



**NOTICE OF PUBLIC MEETING**  
**CITY OF ALBANY**  
**CITY COUNCIL**  
 Council Chambers  
 333 Broadalbin Street SW  
 Wednesday, April 13, 2011  
 7:15 p.m.

**OUR MISSION IS**

*“Providing quality public services  
 for a better Albany community.”*

**OUR VISION IS**

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

**AGENDA**

Rules of Conduct for Public Hearing

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

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. SPECIAL PRESENTATION
  - a. Accepting Tree City USA and Tree City Growth Awards. [Page 1]  
 Action: \_\_\_\_\_
5. PROCLAMATION
  - a. Earth Day 2011. [Page 2]  
 Action: \_\_\_\_\_
6. SCHEDULED BUSINESS
  - a. Public Hearing
    - 1) Expanding the South Santiam Enterprise Zone to include portions of the city of Albany. [Pages 3-8]  
 Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_
  - b. Business from the Public
  - c. Adoption of Consent Calendar
    - 1) Approval of Minutes
      - a) March 7, 2011, City Council Work Session. [Pages 9-11]
      - b) March 9, 2011, City Council Regular Session. [Pages 12-18]
      - c) March 21, 2011, City Council Work Session. [Pages 19-22]
    - 2) Approving liquor licenses for:
      - a) Rhythm and Brews Café, Inc., 229 Third Street SW. [Page 23]
      - b) Golden Wok Chinese Restaurant, Inc., 2845 Santiam Highway SE. [Page 24]
    - 3) Accepting an easement from Oregon Acquisition One, LLC. [Pages 25-35] RES. NO. \_\_\_\_\_
 Action: \_\_\_\_\_
  - d. Award of Bid
    - 1) WL-10-06, Lochner Road Transmission Main. [Pages 36-39]  
 Action: \_\_\_\_\_

7. BUSINESS FROM THE COUNCIL
8. NEXT MEETING DATE: Work Session April 25, 2011  
Regular Session April 27, 2011
9. ADJOURNMENT

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

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*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.*

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TO: Albany City Council

VIA: Wes Hare, City Manager  
Ed Hodney, Parks & Recreation Director

FROM: Craig Carnagey, Parks and Facilities Manager / City Forester

DATE: April 6, 2011, for the April 13, 2011 City Council Meeting

SUBJECT: Acceptance of Tree City USA and Growth awards, review of Arbor Week 2011

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

Action Requested:

Acceptance of the Tree City USA and Tree City Growth awards from the National Arbor Day Foundation, presented by the Oregon Department of Forestry, and a review of 2011 Arbor Week events in Albany.

Discussion:

The City of Albany has been named by the National Arbor Day Foundation a Tree City USA for 2010. Albany has won the award 17 years in a row, every year since 1994. This recognition honors Albany's commitment to maintaining a healthy, safe urban forest, and shows that the City has met the four standards to become a Tree City USA:

- Having a tree board or department (the City Tree Commission);
- A tree care ordinance;
- A comprehensive community forestry program; and
- An Arbor Week observance and proclamation.

The Tree City USA Growth award is also provided by The Arbor Day Foundation, in cooperation with the National Association of State Foresters and the U.S. Department of Agriculture Forest Service, to recognize new environmental improvement in four categories:

- Education and public relations
- Partnerships
- Planning and management
- Tree planting and maintenance

April 4-8, 2011 was Arbor Week. This event is celebrated by communities throughout the world as a way to acknowledge the many benefits of trees that include improving air and water quality, providing wildlife habitat, and scenic beauty.

Budget Impact:

None

CTC

**PROCLAMATION**

**EARTH DAY 2011  
APRIL 22, 2011**

WHEREAS, the global community now faces extraordinary challenges such as global health issues, food and water shortages, and economic struggles; and

WHEREAS, all people, regardless of race, gender, income, or geography, have a moral right to a healthy, sustainable environment with economic growth; and

WHEREAS, it is understood that the citizens of the global community must step forward and take action to create a green economy to combat the aforementioned global challenges; and

WHEREAS, a green economy can be achieved on the individual level through educational efforts, public policy, and consumer activism campaigns; and

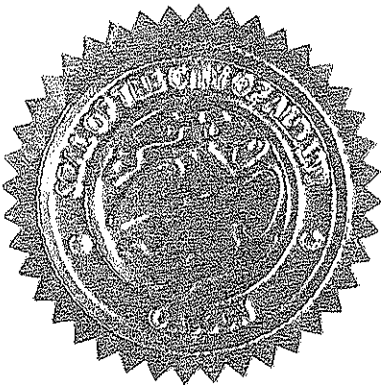
WHEREAS, it is necessary to broaden and diversify this global movement to achieve maximum success; and

FURTHERMORE, let it be known that the Albany, Oregon, hereby encourages its residents, businesses, and institutions to use EARTH DAY to celebrate the Earth and commit to building a sustainable and green economy.

NOW, THEREFORE, be it resolved that I, Sharon Konopa, Mayor of the City of Albany, Oregon, do hereby proclaim April 22, 2011, as

**EARTH DAY**

in Albany, Oregon, and I encourage all residents to support green economy initiatives and to encourage others to undertake similar actions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Albany to be affixed this 13<sup>th</sup> day of April 2011.

\_\_\_\_\_  
Sharon Konopa, Mayor



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Kate Porsche, Urban Renewal Manager *Kate*  
DATE: April 7, 2011, for the April 13, 2011, City Council Meeting  
SUBJECT: Viper NW Enterprise Zone

RELATES TO STRATEGIC PLAN THEME: ● A Healthy Economy

Action Requested:

Review of information and discussion.

Discussion:

Before you tonight is a request to amend the South Santiam Enterprise Zone. This staff report relates only to the five parcels in Albany (tax lots 302-306 of Assessor's Map number 11S-3W-7BD).

All five of these lots are within the Central Albany Revitalization Area (CARA) boundary. Though Enterprise Zone benefits are a great economic tool for Oregon, they work in direct competition with urban renewal funds. As you know, the Enterprise Zone benefits primarily relate to a total exemption from the property taxes normally assessed when there is significant new building and equipment. The exemption lasts for three years after the property has been placed in service, though they may be extended to four or five consecutive years by the local government(s). Because CARA's funding mechanism of tax increment is directly related to the increase in assessed value, a property tax exemption for any properties within the district would be detrimental.

In this case, staff wants you to be aware of the overall effects of the five lots being exempted from property tax, but more specifically, of the two lots owned by Viper NW. As you may recall, Viper NW was the recipient of \$120,000 in grants in early 2007 to complete a remodel and expansion of their business. I think it's fair to say that this project was a great success, Mr. Delude from Viper was a great partner, and we saw the expansion complete and the creation of 14 family-wage jobs in our area.

The work on the building and the addition of personal property helped the project to pencil out quite nicely in terms of CARA's projected return on investment. Our projections forecasted a return on our investment over seven years. At this point, we are three years into the projected seven for the return on our investment. It is important to note that the property would only be exempt from property tax on any new, job-creating development; so CARA's return on the original investment would still be seen. However, the potential increment from new growth on the lots would not be seen by CARA until they return to the tax rolls in the three- to five-year timeframe. With that said, it could be argued that if the existence of the Enterprise Zone encourages Viper NW to expand, then at the end of the exemption both CARA and the community would be better off.

Regarding the other lots, there is about \$10,000 of total tax levied on the three as of tax year 2010. One property is owned by GAPS and, therefore, is not paying any tax. The impact to CARA at this point is minimal, around \$3,000 per year. Though, if the properties are developed and they are in the expanded Enterprise Zone, CARA will not see the benefits until the properties come off the exemption.

This is a policy decision for you; staff simply wanted to make you aware of the circumstances so you had all the information in front of you when you made the decision.

KCP:ldh



South Santiam Enterprise Zone

March 1, 2011

Co-Sponsors

Linn County Board of Commissioners  
City of Albany, Wes Hare  
City of Lebanon, John Hitt  
City of Millersburg, Barbara Castillo

Re: Amendment to the South Santiam Enterprise Zone

I am requesting that you consider authorizing a change to the enterprise zone by allowing the addition of a site currently owned by IP (International Paper) and five parcels in Albany.

The Millersburg site was originally a Boise Cascade plywood mill and was subsequently acquired by Willamette Industries and eventually IP. It was not added to the enterprise zone in previous rounds of amendments because it was felt that there was little chance of it redeveloping. With the closure of the paper mill and IP's efforts to divest their Millersburg properties there may be some opportunities to redevelop this site along with other IP sites, which are already in the zone.

The Albany sites are home or adjacent to a company that is growing very quickly and has the potential to grow and add very good paying jobs.

By including these sites, we might encourage new investment. Tentative projects might be encouraged to proceed by being able to take advantage of enterprise zone benefits.

As co-sponsors, I request that you pass a resolution approving the amendment. This could be at a regular meeting which also serves as a public hearing, which is required to amend the enterprise zone.

I will be happy to attend a work session to discuss this process if you feel it is necessary, prior to your public hearing and will certainly be present at the public hearing to answer any questions.

The only time constraint is that notification to local taxing districts must go out 21 days prior to your public hearing. The taxing districts were notified on February 24<sup>th</sup> and March 3<sup>rd</sup>. Your public hearing can be held no sooner than March 25<sup>th</sup>.

A draft resolution is also enclosed. Exhibit A, the property list referred to in the resolution is attached and the unified map will be available soon.

Thank you for your cooperation. By working together on economic development efforts such as this we can help build better communities for all of us.

Sincerely,

John Pascone  
President  
Co-Manager of the South Santiam Enterprise Zone

Copy,            Bob Warren, OECDD

RESOLUTION AMENDING THE SOUTH SANTIAM ENTERPRISE ZONE INCLUDING PORTIONS OF THE CITY OF ALBANY AND CITY OF MILLERSBURG FOR THE ECONOMIC BENEFIT OF THESE CITIES AND LINN COUNTY

WHEREAS, in 2007, the City of Lebanon, City of Albany, City of Millersburg, and Linn County successfully applied for an enterprise zone, which was designated as the South Santiam Enterprise Zone by the Director of the Oregon Community and Economic Development Department; and

WHEREAS, this Enterprise Zone and the tax exemptions that it offers for new investments in plant and equipment by eligible business firms are critical elements of local efforts to increase employment opportunities, to raise local incomes, to attract investments by new and existing businesses, and to secure and diversify the local economic base; and

WHEREAS, the name of the amended enterprise zone will remain the South Santiam Enterprise Zone in recognition of its original sponsors; and

WHEREAS, the City of Lebanon, City of Albany, City of Millersburg, and Linn County are currently sponsoring governments of the South Santiam Enterprise Zone and will remain cosponsors; and

WHEREAS, officials of the City of Albany, City of Lebanon, City of Millersburg, and Linn County are agreed in requesting an amended zone that would add the area indicated in attachment Exhibit A, which contains assessors tax lot designations, such that the amended Enterprise Zone would consist of the original Lebanon Enterprise Zone plus previous additions plus the listed property; and

WHEREAS, a public hearing was held in Albany on Wednesday, April 13, 2011, to hear the response of the citizens to the proposed change in the South Santiam Enterprise Zone requested herein; and

WHEREAS, notices were sent to the appropriate local taxing districts of the area being added.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City of Lebanon, City of Albany, City of Millersburg, and Linn County will remain cosponsors of the South Santiam Enterprise Zone;
2. The City of Lebanon, City of Albany, City of Millersburg, and Linn County request amendments to the South Santiam Enterprise Zone area as shown in attachment Exhibit B;
3. The name of the expanded enterprise zone will remain the South Santiam Enterprise Zone;
4. The Albany-Millersburg Economic Development Corporation may co-manage the expanded South Santiam Enterprise Zone's added property with the City of Lebanon as agreed under a separate agreement; and
5. The Albany-Millersburg Economic Development Corporation as the enterprise zone expansion requesting organization on behalf of Linn County is hereby authorized to prepare and submit technical memoranda to the Oregon Economic and Community Development Department, along with this resolution and other necessary documents, verifying that the requested expansion of the South Santiam Enterprise Zone complies with the requirements of ORS 285C.115, so that the request herein may be approved by order of the Director of the Oregon Economic and Community Development Department.

