director Stewart Taylor (541) 917-7521

e) serves as the CARA Budget Committee per Resolution No. 2002-3

Hospital Facility Authority of the City of Albany

Board of Directors

Term of Office: 3 years

Member	Business Information	Home Information	Position Information	
Colleen Keller <i>Ward III</i>	Phone Fax E-mail	3201 18th Avenue SE Albany OR 97322 Phone (541) 926-4856 Cell (541) 990-1502 Fax E-mail sueccd@aol.com	Original Appointment Date: 02/11/09 Full Consecutive Term: — Current Position Term Begins: 02/11/09 Expires: 12/31/09	
Ralph Reid, Jr. <i>Bill Coburn</i> (Council representative) <i>Ward II</i>	Phone Fax E-mail	1085 22nd Avenue SE Albany OR 97322 Phone (541) 926-7302 Cell Fax E-mail	Original Appointment Date: 01/16/07 <i>27 TO</i> Full Consecutive Term: Second <i>First</i> Current Position Term Begins: 01/16/07 Expires: 12/31/07 <i>12</i>	
Vacant	Phone Fax E-mail	Albany OR 97321 Phone Cell Fax E-mail	Original Appointment Date: Full Consecutive Term: — Current Position Term Begins: Expires: 12/31/10	
Ray Lusk <i>Ward I</i>	Phone Fax E-mail	Albany OR 97321 Phone Cell (541) 981-0404 Fax E-mail raylusk@thepfeiffertowncottageinn.com	Original Appointment Date: 02/11/09 Full Consecutive Term: First Current Position Term Begins: 02/11/09 Expires: 12/31/11	
Steve Terjeson <i>Ward III</i>	Citizens Bank 275 SW Third Street P.O. Box 30 Corvallis OR 97339	Phone (541) 766-2256 Fax E-mail ster@citizenbank.com	3455 Bartley Drive SE Albany OR 97322 Phone (541) 926-8128 Cell Fax E-mail terjeson@comcast.net	Original Appointment Date: 02/11/09 Full Consecutive Term: First Current Position Term Begins: 02/11/09 Expires: 12/31/11

=Not Public Information

a) meets when necessary

b) created by Albany City Council by Resolution #1900, dated 8/10/77 pursuant to ORS 441.525 to 441.595, Financing of Hospital Construction. Resolution #3143, dated 2/26/92, amended Resolution #1900 so that for terms expiring 7/1/92, 7/1/93, and 7/1/94, new appointments or reappointments shall commence on the date of appointment and will expire December 31 following the three-year appointment. Thereafter, terms shall commence on January 1 or date of appointment and shall expire on December 31 following the three-year appointment. Resolution #5016, dated 8/9/04, clearly defined term limits of new appointments.

c) no member shall serve more than two consecutive terms

d) ORS 441.535 requires that at least one director shall be a member of the governing body (City of Albany)

e) City Council direction (July 12, 2004), four directors shall be lay members of the Albany Budget Committee

f) appointed by the City Council

g) staff liaison: Finance Director Stewart Taylor, (541) 917-7521