



NOTICE OF PUBLIC MEETING

**CITY OF ALBANY
CITY COUNCIL
Council Chambers
333 Broadalbin Street SW
Wednesday, June 22, 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 Meetings

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ROLL CALL

4. SCHEDULED BUSINESS

a. Public Hearing

- 1) ST-06-06, Infrastructure Improvements – School to Knox Butte, determining the assessments against the properties specifically benefited by street improvements, and declaring an emergency. [Pages 1-7]

Action: _____ ORD. NO. _____

b. Business from the Public

- 1) Committee to Save Blue – DVD presentation. [verbal]

Action: _____

c. First Reading of Ordinances

- 1) Amending AMC Chapter 7.080.050 to clarify the ordinance and strengthen the City’s ability to protect residents from unreasonable construction noise and declaring an emergency. [Pages 8-10]

Action: _____ ORD. NO. _____

- 2) Amending AMC Chapter 7.28.010, 7.28.100, and 7.28.240, and repealing 7.28.102, relating to alcohol in parks and park hours. [Pages 11-13]

Action: _____ ORD. NO. _____

d. Communication

- 1) Considering a proposal from Robinson Construction to perform construction-related work on the Wal-Mart site between the hours of 6:00 p.m. and 7:00 a.m. for four months. [Pages 14-17]

Action: _____

e. Adoption of Resolutions

- 1) Committing resources of special revenue funds and delegating authority to assign ending fund balances to the Finance Director. [Pages 18-21]

Action: _____ RES. NO. _____

- 2) Adopting the 2010-2011 Supplemental Budgets. [Pages 22-29]

Action: _____ RES. NO. _____

f. Adoption of Consent Calendar

1) Approval of Minutes

a) May 11, 2011, City Council Regular Session. [Pages 30-37]

b) May 23, 2011, City Council Work Session. [Pages 38-41]

2) Approving annual liquor license renewals. [Page 42]

3) Extending City of Albany's workers' compensation coverage to volunteers for policy year 2011-2012 (annual renewal). [Pages 43-44] RES. NO. _____

4) Accepting a franchised utility easement from Martin Family Trust. [Pages 45-50] RES. NO. _____

5) Accepting temporary extension of transit advertising services with Lamar Advertising. [Pages 51-52]

Action: _____

g. Award of Bid

1) WL-11-02, Shannon Drive water line replacement. [Pages 53-55]

Action: _____

h. Appointment

1) City Council Representatives. [Page 56]

Action: _____

i. Report

1) GAPS final obligations for improvements and assessments associated with the Timber Ridge Local Improvement Districts. [Pages 57-59]

Action: _____

5. BUSINESS FROM THE COUNCIL

6. NEXT MEETING DATE: Joint City Council & Benton County Commission Work Session July 11, 2011
Regular Session July 13, 2011
Joint City Council & Linn County Commission Work Session July 18, 2011

7. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net



TO: Albany City Council

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

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

DATE: June 10, 2011, for the June 22, 2011, City Council Meeting

SUBJECT: ST-08-06, Infrastructure Improvements – School to Knox Butte
Final Engineer’s Report and Ordinance to Assess

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

Action Requested:

Staff requests that Council adopt the Final Engineer’s Report and Financial Investigation Report regarding the final assessments for the Local Improvement District (LID) project ST-08-06, Infrastructure Improvements – School to Knox Butte. It is further requested that Council adopt the attached ordinance for determining the assessments for this LID.

Discussion:

Background

This project involves four large parcels; three located at the east end of Somerset Drive and south along the newly constructed portion of Timber Ridge Street to Knox Butte Road and one south of Knox Butte Road. The LID Boundary map for these parcels is shown on Attachment A.

Greater Albany Public Schools (GAPS) received a Notice of Decision (NOD) for the construction of a new school north of Knox Butte Road on August 29, 2007. An anticipated private development project (Brandis Village) was going to be constructed between the school site and Knox Butte Road. However, the developers of Brandis Village withdrew their application, leaving the School District with a significantly increased responsibility to complete off-site public infrastructure improvements in order to serve the new school. The School District approached the City with the idea of forming two LID projects to facilitate the construction of the public improvements while distributing the project costs equitably among the properties receiving special benefit from the project. The first LID project completed the improvements north of the new school and the assessments were finalized in June 2010. This project completed Timber Ridge Street south to the traffic circle at Knox Butte Road and associated utility improvements on Timber Ridge Street and Knox Butte Road.