DATED THIS 13<sup>TH</sup> DAY OF APRIL 2011.

ATTEST:

\_\_\_\_\_  
Mayor

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

South Santiam Enterprise Zone

2011 Amendment

Exhibit A

Property to be added and New Area

<u>City</u>	<u>Parcel Name</u>	<u>Acres</u>	<u>Map</u>	<u>Tax Lot</u>	<u>Account #</u>	<u>Tax Code</u>	<u>Local Taxing Districts</u>
Millersburg	IP	10.9	10S-3W-28	901	46520	8-5	SD #8J LBCC ESD LBL Albany RF 4H Ext
Albany	GAPS	2.75	11S-3W-7BD	302	93258	8-46	ESD LBL LBCC
	D&K (Viper)	0.64	11S-3W-7BD	303	93266	8-46	Albany SD 4H Ext
	MCS (Motion Ind.)	0.61	11S-3W-7BD	304	93274	8-46	Albany UR
	MCS	0.61	11S-3W-7BD	305	93282	8-46	
	D&K (Viper)	0.14	11S-3W-7BD	306	93290	8-46	
Acres to Add		15.65					

Recap of Amendments and Reconciliation of Area

Original Zone Area	6464 Acres
2000 Amendment	1049.63
2001 Amendment	4.3
2000/2001 Area	7517.93
2006 Amendm Additions	677.65
Removed	-539
2006 Area	7656.58
2008 Amendm Additions	159.54
Removed	-159.31
2008 South Santiam Enterprise Zone Area	7656.81 Acres
2011 Amendment Addition	15.65
2011 South Santiam Enterprise Zone Area	7672.46
Square Miles	11.99

Notes:

1 Maximum Enterprise Zone Area	12 Square Miles	7680 Acres
New South Santiam Zone Area	11.99 " "	
Available to Add	0.01 " "	6.4 Acres



CITY OF ALBANY  
CITY COUNCIL (WORK SESSION)  
Municipal Court Room  
Monday, March 7, 2011  
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 Dick Olsen, Jeff Christman, Bill Coburn, Floyd Collins, Bessie Johnson, and Ralph Reid, Jr.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

There was no business from the public.

PROPERTY TAXES 101: CARA AND COMPRESSION

Mark Noakes, Linn County Assessor, passed out *Chapter 5- Tax Increment Financing: Urban Renewal* (see agenda file). Linn County has several urban renewal districts and Noakes is frequently asked why urban renewal tax shows up on North Albany tax bills.

Noakes explained that the theory behind urban renewal is that everyone in the boundary of an agency (or city) benefits from the plan area. Therefore if a person lives within the city boundaries, even if they are not in the urban renewal area, they contribute. Noakes pointed out that taxpayers pay no more or less than they would if the urban renewal area did not exist; it just redirects a portion of the City's share to urban renewal instead. It is called Tax Increment Financing (TIF) and is legally allowed, as the handout explains. The taxes on the incremental increase go to Albany Revitalization Agency (ARA). The increase is then spread across all the properties in the agency. If it wasn't spread out then the properties in the urban renewal area would be paying too much. The frozen value is dispersed among all the taxing agencies – it is only the additional “new” value or exception value that is taxable that is directed to the ARA.

City Manager Wes Hare used the Wheelhouse project as an example of a building that would not exist if there were not ARA money to subsidize it.

Noakes noted that the increased value comes from new construction. ARA also gets increases in value via the automatic 3% allowed by Measure 50. He said that “Summary of Assessments and Levies (SAL)” tables can be found on their website, [www.co.linn.or.us](http://www.co.linn.or.us), and there is also a sample in the document he provided. The SAL tables provide a good history of where taxes go.

Noakes said that when Central Albany Renewal Agency (CARA) started in 2001, he calculated the base rate, or frozen value, for the plan area.

Noakes explained that compression occurs when real market values plummet and get closer to the assessed values. The assessed value is what taxes are calculated on. As the gap narrows between market values and assessed values, each taxing agency takes a cut proportional to the amount they receive. There is a \$10/1,000 government cap with \$5 for schools. Noakes thinks local government will lose revenue to compression next year; but on a positive note, he thinks values may go up 2%. Residential assessed values always go up 3%, but market values do whatever the market dictates. Oregon has a very complicated tax system already and urban renewal further complicates it. A positive result of Measure 50 is that it helped to stabilize revenues. Noakes said tax collection rates seem to be consistent.

Councilor Floyd Collins asked how long owners can avoid paying taxes before the county takes action. Noakes said it takes four years of non-payment before the property is moved into redemption rights, which extends it for two more years. Discussion followed.

LINN, BENTON, LINCOLN 211

Greg Roe, Executive Director of United Way of Linn County, said the agency has started the process of acquiring a 211 call line for our area. The 211 project connects the people of Oregon with the community resources they need. It was started 15 years ago for health and human service referrals. Roe said this is a project that is spreading across Oregon and it will be discussed at the Legislature next week. Oregon is one of the last states to get it. Linn County volunteered to start promotions and funding for the three counties (Linn, Benton, and Lincoln). Roe said Public Information Officer/Management Assistant Marilyn Smith is the Board President-elect and thought the Council might appreciate a presentation.

Roe gave a PowerPoint presentation titled *Introducing the Oregon 2-1-1 Network* (see agenda file). Their website is [www.211info.org](http://www.211info.org). Numbers for Lincoln County are in place; they are currently working to enter Benton County numbers, and Linn County will be started next year.

Collins asked if they will be able to track if someone is traveling the I-5 corridor to work the system for hand outs. Roe said it would be up to the specific agencies to make sure folks are not taking advantage, although there is always the possibility that may happen.

Konopa recalled that implementing 211 was part of the ten year plan to end homelessness. United Way is the lead organization but there are many other agencies involved.

Roe said 211 should be running in July 2012.

#### TRANSIENT ROOM TAX TASK FORCE UPDATE

Konopa explained the history of how the Transient Room Tax (TRT) Task Force was formed. Non-profits used to present their funding requests at Budget Committee Meetings. The process changed to require non-profits to complete applications which were then passed to the director of the City department that offered services similar to those of the non-profit. Their requests were included in the proposed budget, if the department director chose to do so. The Budget Committee made the final decision when they approved the Proposed Budget. The Council was later approached, outside of the Budget process, by some non-profits requesting a portion of the TRT revenues after the Expo Fair debt was retired. The TRT Task Force was formed to evaluate the best dispersal of the retired debt and the TRT revenues in general.

Konopa reviewed the table at the back of the policy and described how the TRT Task Force came to the decisions about how to categorize the expenditures and allocate the amounts.

Konopa said the motel owners and other participants were excited about using the City's Trolley.

Councilor Ralph Reid Jr. explained why they decided to start the Airport's portion at \$60,000. The fairgrounds were established long ago on City property. Linn County paid no money for that property and by taking 38 acres away from the Airport, they took future revenue-producing property. In order to compensate the Airport for that, and in order to get folks to the Expo Center and into town via the Airport, it needs to be functional and continually improving. He was adamant that a portion be set aside and did not want it to be used as operational funds, but only for projects that will improve the Airport. This will help the Airport on a long-term basis. The City gets requests for grants but has no matching funds, and this would help. It will also pay for water and sewer lines, and prepare the property so that the Federal Aviation Association (FAA) can put in lights.

Councilor Bill Coburn asked Reid what he thinks the Airport property's current value is. Reid said, \$2 million.

Konopa said the Task Force recognized there was some room to add to non-tourism activities, so added the Airport. This current list is almost at the limit and there is little room to add to non-tourism in order to comply with state law.

Konopa explained how increases in the TRT revenue would be distributed based on percentages. The current allocations are based on revenues of \$600,000 which is a conservative number.

Collins asked, if there is a year of extra high revenue do we just give it to them even if they don't need it or would they have to justify why they need the extra revenue? Konopa said the TRT Task Force will meet every six months to evaluate the distributions. If it were a year of high revenues they could consider adding new programs, for example.

Konopa said that Todd Davidson from Travel Oregon liked that the City would have a policy. The motel owners were also pleased but wanted to make sure that the tourism and events are the focus, since they get a lot of revenue from Fair and Expo events.

Councilor Jeff Christman asked, did you consider using a pie to illustrate the percentages? The way the policy is written, if revenues drop the expenditures for Existing Programs are still increased by 3%. But he thinks that if revenues go down, everyone should get proportional cuts. He does not agree with giving certain non-profits increases when the revenues drop. Konopa said they had considered doing that but it made it more difficult for non-profits to budget. Discussion followed. Konopa said that Albany Downtown Association (ADA), Albany Visitors Association (AVA) and Albany Millersburg Economic Development Corporation (AMEDC) took a 5% cut and have had flat rates in recent years, and this is a way to compensate them.

Hare said the City is getting more revenue this year due to the retirement of the Expo Fair bonds. Because of this, the existing agencies will get 3% and the new agencies will also get an increase. Then if revenues decline, a reserve fund would be established to make up for low years. Agencies are guaranteed the 3%, only if the revenue is increasing. Hare noted that TRT revenues are hard to predict; they are volatile.

Christman thinks that if there is a decrease in revenues everyone should share the loss, rather than using reserves to compensate certain agencies. Konopa said the Committee reviews the revenues every six months so it could choose

not to use the reserves and just have all the agencies take a proportional cut. Also, it would be reviewed by the Budget Committee. The purpose of the two funding levels is so that the agencies that the City has traditionally funded are not hurt by the new programs that are being funded.

Coburn wants more information about the new programs. He wants to know where they had been funded before. Discussion followed. The new programs aren't really new, but rather they were costs that were in other funds that are being designated for reimbursement in this policy. It will be done by interfund transfers. Coburn said the policy needs to be clear about which programs truly are new and which programs were historically absorbed by other budgets. He said, it needs to be clearer where the funding, if any, used to come from.

Finance Director Stewart Taylor said that today's work session is a good example of why the TRT Task Force did not try to identify what is or isn't tourism now and in 2003. It is too difficult to come to agreement, along with deciding if the bond retirement counts as new or old revenue. There is no case law in Oregon to help define the statute; so Taylor explained that Delapoe said the most defensible position for him is for the City to state that it will comply with the statute. The question remains about what portion of the Airport or other programs support tourism, and if we want to identify that in the policy; or if we want to state the objectives for the community and our intent to comply with the ORS. The Task Force chose the latter.

Konopa said this policy has already had a public hearing.

Hare said the past system wasn't much of a system and there were disagreements about how much agencies should get. For example, last year we couldn't justify leaving these agencies whole while cutting police officers. This policy has been worked on by numerous parties and creates a roadmap for TRT revenue distribution.

Christman suggested rewording Section V.2. because it leaves no room for a decrease in revenues. Taylor said the Task Force's intent was to protect those programs. Those programs would not be reduced unless the new programs did not receive any funding and the reserve was depleted. Hare said that is his understanding too and confirmed that it was not a belief of the Task Force that we would subsidize these agencies if TRT funds were to dry up.

This item will come back to another Work Session.

#### COUNCILOR COMMENTS

Collins would like to have the Council send a card to Bill O'Bryan to show support during his illness.

#### CITY MANAGER REPORT

Hare said the City has reached a tentative settlement with the Firefighters union. It will be voted on this week and will likely go to the Council on March 23, 2011.

Hare will be gone March 14-26, 2011.

Smith said that the city of Tangent is ready to schedule a joint meeting.

#### ADJOURNMENT

There being no further business, the Work Session adjourned at 6:15 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC  
Deputy City Clerk

Stewart Taylor  
Finance Director

CITY OF ALBANY  
 CITY COUNCIL  
 Council Chambers  
 Wednesday, March 9, 2011  
 7:15 p.m.

MINUTES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Konopa led the pledge of allegiance to the flag.

ROLL CALL

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

SCHEDULED BUSINESS

Legislative Public Hearing

Development Code Amendments.

Konopa explained that she would be abstaining from discussion and voting because she owns property with Forslund Construction. She stepped down from the dais.

DC-06-10, amending Ordinance No. 4441, which adopted the City of Albany Development Code and Zoning Map by amending the Development Code text related to allowing electric fences in the Light Industrial and Heavy Industrial zones, allowing barbed wire on livestock fencing, and clarifying the fencing standards, adopting findings, and declaring an emergency.

Council President Floyd Collins opened the public hearing at 7:18 p.m.

Staff Report

Planner II Anne Catlin said this package of legislative amendments includes the following changes to Albany's fencing standards:

- Allow electric fences up to 10 feet tall in the Light Industrial and Heavy Industrial zones, where the Code currently does not allow any fences that will do bodily harm, such as "electric fences", and fences are limited to 8 feet;
- Allow barbed wire on livestock fencing in residential zones;
- Clarify where fences over 6 feet tall may be located; and
- Consolidate the fencing standards into one location.

Catlin said all required notices for the public hearing were sent and advertised.

Catlin said that two people testified in favor of electric fences at the February 7, 2011, Planning Commission hearing; Michael Pate of Sentry Security Systems and Kami Forslund-Soehl, of Forslund Construction.

She explained that the Albany Development Code (ADC) contains the following criteria that must be met for these amendments to be approved:

- (1) The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language; AND
- (2) The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.

Catlin reviewed a few of the applicable Comprehensive Plan goals and policies. She mentioned that one economic development policy says, "*Recognize the special needs of the area's existing industries.*" The request to allow electric security fences would provide another option for security. There are several goals, policies, and implementation measures related to urban design and community aesthetics including "*With good design, the overall business climate may be enhanced by reducing residential and industrial conflicts.*" She said the Plan notes it is important to emphasize good aesthetics along visible corridors, major streets and highways, and within Albany's major commercial centers.

Catlin explained that staff reviewed the zone purpose statements to determine where it would be appropriate to allow electric fences up to 10 feet tall. Due to the wide range of uses allowed in Albany's commercial and mixed use zones, their visible location, the electric fences are not appropriate in these zones. The electric security fence is consistent with the purposes of the LI and HI zones. They are

intended for a wide range of uses, including manufacturing, warehousing, shipping, outside storage, or stockpiling of materials. Due to the high visibility of Albany's commercial, mixed use, and Industrial Park zones, the amendments are to allow 10-foot-tall electric security fencing in the LI and HI zones only. The standards would also require that electric fences be located outside of the front setback, which is the current requirement for all fences over 6 feet tall.

Catlin said the way Albany has developed over time, there are numerous industrial properties that share property lines with residential properties, primarily east of Ferry Street. Currently new industrial uses must be setback from residential property lines 30 to 50 feet, depending on the zone. Screening and a landscaped buffer yard are also required. Staff found that the intent of the Plan and the Code standards is to provide separation between residential and industrial uses. Therefore, staff presented two setback options for electric fences installed along property lines adjacent to residential zones and recommended a solid fence along residential property lines to limit penetration and visibility through the fence. After hearing testimony, the Planning Commission determined that a pulsed electric security fence was a safe product and no setback from residential zoning districts was needed for safety. They modified the standards to require that electric fences be a pulsed system, and when installed along residential property lines, require a solid perimeter fence and more warning signs.

Regarding clarifying Standards for Fences between 6 and 8 Feet, staff has interpreted the current Code language to mean that fences up to 6 feet tall are allowed in the front setbacks and on front property lines. Fences taller than 6 feet must be located outside of the required front setback. In zones with a zero minimum setback, staff proposes fences taller than 6 feet be located a minimum of 3 feet from the property line, to provide a small separation between the sidewalk and the fence.

Catlin reviewed the Development Code policies relate to these amendments. One is that the "...protects the health, safety, and welfare of the citizens of Albany." The proposed standards would require that electric fences be:

- a product that is tested and approved by a State of Oregon approved testing laboratory;
- that the fence be installed in accordance with the Oregon Electrical Specialty Code, the listing, and the manufacturer's installation instructions;
- electrical and building permits will be required; and
- the product must be installed by a licensed Oregon electrician.

Catlin continued by saying the Police Chief did not have an issue locating electric security fencing on industrial or highly vulnerable sites. He thought the fences would be helpful in preventing crime. He expressed concern with them being located directly adjacent to residential neighborhoods without ample safeguards to ensure inadvertent contact with the fence system. The Fire Department's main concern with allowing electric fences is easy access in the event of an emergency. The amendments include revisions recommended by the Fire Department for access.

Catlin said the amendment to allow barbed wire on top of a fence used to contain large animals will help to contain the animals and reduce damage and loss to the owners. The location of the barbed wire would be out of reach for small children. The proposal to codify the current interpretation of where to allow fences over 6 feet tall will clarify the Code. The Planning Commission recommends that the Council approve the amendments, as modified.

Councilor Coburn said one of the items Catlin mentioned was that the fence would be tested and approved by a state of Oregon laboratory. He asked, are there people out there who test? Catlin said yes there is and she provided the name of a company. She commented that a few other cities have allowed these fences, including Portland, Eugene, and Tangent.

#### Testimony

Michael Pate, 7608 Fairfield Road Columbia, South Carolina, representing Sentry Security Systems, said they have current businesses in Oregon, including the ones Catlin mentioned. They have some concerns about the solid wall requirement for the boundaries of a residential section. They don't understand the requirement and feel it is very expensive to build and it provides cover for potential break-ins. They would prefer something like a chain link fence. Pate continued by saying that currently, there is no standard in the nation to list to, regarding testing. They use international standards. He would like part changed. He said a motorized gate for backup isn't necessary and the Albany Fire Department agrees with him. He also believes a certified electrician installer is too much. Since they use a battery, it is never hooked up to the infrastructure. He feels removing that requirement would be fairer and less expensive to the business community.

Councilor Christman asked, regarding the testing, how is it worded in other cities? Pape said he is not sure. There are 14 nationally recognized labs that do this testing, but no standard.

Councilor Reid said if they had corrected the language through the Planning Commission hearings, he would have supported it. He can't support the changes tonight.

Kami Forslund-Soehl, 3323 Alexander Lane, one of the owners of Forslund Construction, said they are asking the Council to pass the electrical fencing amendment. They do have concerns about the solid fence as such a fence could be used to jump over the electrical fencing, and people could get caught in the space between the two fences. Otherwise, they approve the changes.

No one else wished to speak.

Catlin mentioned that the solid fence is already a requirement when adjacent to a residential neighborhood. The term "listed" was changed to the electrical fence to "be tested and approved," because there is no "listing" standard.

Coburn said he understood Pate's concern as his system works on a battery, but that the Council needs to be careful since the City doesn't want the language to be tailored to a specific company. It needs to be generic. The solid fence does bother him. It seems to be possible to breach the electric fencing with the solid fencing requirement. But if the Council wants that changed, he believes it should be run by the Planning Commission.

Reid asked for Exhibit A, item 1.2, last sentence, on page 7 of the agenda, to be changed as follows: "Concertina wire is permitted on top of fences in high security areas provided warning sign are posted at intervals not less more than 15 feet."

City Attorney Jim Delapoer said staff can bring the ordinance back to the next meeting with revisions, if the Council chooses.

Councilor Johnson asked, did you say a cyclone fence with slats would be okay? Byrne said no, it doesn't provide a visual barrier. You can see through the slats.

Christman asked for an example of a solid fence. Byrne said a cedar fence is an example.

Catlin reminded the Council that the south fence would only be required along the property lines that are shared with residential neighborhoods.

Pate said their electric fence is 10 feet so no one can step over it.

Reid said if an electric fence is 18 inches away from a wooden fence, he believes maintenance would be difficult.

Collins asked if any staff member wished to respond to any other testimony presented. No one did.

Collins closed the public hearing at 8:00 p.m.

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 ALLOWING ELECTRIC FENCES IN THE LIGHT INDUSTRIAL AND HEAVY INDUSTRIAL ZONES, ALLOWING BARBED WIRE ON LIVESTOCK FENCING, AND CLARIFYING THE FENCING STANDARDS, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY."

MOTION: Coburn moved to have the ordinance read a second time in title only. Christman seconded the motion and it passed 6-0.

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

MOTION: Johnson moved to adopt the ordinance. Coburn seconded the motion and it passed 4-2, with Reid and Councilor Olsen voting no.

Collins explained that 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.

Konopa returned to the dais at 8:03 p.m.

DC-01-11, amending Ordinance No. 4441, which adopted the City of Albany Development Code and Zoning Map by amending the Development Code text related to providing an alternative perimeter landscaping plan when landscaping can be placed in excess public right-of-way, adopting findings, and declaring an emergency.

Konopa opened the public hearing at 8:05 p.m.

Staff Report

Byrne explained that these amendments have the same criteria as the other public hearing. Staff is proposing a Development Code amendment to allow the Director to permit alternative landscaping in public right-of-way. He reviewed a couple of examples.