Improvements

The improvements constructed under this project include approximately 1,000 feet of Timber Ridge Street and a traffic circle at the intersection with Knox Butte Road, all with related storm drainage improvements, 700 feet of 24-inch water line, 1,150 feet of 12-inch water line, and 1,150 feet of 12-inch sanitary sewer.

Assessment Methodology

The four properties affected by this LID are two Brandis parcels and the GAPS parcel north of Knox Butte Road and the Morris parcel to the south. There are areas within the LID boundary that are dedicated as greenways. These areas are undevelopable and as such have been removed

from the assessable areas. The method of assessment is consistent with the area basis methodology recommended in the Initial Engineer's Report.

All transportation and storm drain costs are distributed on an area basis. The construction costs for Timber Ridge Street are assessed to the adjacent property north of Knox Butte Road and the roundabout costs are assessed to the full developable areas of all four properties. A 24-inch water line was extended west along Knox Butte Road to the east side of the roundabout and is assessed on an area basis 150-feet deep along the improved length of the properties on each side of Knox Butte Road. A 12-inch water line was constructed with Timber Ridge Street and is assessed on an area basis 150-feet deep along Timber Ridge Street. The sewer main constructed with Timber Ridge Street is assessed on an area basis for the entire parcel fronting Timber Ridge Street.

Summary of Final Project Costs

This Engineer's Report and Financial Investigation Report have been revised from those previously submitted on May 11, 2011. It was discovered that Timber Ridge Street construction costs expended by GAPS for the benefit of this project during the first LID were not charged to this project. This has been corrected so that the costs for engineering, legal, and administration services along with project financing costs have been added to the revised construction costs to determine a total final project cost of \$2,003,162.26. The City is participating in the project by contributing water SDC funds in the maximum amount identified in the Initial Engineer's Report.

The final street and storm drainage improvement costs are \$734,255.63, and the final cost for the roundabout is \$524,675.35. The final costs for the water improvements are \$414,026.38 with a City contribution of \$93,000.00. The final costs for the sewer improvements are \$330,204.90.