Reid asked if staff was advocating for an encroachment permit. Byrne said it would be with written permission of whoever owned the right-of-way. The written permission would be required before the City granted the improvement.

Reid asked, what about having them buy it in order to get it on the City tax rolls? Byrne said in some cases that may be an option. There followed discussion regarding property rights.

City Manager Wes Hare said this ordinance helps cut the costs and reduces redundant landscaping.

Reid said he doesn't want the City taking over jurisdiction of state lands.

Testimony

No one wished to speak.

Konopa closed the public hearing at 8:15 p.m.

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 PROVIDING AN ALTERNATIVE PERIMETER LANDSCAPING PLAN WHEN LANDSCAPING CAN BE PLACED IN EXCESS PUBLIC RIGHT-OF-WAY, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY."

MOTION: Coburn moved to have the ordinance read a second time in title only. Collins seconded the motion and it passed 6-0.

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

MOTION: Coburn moved to adopt the ordinance. Collins seconded the motion and it passed 5-1, with Reid voting no.

Konopa explained that 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.

Public Hearing

Appeal of dangerous property designation for 117 Main Street NE.

Konopa explained this public hearing was to appeal the Building Division's Dangerous Property Notice and Order for 117 Main Street NE in Albany. The appellant is Michelle Schoning. Staff recommends that the Council conduct a de novo hearing on the matter.

Konopa opened the public hearing at 8:17 p.m.

Delapoer said the City received a letter from Michelle Schoning requesting a postponement of the public hearing. Through the City Attorney, staff denied that request. He said there is another letter requesting a postponement on the dais (in agenda file) from Michelle Schoning. Building Official Manager Melanie Adams will tell the Council why staff doesn't support a postponement. The representative for Schoning can present their case and the Council can decide if they want to hear the matter tonight or grant a postponement.

Adams said this case has been under appeal since the declaration of a dangerous building was made on November 4, 2010. The property is currently occupied by tenants. Schoning appealed to the Building Board of Appeals and they issued a decision on February 9. She then appealed to the City Council. On February 18 staff notified the owners that the appeal hearing was scheduled for tonight, March 9. On February 23 Ms. Schoning said she would be out of the country and wanted to reschedule. The next available date was in April. Staff believes that is too long to delay. The City Attorney's office sent a letter to her advising that the hearing would be held tonight and the City received a reply yesterday, March 8, saying neither she nor her husband would be here. Staff believes it is important for the hearing to be conducted as scheduled. The notice has been under appeal since November 18, 2010, and it has been difficult scheduling hearings when Schoning is available. Further delay puts tenants and neighbors at risk. Each day there is a delay there is a risk that someone will be electrocuted or the home will catch fire. She

provided two photos (in the agenda file) of electrical concerns in the house. She said the major concern is the electrical wiring.

Derrick Dustman, 1612 NW Harrison, Corvallis, introduced himself as Schoning's representative and asked to have the hearing continued until April because Schoning is out of the country for medical reasons.

Collins asked, if we proceed are you prepared to be the representative on the case? Dustman said he is not.

Collins said he would like to continue tonight, considering the chronology of what is in the staff report. It has gone on since July of 2009. It has been a series of meetings back and forth, scheduled and delayed. He doesn't think the City should be put in a position where taking care of our citizens is postponed because of the non-availability of an absentee landlord.

MOTION: Collins moved to deny the request for postponement and proceed with the hearing, based on safety concerns surrounding the building. Johnson seconded the motion and it passed 6-0.

Dustman, the Schoning representative, left the Council Chambers at 8:32 p.m.

#### Staff Report

Adams entered the formal record (in the agenda file) from this case into the hearing record. It is all of the correspondence, photos, orders, and other reports and records. She said over the course of 16 months, the Building Division received and investigated a number of complaints alleging that the property in question was dangerous and in need of repair. These complaints included concerns about a lack of basic sanitation, rat infestations, electrical hazards, mold, and general concerns that the structure was not safe for human habitation. The concerns were investigated and as a result the Building Department concluded that the property was dangerous and subject to such classifications under the Albany Municipal Code. She explained that any property can be declared dangerous, whenever any building, premises, structure, or portion thereof meets any of the criteria listed in Albany Municipal Code (AMC) 18.28.010 "to the extent that the life, health, property, or safety of the public or the building, structure, or premises' occupants are unreasonably endangered." The property maintenance standards in AMC 18.30 comprise the majority of the violations cited in the Order of the Building Official on this property. The specific criteria used by the Building Official in making the decision to declare this property dangerous are listed in Appendix A, of the Notice and Order, starting on page 33 of the agenda file.

Code Compliance Inspector Mary Gaeta went over the chronology associated with this building and Building Inspector Joel Heenan provided pictures of some of the issues on the house (in record that Adams entered). Discussion included concerns about rotting wood, holes, rat and mice holes, water moisture infiltration and plumbing issues, roof leakage, windows not maintained or in disrepair, electrical wiring, outlets, the garage is not secure, and no permits on record. Tenants have been using space heaters for a source of heat.

Adams said that at the time the Notice and Order was issued, staff identified that the building was in structural failure, there was standing gray water, windows that wouldn't stay open, exposed raw power, and the garage was too close to the property line.

#### Testimony

Gary Schoning, 3622 , brother of Kip Schoning, said his brother told him that an electrician had gone through the building and signed it off. The electrician said there wasn't a problem. He was concerned that the testimony included pictures of mice droppings taken when the house was empty. There is a working source of heat, a gas heater in the living room. The tenants chose not to put the heat on in order to save money. He added that this is what his brother has told him, he has not been to the house.

Schoning said he was disappointed how the house looks, but doesn't think it is a dangerous house. He knows Kip Schoning, the owner, submitted some pictures and he hopes the Council reviews those. To him it seems the City wants everything brought up to current standards. That would be too expensive. It is an older house; everything would need to be replaced. He knows that his brother submitted and addressed all the issues. His main concern is that this sets a precedent for all older homes to be considered dangerous. He also owns rentals and understands that they can be in some disrepair at all times.

Konopa said staff is only asking for it to be brought up to code for life and safety issues.

Olsen asked, has your brother said he is going to make repairs? Schoning said he knows that Kip has a crew and was dealing with the issue.

Delapoer reminded the Council that their responsibility was to decide whether the decision to classify this property as dangerous was correct under the provisions of the AMC as of the date the Order was issued.

Reid said the hearing tonight is to decide if the noticed issued in November is correct and asked staff to clarify that they had not inspected the property or enforced the action during the appeals. Adams said that is correct, the Code says they must "stay" all other actions while the order is under appeal.

Adams said they are only asking for the electrical in its entirety to be brought up to current code, not necessarily the rest of the house. Declaring the house "dangerous" requires by AMC that deficiencies be brought up to code. She said at the hearing Mr. Schoning had a letter from an electrician and they don't believe that the letter says what Schoning says it says.

Delapoer asked Adams if all of the conditions that were testified to tonight were present when the order was issued on November 4, 2010. Adams said yes.

No one else wished to speak.

Konopa closed the public hearing at 9:31 p.m.

There followed questions and discussion regarding when materials were sent to the Schonings.

MOTION: Collins moved to find that there was sufficient evidence on November 4, 2010, to designate the property at 117 Main Street NE as a dangerous building and the order was appropriate. Coburn seconded the motion.

Olsen was concerned that the owner would have no other recourse.

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

#### Business from the Public

No one wished to speak.

#### Adoption of Resolutions

Authorizing the City Manager to sign an Intergovernmental Agreement with Greater Albany Public Schools, revising a prior agreement authorized by Resolution No. 5897.

MOTION: Coburn moved to authorize the City Manager to sign an Intergovernmental Agreement with the Greater Albany Public Schools, and revise a prior agreement authorized by Resolution No. 5297. Christman seconded the motion and it passed 6-0, and was designated Resolution No. 5988.

Establishing system development charges for impacts to the Albany Transportation System, establishing an appeal fee, and repealing Resolution No. 5806.

MOTION: Collins moved to adopt the resolution establishing system development charges (SDCs) for impacts to the Albany Transportation System, establishing an appeal fee, and repealing Resolution No. 5806. Christman seconded the motion.

Public Works Director Diane Taniguchi-Dennis explained that following discussion of fee options at the February 2, 2011, meeting the Council directed staff to bring the ramped fee option from the January public hearing for consideration. The resolution includes a statement that future fee increases envisioned in the ramp will only be implemented with Council action based on an analysis of economic indicators to be used as a basis for future annual step decisions. Staff will return to the Council in April or May with a report on potential economic indicators that might be used to decide future fee adjustments.

Olsen was concerned that the Lowe's project might "eat-up" the SDCs.

VOTE: A vote was taken on the motion and it passed 5-1, with Reid voting no, and was designated Resolution No. 5989.

#### Adoption of Consent Calendar

##### 1) Approval of Minutes

a) February 2, 2011, City Council Work Session.

2) Accepting a Benton County Victim Impact Panel grant.

RES. NO. 5990

3) Approving a liquor license for Forsman Inc., D/B/A Ma's Dairy Farm, 3411 Pacific Boulevard SW.

4) Accepting an easement from Albany Industrial Properties, LLC.

RES. NO. 5991

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

Award of Bid

Parks & Recreation mowing contract.

Parks & Recreation Director Ed Hodney explained that they followed the normal bid process and the recommendation is for the successful bidder to be awarded the contract on the base bid amount, Chorak Mowing. Chorak Mowing is the City's current contractor for mowing.

MOTION: Coburn moved to award the contract for mowing services to low bidder Chorak Mowing and authorize the Director of Parks & Recreation to execute contract documents on behalf of the City. Reid seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Christman asked to include a global discussion of where staff is at in the budget process at the April 11 Work Session.

Management Assistant/Public Information Officer Marilyn Smith reported on the City's participation in the Pacific Power Blue Sky Program.

NEXT MEETING DATE

The next meeting of the Council is a Work Session scheduled for Monday, March 21, 2011, at 4:00 p.m. The next scheduled Regular Session is Wednesday, March 23, 2011, at 7:15 p.m., in the Council Chambers, at City Hall.

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:52 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, MMC  
City Clerk

Stewart Taylor  
Finance Director

CITY OF ALBANY  
CITY COUNCIL (WORK SESSION)  
Municipal Court Room  
Monday, March 21, 2011  
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 Dick Olsen, Jeff Christman, Bill Coburn, Floyd Collins, Bessie Johnson, and Ralph Reid, Jr.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

There was no business from the public.

AMERICAN LEGION REQUEST FOR PUBLIC WATER LINE

Assistant Public Works Director/City Engineer Mark Shepard is seeking direction for funding a public water main that serves the American Legion property, on Sherman Street between Seventh Avenue and Pacific Boulevard. The American Legion has been working to rebuild after a fire destroyed their building last summer. A challenge they face is that the redevelopment must meet all standards of existing City codes and requirements.