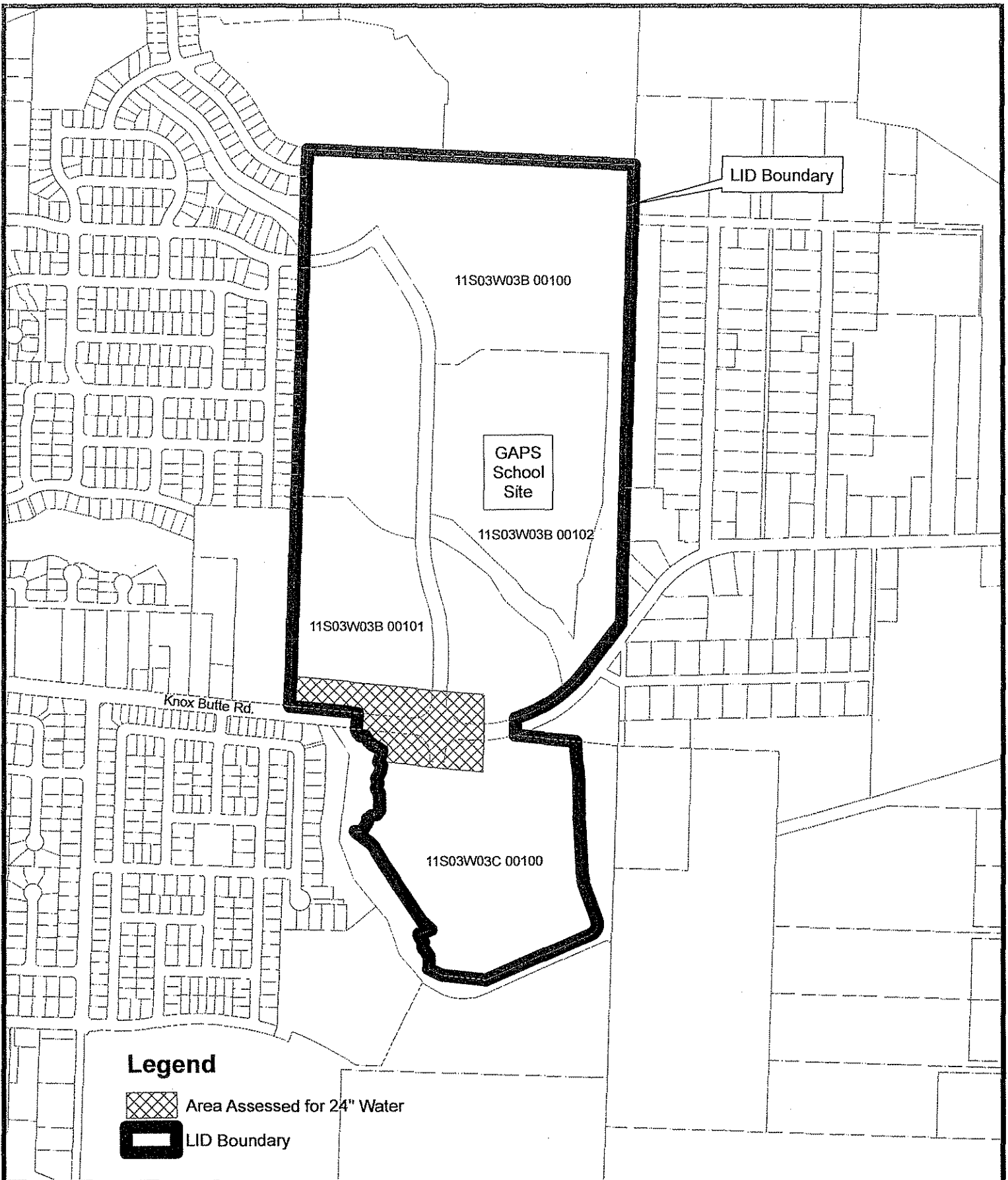
The total final project costs are summarized below. The project was successfully completed prior to the beginning of the 2010-11 school year and all project components came in at, or under the budget. These costs and the net assessable cost distribution are shown on the assessment computation sheet, Attachment B.

	<u>Estimated Cost</u>	<u>Final Cost</u>	<u>Under Budget</u>
Transportation and Strom Drainage:			
- Collector Street	\$905,625	\$734,255.63	18.9%
- Roundabout	\$525,000	\$524,675.35	0.1%
Water 12-inch	\$120,000	\$94,630.98	21.1%
Water 24- inch	\$328,000	\$319,395.40	2.6%
Sewer	<u>\$623,000</u>	<u>\$330,204.90</u>	47.0%
Final Project Cost	\$2,501,625	\$2,003,162.26	19.9%
City - 12-inch Water SDCi Contribution	(\$29,000)	(\$29,000.00)	
City - 24-inch Water SDCi Contribution	<u>(\$64,000)</u>	<u>(\$64,000.00)</u>	
Net Assessable Costs	\$2,408,625	\$1,910,162.26	20.7%

Budget Impact:

City participation with water SDC funding is to pay over-sizing costs of the water main lines. The net cost of the improvements will be assessed to the benefiting properties.

JMW:kw
Attachments (4)



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

Attachment A



Engineering

Jeff Woodward

1 inch = 600 feet

Wednesday, April 30, 2008 10:16:57 AM
 U:\Shared\GIS\Engineering\Chris Goins\Proposed LID South.mxd

The City of Albany's infrastructure records, drawings, and other documents have been prepared over many decades, using different standards for quality control, documentation, and revision. All the information provided represents the best information that is readily available. While the information provided is generally believed to be accurate, responsibility for the information shown is to be treated, and that it is not to be used for any purpose other than that for which it was prepared. It is specifically stated that you independently verify the information shown with your own records.



FINAL ENGINEER'S REPORT		ST-08-06, "Infrastructure Improvements – School to Knox Butte"											ATTACHMENT B		
														CITY OF ALBANY	
		Street	Total	Roundabout	Total	San Sew	Total	Water 12"	Total	Water 24"	Total	Total	Total	ST-08-06	
	Assessor's Map	Unit	Street & St Dr	Unit	Roundabout	Unit	San Sew	Unit	Water 12"	Unit	Water 24"	Final	Final	Final Assessments	
Name	Tax Lot	(Ac)	Assm't	(Ac)	Assm't	(Ac)	Assm't	(Ac)	Assm't	(Ac)	Assm't	Assm't	Assm't	June 2011	
Greater Albany Public School Dist	11S03W03B 00102			20.28	\$110,183.45								\$110,183.45	NET ASSESSABLE COSTS	
														Street and Storm Drain	\$734,255.63
														Roundabout	\$524,675.35
														Sanitary Sewer	\$330,204.90
														12-inch Water	\$94,630.98
														City Participation: 12-inch Water	(\$29,000.00)
														24-inch Water	\$319,395.40
Evelyn F Brandis Trust 1	11S03W03B 00100			34.98	\$190,050.16								\$190,050.16	City Participation: 24-inch Water	(\$64,000.00)
														Total Project Cost	\$1,910,162.26
														UNIT ASSESSMENTS	
														Street and Storm Drain	
														Est. Cost	\$734,255.63
														Unit	19.30 Ac
														Unit Cost	\$38,044.33 per Ac
Evelyn F Brandis Trust 1	11S03W03B 00101	19.30	\$734,255.63	19.30	\$104,859.01	19.30	\$330,204.90	7.92	\$65,630.98	3.10	\$153,237.24	\$1,388,187.76		Roundabout	
														Est. Cost	\$524,675.35
														Unit	96.57 Ac
														Unit Cost	\$5,433.11 per Ac
														Sanitary Sewer	
														Est. Cost	\$330,204.90
														Unit	19.30 Ac
Mary Morris Trust 1	11S03W03C 00100			22.01	\$119,582.73								\$221,740.89	Unit Cost	\$17,109.06 per Ac
														Net 12-inch Water	
														Est. Cost	\$94,630.98
														City Particip.	(\$29,000.00)
														Net Cost	\$65,630.98
														Unit	7.92 Ac
														Net Unit Cost	\$8,286.74 per Ac
														Net 24-inch Water	
														Est. Cost	\$319,395.40
														City Particip.	(\$64,000.00)
														Net Cost	\$255,395.40
														Unit	5.17 Ac
														Unit Cost	\$49,447.32 per Ac
TOTALS		19.30	\$734,255.63	96.57	\$524,675.35	19.30	\$330,204.90	7.92	\$65,630.98	5.17	\$255,395.40	\$1,910,162.26		Unit Cost	\$49,447.32 per Ac

FINANCIAL INVESTIGATION REPORT
ST-08-06, Infrastructure Improvements - School to Knox Butte Road LID

(As of May 20, 2011)

OWNER OF RECORD	PROPERTY DISCRIPTION	% OF PROJECT	TOTAL ASSESSMENT	BOND MAXIMUM	TRUE CASH VALUE 2009/2010			OTHER ASMNTS	ASMNT % TO TCV	10 YEAR MONTHLY PAYMENTS AT 6.55%
					LAND	IMPROVMENTS	TOTAL			
Brandis, Trust 1, Evelyn F c/o Tanya Durkee @ Lane Powell 601 SW Second Ave # 2100 Portland, OR 97204	11S03W03B 00100 Site: Acreage, Lot	9.95%	190,050.16	3,328,580	1,664,290	-	1,664,290	1,548,815	104.48%	2,162.78
Brandis, Trust 1, Evelyn F c/o Tanya Durkee @ Lane Powell 601 SW Second Ave # 2100 Portland, OR 97204	11S03W03B 00101 Site: Acreage, Lot	72.67%	1,388,187.76	1,782,760	891,380	-	891,380	-	155.73%	15,797.65
Greater Albany Public School District c/o Russell Allen 718 7th Avenue SW Albany, OR 97321	11S03W03B 00102 Site: 373 Timber Ridge St NE Acreage, Lot	5.77%	110,183.45	43,855,980	722,190	21,205,800	21,927,990	-	0.50%	1,253.89
Morris, Mary Trust 1, PO Box 1087 Corvallis, OR 97339	11S03W03C 00100 Site: 4350 Knox Butte Rd E A Acreage, Lot	11.61%	221,740.89	1,811,120	905,560	-	905,560	-	24.49%	2,523.42
Totals		100.00%	1,910,162.26	50,778,440	4,183,420	21,205,800	25,389,220	1,548,815	285.20%	21,737.74