The Development Code requires that public utilities are extended along the frontage and fire protection standards need to be met for the building. The Legion has asked for assistance from the City in the cost of the water line. In recognition for what services the Legion provides for the community, staff proposes that the City use Water Connection Fees to construct the public water main. The Legion would then pay a Connection Fee based on the length of the property's frontage adjacent to the waterline.

Fire Marshal Mike Trabue described where the fire hydrants are located in that area and how they impacted the fire at the Legion. The area is deficient for fire hydrants.

Councilor Floyd Collins described where the fire hydrants are located based on his research with Public Works staff. The City's system is fire flow deficient along 9<sup>th</sup> Avenue and 7<sup>th</sup> Avenue. Collins thought the City had funding to reinforce the number of hydrants as part of taking over the Pacific Power & Light lines, but they did not. This is the culmination of not being able to complete that.

Shepard said the proposal would be to put in a 12" water line and some hydrants in the area. Collins supports the request.

Public Works Director Diane Taniguchi-Dennis agreed that the area is deficient and the Fire Department noticed that during the fire incident. This water line is necessary and has been for a long time. This particular financing tool has been used in other projects for the same reasons.

Councilor Ralph Reid Jr. is concerned that this is a private, members-only facility. Pacific Boulevard is a major thoroughfare through town. He doesn't see the Legion being a drawing factor for the community and doesn't agree with using prime commercial property for a members-only service.

Councilor Bessie Johnson feels that the Legion does a lot for the community so we should support their request, especially since the fire service in that area is inadequate.

Councilor Bill Coburn said the water line would allow improved fire fighting for the other properties too. Trabue agreed, and said that the Legion's fire just brought the deficiency to light; the line would be beneficial to all properties in the area.

MOTION: Collins moved to approve the funding, in concept, as presented in the staff report, and approve the resolution as a walk in item at the March 23, 2011, Regular Session. Coburn seconded the motion and it passed 6-0.

COPIER CONTRACT EXTENSION

Information Technology Director Jorge Salinas said the City has a four year contract that expires on April 15, 2011. It covers 25 copiers. The City is going through a Request for Proposal (RFP) process that will be completed in June. In the meantime they need to extend the current contract on a month by month basis to cover the gap in service. Salinas described the timeline as outlined in the staff memo.

Salinas said this lease provides support maintenance, toner, and on-call service. The average cost is \$125 per copier, each month, or an average of \$3,125 a month, plus the price for copies.

Collins asked if copiers are available through the state pricing agreement. Salinas said yes, but they still want to use the RFP process because they may be able to get even better pricing. If the RFPs come in higher than the state's price, they can pull the RFP and use the state's agreement instead.

Councilor Dick Olsen asked if the City could save money by extending the current lease each month, and not doing a RFP. Salinas said it is better to check prices every four years, since the price of hardware generally goes down.

Finance Director Stewart Taylor said the copiers are part of the City's network since they are used as printers too. There is interest from a number of vendors.

This item will be on the Consent Calendar for the March 23, 2011, Regular Session.

#### FACILITIES FUNDING PROPOSAL

Councilor Jeff Christman said that he agrees that taking a look at what is needed for Police and Fire facilities is a good exercise, but if the Council is serious about the Downtown Fire Station and building a new Police Station, they need to decide how to finance it. He has prepared a spreadsheet that represents one proposal for how it could be done, and hopefully it will get the discussion going.

Christman reviewed the spreadsheet in the agenda packet.

Christman pointed out that his spreadsheet does not show interest earned or interest being paid on the internal loan. He is assuming they would be a wash. At the end of ten years, there would be \$13 million worth of public facilities and \$110,000 left over in the PepsiCo settlement proceeds.

Taylor explained that the East Thornton Lake Natural Area (ETLNA) amount of \$1 million has been paid and additional funds are committed to become the backstop for funding that project in the event the grants are not successful.

Christman pointed out that using Central Albany Revitalization Agency (CARA) funds would mean that they would have to use the existing site of Station 11 for a fire facility.

Urban Renewal Manager Kate Porsche said that from her perspective, there is a bonus in keeping the Fire Station in the core downtown, especially if the fire museum is brought downtown. It could be a draw, not just a public service. But the Urban Renewal Plan doesn't include a fire station as a specific project, and public buildings have to be clearly defined in the Plan. The City would have to prove that proportionally, the project belongs in the district. The agency could spend \$500,000 or less without amending the Plan, but to spend more than that would require a full amendment which is a very extensive process that includes public noticing. Also, other projects would have to be removed from the Plan in order to fund a new project, such as the fire station. Porsche pointed out that at a higher level there is political pushback at the state to urban renewal being used for public buildings. Using urban renewal funds towards a public building means there is no tax increment from that particular property. Porsche cautioned that if the City were to proceed, there may be pushback from other areas outside of Albany.

Taylor spoke about the idea of using the Timber Ridge Local Improvement District (LID) as a funding mechanism. There is a difference in the lending rate for external loans and the lesser amount charged for internal loans. CARA has a line of credit for \$3 million which the City will take out in about a year from now, and could be considered for an external loan. Discussion followed.

Johnson appreciates that Christman is thinking outside of the box. Even if they can't build Police and Fire facilities now, she thinks it is important to keep them in the Council's sights.

Olsen thinks the issue of building facilities should go to the voters, but given the economy he doesn't think it is worth it. Olsen said it would be helpful to know how many dollars per \$1,000 it takes to raise \$1 million so the Council would know if the time it takes to pay it back is reasonable. Taylor said that infrastructure usually takes 15-20 years to pay off. Discussion followed about taking a portion to the voters for funding.

Reid strongly favors doing something to get the voters involved in the discussion.

There was discussion about when to take the Public Safety renewal levy to the voters. It expires June of 2013; there will be four opportunities between now and its expiration date to put it on the ballot.

#### TRANSIENT ROOM TAX TASK FORCE REPORT

Coburn said he did some research into how this Task Force evolved. He reviewed a set of Budget Committee Work Session minutes. He said it started with the Albany Visitors Association (AVA) wanting more money. Coburn said he made a motion and Johnson seconded it. There was discussion earlier in that meeting about forming a work group

per Konopa's suggestion, but Coburn said he didn't anticipate that a budget group with power to make decisions would be formed. He is bothered that non-profits that would receive the money are members of the Task Force. He also does not like that there are new programs. There may be some duplication of services. He asked, if there are some new ideas or concepts, could they be taken on by different groups? Coburn said that Christman brought up an important issue at the last meeting, by pointing out number 2 under Section V. It says that Existing Programs would maintain or grow at 3%, yet there was no provision for what would happen if there was a decrease in revenues. He said he doesn't like the whole concept. He prefers the old way in which the Budget Committee considered the non-profits directly. It was a more diversified group and he enjoyed the presentations by the non-profits.

Konopa pointed out that Section V. is titled Guidelines for Reserve Account; so by default, if the Reserve Account balance were zero, number 2 wouldn't apply anyway. In that scenario the Task Force would come back with a plan. She reminded the Council that they approved this Task Force several months ago. The idea was to have the agencies that are most knowledgeable about tourism collaborate about all the promotion ideas. Decisions had to be made about how to spend the TRT because there wasn't enough to fund them all.

Konopa does not agree with going back to the way it was. It was a very tedious process with several long meetings, with presentations from several other agencies – more agencies than are listed in this policy. It was very difficult for the Budget Committee because it took so much time and energy to get through the non-profits before they were able to get to the other City functions. That is why having a policy to outline what amount will be spent on tourism, and delegates the folks that really know the tourism business to make recommendations, is so much more efficient. For Budget Committee members that attend just two or three meetings a year, to know what is or isn't a viable tourism idea isn't possible. It also gives the agencies the ability to focus on their programs, rather than coming to the City every year to defend their funding. This policy is good for staff and the agencies. She does not support going back to the way it was because it was inefficient.

Christman asked if the TRT Task Force meetings will be open to the public and have minutes. Konopa said yes. Christman said the policy is unclear about how decisions get made for new programs. Konopa said they can add, under Collaborative Tourism Promotion, that new programs have to go to the Council.

Collins asked, what is the timeframe if a new event wanted funding, if the Task Force meets every six months? Konopa said the Task Force could convene earlier than that to make a recommendation and bring it to the Council for a decision. Collins said that doing so would accommodate long-term funding but also address new events. Konopa said that many of those events approach the outside agencies first, so they would likely be aware of them anyway.

Reid recalled that after the Budget Committee made their decisions, there was a continuous stream of folks coming to the Council asking for money throughout the remainder of the year. He is reluctant to go back to the old system, as Coburn suggested. If we allow them to come to the Council for funding after the Budget Committee has already made a decision, then why have a Budget Committee? They are left out entirely of subsequent decisions.

Christman asked, how do new agencies get on the list and how do current ones get dropped if they are not performing? Taylor said the Task Force could meet more often than six months and bring their recommendation to the Council.

Konopa said that another benefit is that the Task Force could deal with small requests, such as \$1,000, without tying up the Council's and staff's time.

Discussion followed about whether the state statute addresses if the calculations are based on the gross or net revenues. Collins wants to be clear on how it is calculated.

Coburn said that he thought they were forming an advisory group; he thinks the Task Force has gone beyond that scope because they have been empowered to spend money outside of the Budget Committee or the Council's control.

Johnson doesn't feel comfortable with guaranteeing certain agencies money when the City is in dire financial straits. She thinks there are pieces missing before this policy can be put into place.

Christman suggested that the intent of the Committee needs to be incorporated into the policy. For example, it should describe how meetings will work. He also thinks Section V should be deleted entirely and it should be stated that funds will be allocated by percentages, in order to account for fluctuations in the revenues. He understands that this makes it difficult for agencies to budget long-term, but that is how it should be. Discussion followed about if it is fair for established agencies to take a hit when the funds are low. Christman pointed out that the business world is making cuts to wages and benefits too, so he doesn't see a problem with these agencies doing the same.

Konopa reminded the Council that these agencies can do more for less, because they can promote tourism more cost effectively than the City could. They have been established for several years, so why should new programs continue when they might take a hit? Christman said whether it is fair or not, it could be a reality based on the economy.

Olsen pointed out that the reserve account allows for their revenue flow to be stable instead of up and down. They would still get the same amount of money, it would just be allocated in a more regular manner.

Christman is concerned that the policy is not clear and it needs to be, so that a future Council understands it.

Taniguchi-Dennis said there seems to be a fundamental disagreement on what type of group it should be. It could be an independent decision-making body, or an advisory group that reports their actions to the Council. If the Council could decide what type of group they want, then staff could help to finesse the details.

Reid said the difference between the established agencies and the new programs is that the agencies have staff; whereas programs can just be dropped. The Reserve Account was an attempt to give those entities that have personnel costs associated with the service they provide, a way to stabilize their revenue stream.

Johnson suggested that consolidating the AVA and Albany Downtown Association (ADA) may be an option given the economy.

Collins made specific suggestions for changes. He has experienced the Council arguing over TRT revenue for nine years, so why not try something new? We can always rescind the policy if it doesn't work, but he wants to at least try.

Konopa will work with staff to further revise the policy and bring it to a future Work Session.

COUNCILOR COMMENTS

Collins thanked the Council and staff for attending the ceremony held in memory of his daughter, Jessica Ramey, at Gibson Hill Park. A Starlight Dogwood tree was planted in her memory. Collins also thanked the Council and staff for their support during her illness.

CITY MANAGER PRO-TEM REPORT

There was no report.

ADJOURNMENT

There being no further business, the Work Session adjourned at 6:08 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC  
Deputy City Clerk

Stewart Taylor  
Finance Director



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Edward Boyd, Chief of Police

A handwritten signature in black ink that reads 'Edward Boyd' followed by a stylized flourish.

DATE: April 4, 2011, for April 16, 2011, City Council Meeting

SUBJECT: Full On-Premises Sales, Commercial Establishment, New Outlet, Liquor License Application for Rhythm and Brews Cafe, Inc., D/B/A Rhythm and Brews Cafe, 229 SW Third Street.

Action Requested:

I recommend the Full On-Premises Sales, Commercial Establishment, New Outlet, Liquor License Application for Rhythm and Brews Cafe, Inc., D/B/A Rhythm and Brews Cafe, be approved.

Discussion:

Michael and Sarah Allen on behalf of Rhythm and Brews Cafe, Inc., D/B/A Rhythm and Brews Cafe, has applied for a Full On-Premises Sales, Commercial Establishment, New Outlet liquor license. Based on a background and criminal history investigation through Albany Police Department records, the applicant has no criminal record.

Budget Impact:

None.

MR



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Edward Boyd, Chief of Police

*Edward Boyd* 

DATE: March 21, 2011, for April 13, 2011, City Council Meeting

SUBJECT: Full On-Premises Sales, Change Ownership Liquor License Application for Golden Wok Chinese Restaurant, Inc., D/B/A Golden Wok Chinese Restaurant, 2845 SE Santiam Highway.

Action Requested:

I recommend the Full On-Premises Sales, Change Ownership Liquor License Application for Golden Wok Chinese Restaurant, Inc., D/B/A Golden Wok Chinese Restaurant, be approved.

Discussion:

Ya Jiao Ma, on behalf of Golden Wok Chinese Restaurant, Inc., D/B/A Golden Wok Chinese Restaurant, has applied for a Full On-Premises Sales, Change Ownership liquor license. Based on a background and criminal history investigation through Albany Police Department records, the applicant has no criminal record.

Budget Impact:

None.

MR

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

A RESOLUTION ACCEPTING THE EASEMENT:

Grantor

Purpose

Oregon Acquisition One LLC, an Oregon Limited Liability Corporation

A 20 foot wide emergency access easement as required by a building permit condition of approval for the Wal-Mart development.

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

DATED AND EFFECTIVE THIS 13TH DAY OF APRIL 2011.

\_\_\_\_\_  
Mayor

ATTEST:

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

When recorded, return to  
Laura Sever Blanco  
Gust Rosenfeld, P.L.C.  
One East Washington, Suite 1600  
Phoenix, Arizona 85004

Albany, OR #5396-02

### EMERGENCY ACCESS EASEMENT AGREEMENT

**THIS EMERGENCY ACCESS EASEMENT AGREEMENT** ("Easement Agreement" or the "Easement") is made this 15<sup>th</sup> day of March, 2011, by and between the **OREGON ACQUISITION ONE LLC**, an Oregon limited liability company ("Grantor") and **CITY OF ALBANY**, a municipal corporation ("Grantee").

#### RECITALS:

**WHEREAS**, Grantor is the owner of certain real property legally described on Exhibit A (the "Grantor Property"); and

**WHEREAS**, Grantor wishes to grant to Grantee an emergency access easement for pedestrian and vehicular ingress and egress for emergencies across portions of the Grantor Property as legally described on Exhibit B, and as shown as dashed lines on the plan attached hereto as Exhibit B-1 (the "Easement Area") on the terms and conditions set forth below;

**NOW, THEREFORE**, in consideration of the premises and promises contained herein, Grantor agrees as follows:

#### AGREEMENTS:

1. Grant of Easement. Grantor hereby grants and conveys to Grantee for the benefit of the Grantee the agents, invitees, licensees, and employees, a perpetual non-exclusive easement over and on the Easement Area (the "Easement") for the purpose of providing and permitting emergency pedestrian and vehicular ingress and egress; provided however, the Easement granted herein is only for emergency access and is only for Grantee to respond and remediate emergency situations such as police, fire, medical, and other public safety and health related situations. Nothing contained in this Easement shall be deemed to be a gift or dedication of all or any portion of the Easement Area for the general public, it being the intention of the undersigned that this Easement be strictly limited to the purposes expressed in this Easement. This Easement shall also be subject and subordinate to any and all public utility easements, rights-of-way, and other easements of record.

2. Maintenance of the Easement Area. Grantor shall at all times maintain the Easement Area in good condition and repair.

3. Reservations. Notwithstanding the easements hereinbefore granted, there is hereby reserved to the Grantor, subject to the restrictions and limitations hereinafter set forth, the right at all times hereafter and from time to time:

- (a) to temporarily interrupt the use and enjoyment of the Easement Area by the Grantee, for the purpose of:
  - (i) constructing, laying down and installing utility and communications systems of every kind and description, together with all ancillary appliances and equipment under the Easement Area as the Grantor may require or may deem expedient and altering, enlarging, extending, removing, repairing, renewing, maintaining, inspecting and replacing the same as may be deemed necessary or expedient; and
  - (ii) building, constructing, erecting, removing or enlarging any building, erection, structure or other improvement now or hereafter placed in, upon, over or under the Grantor Property other than the Easement Area as the Grantor may require or may deem expedient, and extending, repairing, renewing, cleansing, inspecting and replacing the same as may be deemed necessary or expedient;
- (b) to grant easements in favor of the Grantee or any public authority or utility over the Easement Area or any portion thereof; and
- (c) to modify, alter or change the location of the Easement Area:
  - (i) to the location shown cross-hatched on the site plan attached hereto as Exhibit D which site plan is attached to the City of Albany Notice of Tentative Decision File Number CI-02-10 dated June 18, 2010; or
  - (ii) to such other location provided that the location of the access points off the highway and Maple Leaf Avenue (the "Access Points") remains unchanged,

provided that there is always a reasonable alternative access route on the Grantor Property to and from the Access Points in any of the above-mentioned circumstances.

4. Amending Agreement re modified Easement Area. In connection with Section 3(c) above, upon the Grantor presenting to the Grantee an amendment of this Agreement describing and showing on a plan a modified, altered or changed location of the Easement Area, the Grantee shall forthwith execute and deliver to the Grantor such amending agreement, which will serve to vacate the existing Easement Area and move it to the modified, altered, or changed location.

5. Termination of Easement. If another alternate emergency access route is constructed on lands other than the Grantor Property that is satisfactory to the Grantee in its reasonable discretion, then the Easement granted herein shall terminate and Grantee shall execute a vacation of the Easement granted hereunder.

6. Running With the Land/Binding Effect. The Easement granted herein shall be appurtenant to and run with the land thereby benefited and burdened. This Easement shall be binding upon and inure to the benefit of the Grantor and Grantee and their respective successors and assigns. Notwithstanding the foregoing, this Easement shall not constitute the conveyance in fee of the Easement Area to Grantee, and Grantor's personal obligations hereunder shall cease when it no longer holds any ownership interest in the Easement Area.

7. Indemnity. Grantee hereby defends, indemnifies and holds Grantor harmless from and against all claims, demands, losses, liabilities, damages or expenses arising out of or in any way related to this Agreement and/or the exercise of the rights by Grantee, its agents, invitees, licensees and employees under this Easement

8. Further acts. The Grantor and the Grantee shall do all further acts as may be necessary for carrying out this Agreement, including without limitation execution of all required documents and alterations, including, without limitation, the amending agreement provided for in Section 4 herein.

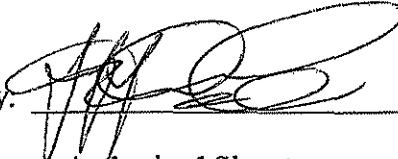
9. Remedies. If any party defaults under this Agreement, the other party may, at its option, pursue any legal or equitable remedy, including without limitation a suit for specific performance.

10. Counterparts. This Agreement may be executed in one or more counterparts each of which in the aggregate shall constitute one and the same instrument.

**IN WITNESS WHEREOF**, the parties have executed this Easement Agreement as of the date first above written.

[SIGNATURE PAGES FOLLOW]

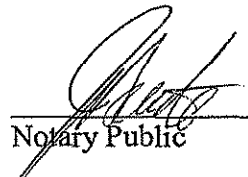
**OREGON ACQUISITION ONE LLC**, an Oregon  
limited liability company

By:   
\_\_\_\_\_  
Authorized Signatory

Province of Ontario            )  
  )    ss.  
City of Vaughan                )

The foregoing instrument was acknowledged before me this 15 day of March, 2011, by Jeffrey Winick, the authorized signatory of **OREGON ACQUISITION ONE LLC**, an Oregon limited liability company, on behalf of the company.

(Seal and Expiration Date)

  
\_\_\_\_\_  
Notary Public  
100 – 700 Applewood Crescent  
Vaughan, Ontario  
L4K 5X3

**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 \_\_\_\_\_ 2011.

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

ATTEST:

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

**EXHIBIT A**

(Legal Description of Grantor's Property)

ALL OF PARCEL 2, PARTITION PLAT NO. 2010-19 LOCATED WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 9 AND THE SOUTHWEST ONE QUARTER OF SECTION 10, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON, RECORDED ON JUNE 17, 2010 IN AS NO. 2010-09888 OF OFFICIAL RECORDS OF THE LINN COUNTY RECORDER'S OFFICE.

EXHIBIT *B*

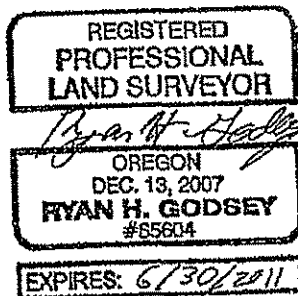
A 20 FOOT WIDE STRIP OF LAND BEING A PORTION OF PARCEL 2, PARTITION PLAT NO. 2010-19, LOCATED WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, AS SHOWN ON THE ATTACHED EXHIBIT 'A.1', THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF PARCEL 2, PARTITION PLAT NO. 2010-19, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SANTIAM HIGHWAY (U.S. HIGHWAY 20); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH 89°07'01" EAST, 175.00 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID SOUTHERLY LINE 70.77 FEET ALONG THE ARC OF 110.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE EASTERLY WITH A CENTRAL ANGLE OF 36°51'50", THE CHORD OF WHICH BEARS SOUTH 19°19'54" EAST, 69.56 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 37°45'49" EAST, 130.56 FEET TO THE POINT OF CURVATURE; THENCE 71.79 FEET ALONG THE ARC OF A 110.00 FOOT RADIUS CURVE CONCAVE WESTERLY WITH A CENTRAL ANGLE OF 37°23'42", THE CHORD OF WHICH BEARS SOUTH 19°03'58" EAST, 70.53 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF MAPLE LEAF AVENUE AND THE POINT OF TERMINUS OF THIS DESCRIPTION, SAID POINT BEARS SOUTH 47°23'23" EAST, 409.37 FEET FROM THE POINT OF COMMENCEMENT. SIDELINES OF SAID STRIP TO BE PARALLEL WITH AND 10 FEET ON EITHER SIDE OF THE DESCRIBED CENTERLINE. SAID SIDELINES TO BE SHORTENED OR LENGTHENED TO TERMINATE ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID SANTIAM HIGHWAY ON THE NORTH AND THE NORTH RIGHT-OF-WAY LINE OF SAID MAPLE LEAF AVENUE ON THE SOUTH.