FINANCIAL INVESTIGATION REPORT (Cont.)
ST-08-06, "Infrastructure Improvements – School to Knox Butte"
(As of May 20, 2011)

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

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

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

Ninety-five percent of City assessments are current. Property tax collections are projected to be 93 percent of current taxes levied.

Section 5. Real estate value trends in the area.

Real estate values within the City remain fairly stable with an expected increase of about 2.35%. Residential construction has been in a decline for the past few years. Building activity is expected to continue at a slow pace during FY 2011-2012.

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

Taxes should remain stable.

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

This project conforms to the City's Comprehensive Plan.

Section 8. Status of City's debt.

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

Section 9. Estimated cost of financing.

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

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

The estimated total assessments range from \$110,183.45 to \$1,388,187.76. The monthly payment for the proposed assessments project to range from \$1,253.89 to \$15,797.65 for a ten year term.

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

AN ORDINANCE TO DETERMINE THE ASSESSMENTS AGAINST THE PROPERTIES SPECIFICALLY BENEFITED BY STREET IMPROVEMENTS FOR ST-08-06, INFRASTRUCTURE IMPROVEMENTS – SCHOOL TO KNOX BUTTE, AND DECLARING AN EMERGENCY.

RECITALS:

1. The assessments as referred to in this ordinance and previous resolutions and ordinances are for the street improvements to serve ST-08-06, Infrastructure Improvements – School to Knox Butte.
2. Preliminary resolutions and ordinances prescribing the manner and extent of the improvements are set forth in Resolutions Nos. 5583, 5597, 5606 and 6008.
3. The assessments set forth in the following ordinance are based upon the request and recommendation of the City Engineer in compliance with Albany Municipal Code, Section 15.04.110.

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

Section 1: The costs of the street improvements to serve ST-08-06, Infrastructure Improvements – School to Knox Butte are as follows:

<u>Project</u>	<u>Interest & Misc.</u>	<u>Construction Cost</u>	<u>% ELA</u>	<u>Total Cost</u>
ST-08-06	\$229,762.00	\$1,773,400.26	13.0%	\$2,003,162.26

Section 2: Property and assessment data are listed on the attached sheets.

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

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

Passed by Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Diane Taniguchi-Dennis, P.E., Public Works Director *diane taniguchi*
James Delapoer, City Attorney
Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer *MWS*

DATE: June 15, 2011, for the June 22, 2011, City Council Meeting

SUBJECT: Noise Ordinance

RELATES TO STRATEGIC PLAN THEME: • Great neighborhoods

Action Requested:

Staff requests Council consider the attached Ordinance which proposes modification to the Albany Municipal Code (AMC) to clarify restrictions on noise between the hours of 6:00 p.m. and 7:00 a.m. The Ordinance was discussed at the June 20, 2011, Council Work Session.

Discussion:

The Albany Municipal Code (AMC) 7.08.050 outlines the limitations on actions that create noise that can be considered a nuisance. AMC 7.080.050(5) generally prohibits construction activities after 6:00 p.m. and before 7:00 a.m. in order to protect community residents from loud, disturbing, and unnecessary noise unless the Council authorizes an exemption. Staff proposes modifications to the AMC language in order to clarify AMC 7.080.050 to make certain that construction activities outside of building construction are also regulated by the City's unnecessary noise ordinance.