CONTAINING 6,349 SQUARE FEET +/-

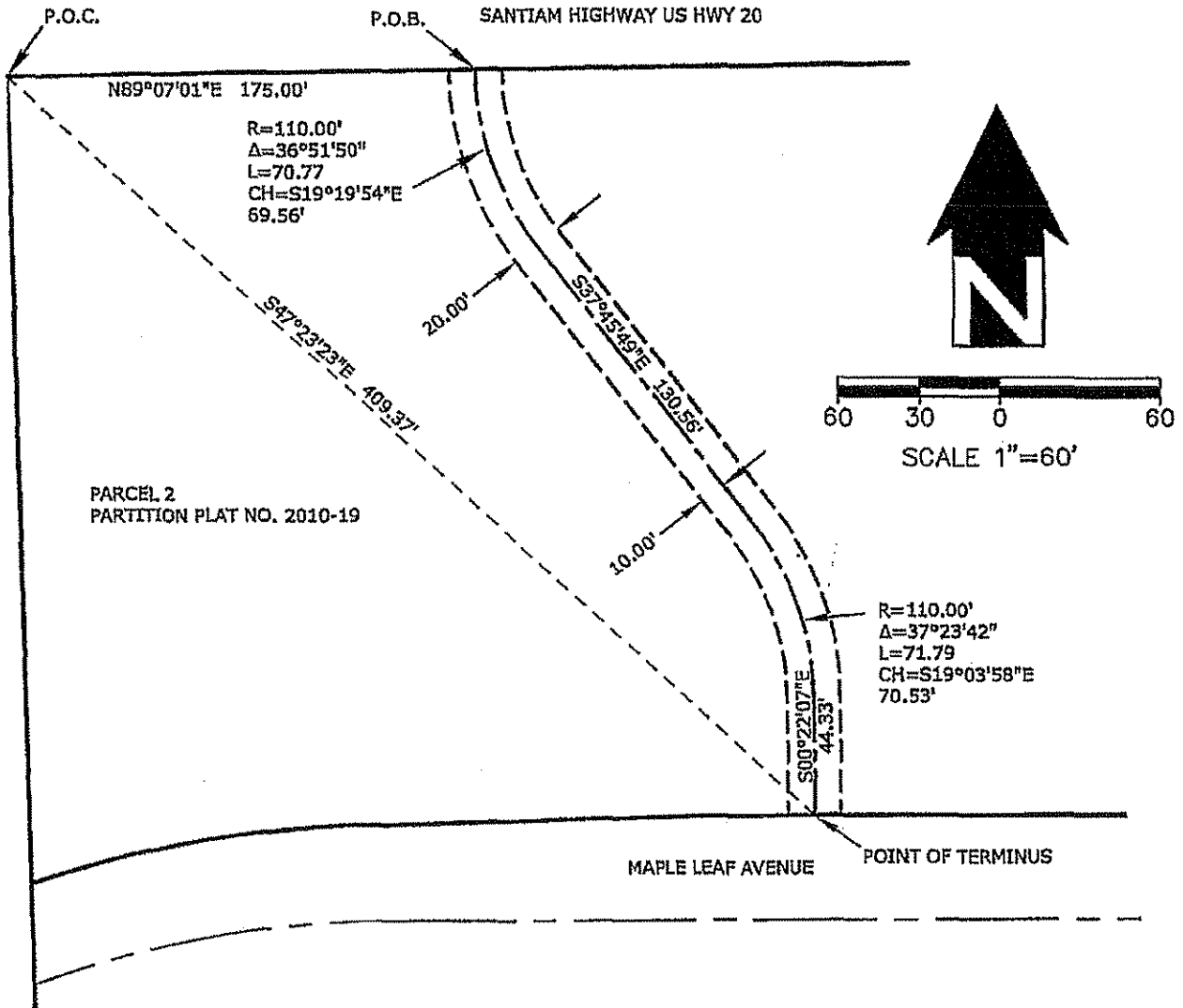
BASIS OF BEARINGS IS THE SOUTH LINE OF PARTITION  
PLAT NO. 2010-19, LINN COUNTY RECORDS

PREPARED BY CES/NW, INC.



# EXHIBIT B.1

A PORTION OF PARCEL 2, PARTITION PLAT NO. 2010-19  
 LOCATED WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION  
 9, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE  
 MERIDIAN, LINN COUNTY, OREGON



**CES | NW** 15573 SW BANGY ROAD, STB 300  
 LAKE OSWEGO, OREGON 97035  
 503.968.6655 www.cesnw.com

EXHIBIT FOR METES AND BOUNDS  
 DESCRIPTION

DATE  
 03-02-11  
 FIGURE  
 A.1

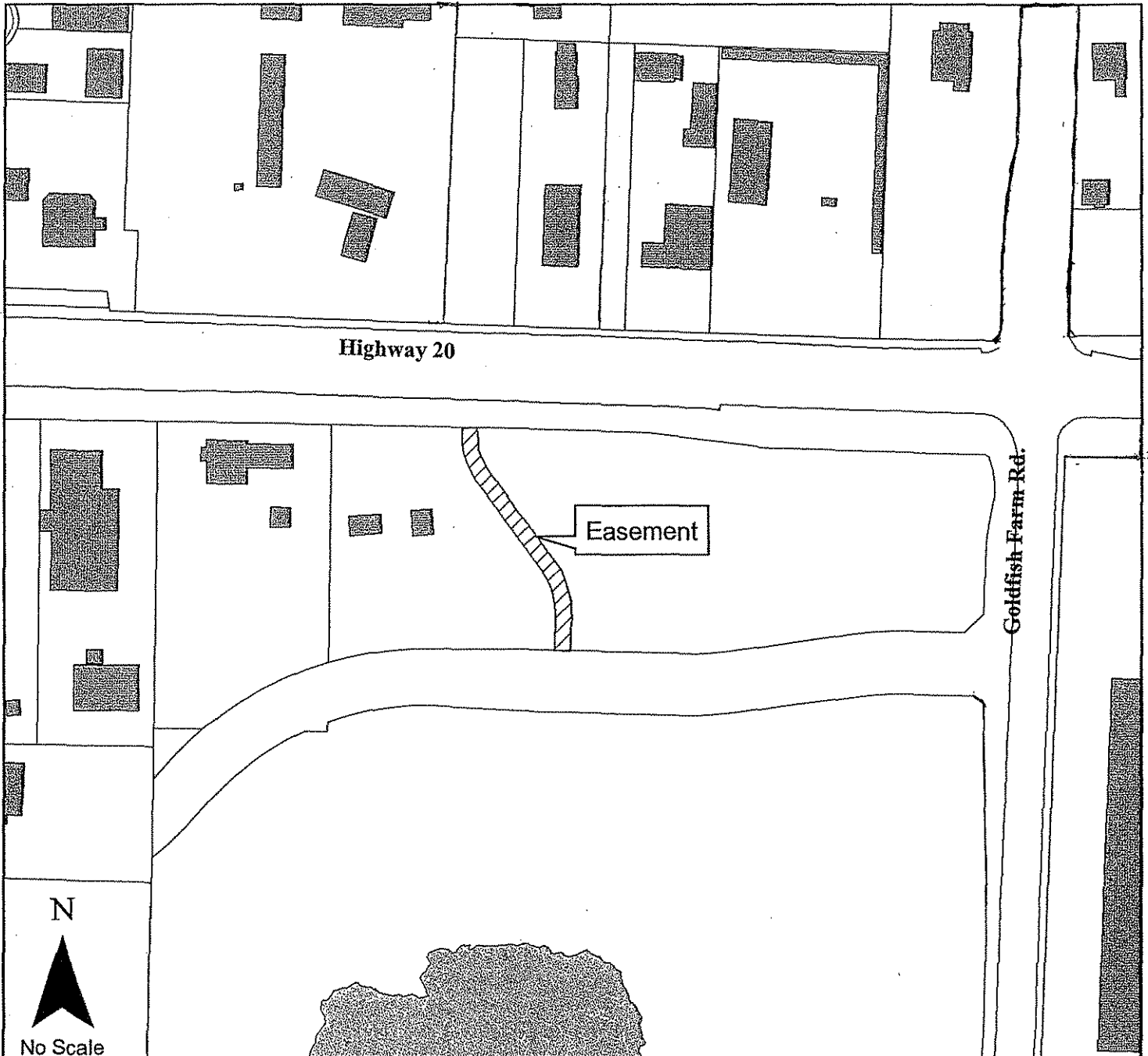
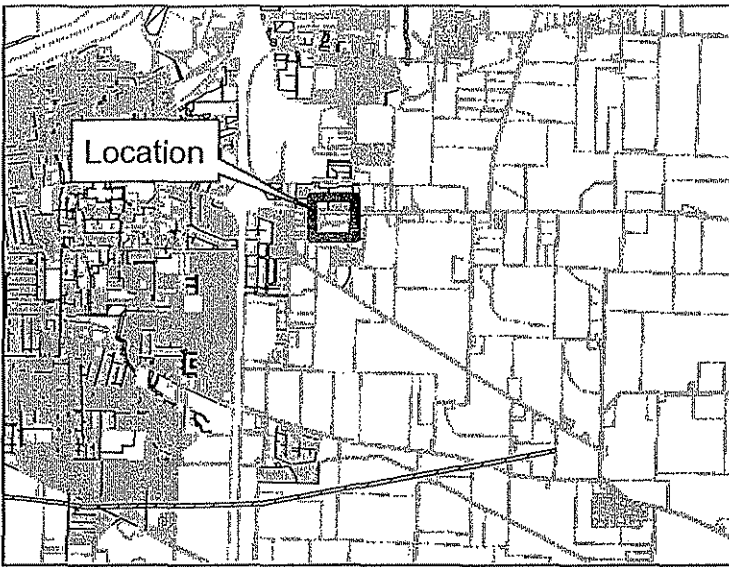
# EXHIBIT C

11SO3W09D 00200

A 20 foot wide emergency access easement as required by a building permit condition of approval for the Wal-Mart development.



Geographic Information Services



RECEIVED  
JUN 11 2010



UNDEVELOPED  
800 SQ. FT.

R.O.W.

SANTIAM HIGHWAY SE (U.S. HWY 97)

BLDG. E

BLDG. D

BLDG. B

BLDG. C

28 CARS

MAPLE LAKE AVENUE

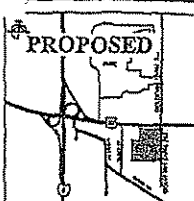
772 CARS

GOLDFISH FARM ROAD

RETAIL 1

TOTAL GROSS FLOORAREA (GFA): 188,693 SF  
NET SALES AREA (GLA): 148,638 SF

MACKINAW AVE SE



KEY PLAN

PROPOSED SITE PLAN

PROJECT NAME:

ALBANY OREGON

LOCATION: HIGHWAY 20 & GOLDFISH FARM ROAD

EXHIBIT B-2

05189  
SC-115

<b>SITE SUMMARY</b>	
TOTAL SITE AREA:	1,118,823 SF = 25.79 ACRES
LESS BWA FORD:	14,881 SF = 0.34 ACRES
LESS PARKING:	48,300 SF = 1.10 ACRES
LESS UNDEVELOPED:	1,800 SF = 0.04 ACRES
NET SITE AREA:	874,842 SF = 20.04 ACRES
TOTAL BUILDING (GFA):	234,177 SF 26.78 %
TOTAL PARKING (GLA):	109,698 SF
TOTAL PARKING REQUIRED (BASED ON GLA):	861 CARS (1,000/100 SF)
TOTAL PARKING PROVIDED:	1,041 CARS (1,200/100 SF)
TOTAL LANDSCAPING PROVIDED:	17,613 SF (2.00 ACRES) 1.99 %
<b>PARCEL AREA</b>	
PARCEL AREA:	908,800 SF (20.87 ACRES)
LESS BWA FORD:	12,000 SF (0.28 ACRES)
NET PARCEL AREA:	896,800 SF (20.59 ACRES)
GROSS FLOOR AREA (GFA):	188,693 SF
NET SALES AREA (GLA):	148,638 SF
TOTAL PARKING REQUIRED (GLA):	743 CARS (1,200/100 SF)
STANDARD ACCESSIBLE STALLS:	801 CARS
CART CORNERS:	14 CART CORNERS (28 STALLS)
TOTAL PARKING & CART CORNERS:	822 CARS
NET PARKING PROVIDED (GLA):	821 CARS (1,000/100 SF)
TOTAL PLANTINGS REQUIRED:	87 PLANTINGS (174 STALLS)
TOTAL PLANTINGS PROVIDED:	72 PLANTINGS
<b>OUT PARCELS</b>	
PARCEL AREA:	202,418 SF (4.61 ACRES)
LESS BWA FORD:	17,000 SF (0.39 ACRES)
NET PARCEL AREA:	185,418 SF (4.22 ACRES)
TOTAL BUILDING (GFA):	44,400 SF
TOTAL PARKING (GLA):	44,000 SF
TOTAL PARKING PROVIDED (GLA):	240 CARS (1,000/100 SF)
TOTAL PARKING PROVIDED:	240 CARS (1,000/100 SF)
TOTAL PLANTINGS REQUIRED:	30 PLANTINGS (150 STALLS)
TOTAL PLANTINGS PROVIDED:	22 PLANTINGS

EXHIBIT D

10

35



TO: Albany City Council

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

FROM: Mark W. Shepard, P.E., City Engineer *MWS*  
Christopher Goins P.E., Civil Engineer II *CG*

DATE: April 4, 2011, for the April 13, 2011, City Council Meeting

SUBJECT: Award of Bid for WL-10-06, Lochner Road Transmission Main

RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Staff requests that Council award this contract in the amount of \$282,050 to the low bidder, Pacific Excavation, Inc., of Eugene.

Discussion:

On Tuesday, March 22, 2011, bids were opened for WL-10-06, Lochner Road Transmission Main. There were ten bids submitted for this project, ranging from \$282,050 to \$438,612. The Engineer's estimate was \$500,000. A bid summary is included as Attachment 1.

*Project History and Description*

On July 6, 2009, Council approved a plan to build a 16-inch transmission main on Lochner Road to provide sufficient fire flow to the planned expansion of the SnoTemp facility located between Marion Street and Lochner Road. The 2004 Water Facility Plan identified the need for this transmission main as development occurred. In order to accommodate the expansion of the SnoTemp facility, the transmission main will be built from an existing dead-end water main on Hill Street to Lochner Road, then south down Lochner Road to connect with an existing water main that was recently extended to Lochner Road by the Oregon Youth Authority (OYA) as part of their recent expansion. This transmission main project includes approximately 2,100 linear feet of 16-inch ductile iron water main, a 90-foot-long steel casing bored under railroad tracks, and other related appertances. The map included as Attachment 2 shows the route of the new water line construction.

Building this project allowed SnoTemp to avoid having to add a second connection to the public water main at the north end of their site and from constructing 1,100 feet of private large diameter water line to connect to their private fire protection system. As a result SnoTemp did not have to incur a significant expense that would have accommodated a temporary site condition.

SnoTemp has completed construction of their expansion facility and are currently operating with reduced fire flows. The Fire Department has agreed to this situation with the understanding that this is a brief temporary condition. Construction was originally anticipated to occur during the summer of 2010 but, due to permitting issues outside of the City's control, construction was delayed until the summer of 2011. After the completion of this project, SnoTemp's property will have sufficient fire flows available to their site.

*Summary of Total Estimated Project Costs*

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


<b>Project Components</b>	<b>Estimated Cost</b>
<b>I. Costs</b>	
a. Engineering	\$ 55,000.00
b. Construction Management	\$ 11,000.00
<i>Engineering Subtotal</i>	\$ 66,000.00
<b>II. Construction Costs</b>	
a. Construction Contract	\$ 282,100.00
b. Contingency (10%)	\$ 28,200.00
c. Other Construction Costs	\$ 6,000.00
<i>Construction Subtotal</i>	\$ 316,300.00
<i>Total Estimated Project Cost</i>	\$ 382,300.00
<i>Project Budget</i>	\$ 570,000.00
<i>Under/(Over) Project Budget</i>	\$ 187,700.00

Budget Impact:

The project will be funded with Water SDC-I funds, Water SDC-R funds, Water Economic Development funds, and Water Connection Fees (SnoTemp Contribution).

CBG:kw

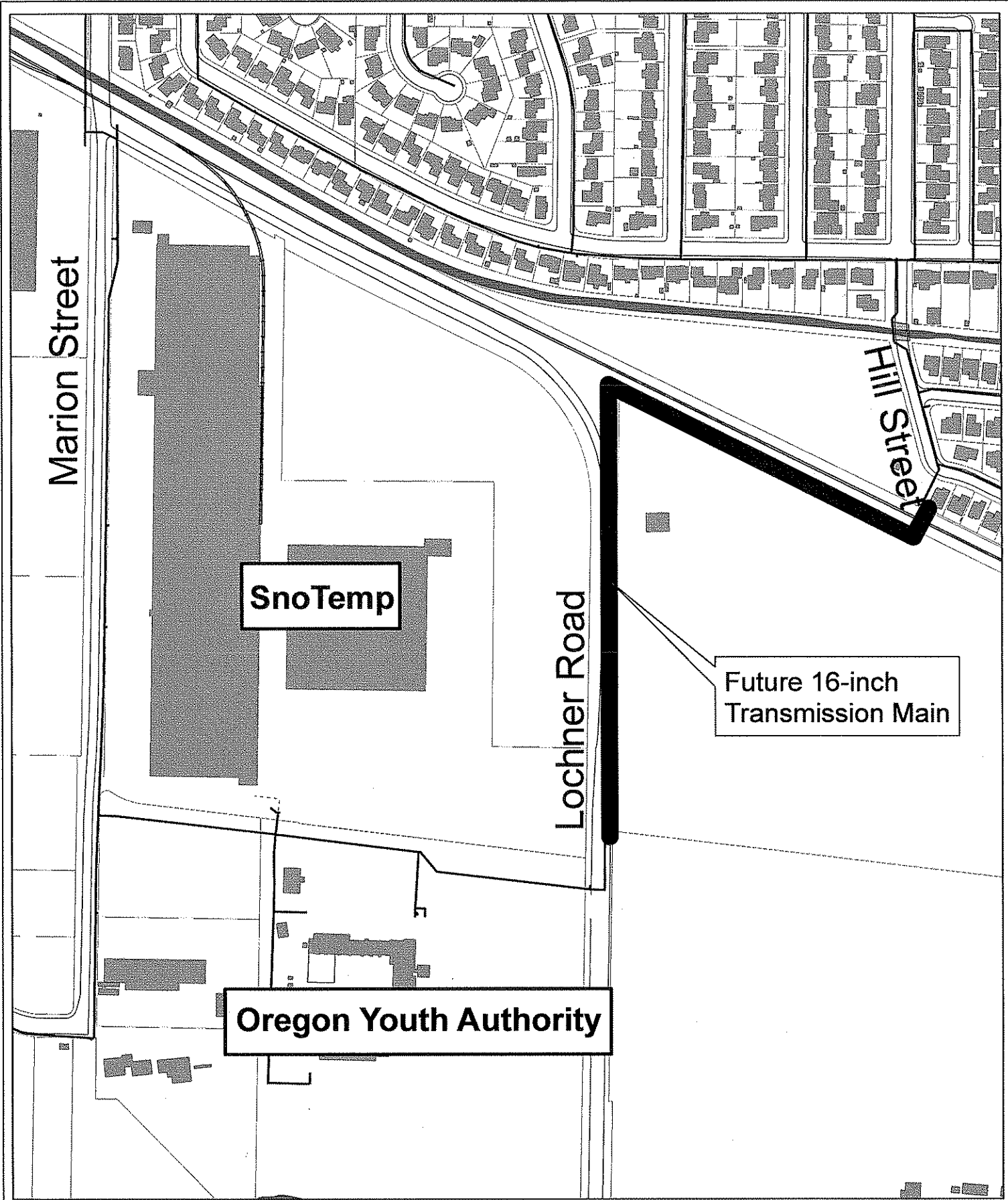
Attachments (2)

	<p><b>CITY OF ALBANY, OREGON</b>  <b>Public Works Department</b>  <b>Construction Contract Bids</b></p>
---	---

**Project:** WL-10-06, Lochner Road Transmission Main

**Bid Opening:** Tuesday, March 22, 2011

Engineer's Estimate	Pacific Excavation, Inc.	M. L. Houck Construction Co.	North Santiam Paving Co.	Kipco, Inc.	Emery & Sons Construction, Inc.
\$500,000.00	\$282,050.00	\$285,490.00	\$295,120.00	\$312,790.00	\$331,990.00
	<b>Gelco Construction Co.</b>	<b>I - E Construction, Inc.</b>	<b>HSC LLC</b>	<b>Wildish Construction Co.</b>	<b>Jim Smith Excavating, Inc.</b>
	\$333,360.00	\$336,045.00	\$349,834.10	\$356,750.00	\$438,612.00



NOT TO SCALE

# WL-10-06 Lochner Road Transmission Main

Attachment 2