Staff anticipates a request at the June 22, 2011, Council Meeting to work through the night for four months (late June through mid October) on the Wal Mart site. The request will be coming from the construction contractor that is performing all of the on-site and off-site improvements for the Wal Mart improvements. The contractor is required by ODOT to complete all Highway 20/I-5 interchange improvements between 7:00 p.m. and 7:00 a.m. in order to minimize disruption of traffic. The contractor would like to use the Wal Mart site on Goldfish Farm Road as a staging area for this nighttime construction. It was this request that encouraged staff to seek to clarify the language and requirements in the AMC regarding noise.

Budget Impact:

No budget impact.

MWS:prj
Attachment

AN ORDINANCE AMENDING AMC 7.080.050 TO CLARIFY THE ORDINANCE AND STRENGTHEN THE CITY'S ABILITY TO PROTECT RESIDENTS FROM UNREASONABLE CONSTRUCTION NOISE AND DECLARING AN EMERGENCY

WHEREAS, AMC 7.080.050(5) generally prohibits construction activities after 6:00 p.m. and before 7:00 a.m. in order to protect community residents from loud, disturbing, and unnecessary noise;

WHEREAS, activities which are ancillary to construction frequently generate the same or substantially similar noise; and

WHEREAS, this amendment is intended to clarify AMC 7.080.050 to make certain that ancillary construction activities are also regulated by the City's unnecessary noise ordinance.

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

Section 1: Unnecessary Noise. AMC 7.080.050 is amended to read as follows:

7.080.050 Unnecessary noise.

It is unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any loud, disturbing, or unnecessary noise in the City. The following acts are declared to be violations of this section, but such enumerations are not deemed to be exclusive:

- (1) The keeping of any animal which by frequent or loud continued noise disturbs the comfort and repose of any person in the vicinity;
- (2) The use of any automobile, motorcycle, streetcar, or other vehicle, any engine, stationary or moving instrument, device, or thing so out of repair, so loaded, or operated in such manner as to create loud or unnecessary grating, grinding, rattling, or other noises;
- (3) The sounding of any horn or signal device on any automobile, motorcycle, streetcar, or other vehicle on any street or public place of the City, except as a necessary warning or danger to property or person;
- (4) The use of any mechanical device operated by compressed air, steam, or otherwise, unless the noise created thereby is effectively muffled;
- (5) The erection, including excavation, demolition, alteration, or repair of any building, other than between the hours of 7:00 a.m. and 6:00 p.m., except upon special permit granted by the Common Council;
- (6) Construction and activities ancillary to construction, not regulated under section 5 above or the Albany Standard Construction Specification, including, but not limited to, preparation of materials, staging of construction equipment and apparatus, processing, preparing, or moving construction vehicles, equipment, or material which generate sounds audible at any residentially zoned property; and which generate sounds for 30 minutes or more in any three-hour period between the hours of 6 p.m. and 7:00 a.m.. This section does not apply to construction related activities performed by the City of Albany or pursuant to a City of Albany contract or those activities otherwise permitted by the Common Council.**

- ~~(7)~~ The use of any gong or siren upon any vehicle other than police, fire, or other emergency vehicle;
- ~~(8)~~ The operation of any gasoline engine without having the same equipped with and using thereupon a muffler;
- ~~(9)~~ The use of "muffler cutout" on any motor vehicle upon any street;
- ~~(10)~~ The use or operation of any automatic or electric piano, phonograph, radio, loudspeaker, or any sound amplifying device so loudly as to disturb persons in the vicinity thereof or in such manner as

renders the same a public nuisance; provided, however, that upon application to the City Manager permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches, or general entertainment;

(1110) The conducting, operating, or maintaining of any garage within 100 feet of any building used as a private residence, apartment house, rooming house, or hotel in such a manner as to cause loud or offensive noises to be emitted therefrom between the hours of 10:00 p.m. and 7:00 a.m. The foregoing acts are declared nuisances and any person violating any of the provisions of this section shall be deemed guilty of an offense. (Ord. 4937 § 1, 1990; Ord. 3873 § 1, 1975; Ord. 2823 § 43, 1958).

Section 2: Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Jim Delapoer, City Attorney
Marilyn Smith, Management Assistant/Public Information Officer *mms*

DATE: June 16, 2011, for the June 22, 2011, City Council Meeting

SUBJECT: Banning Alcohol in City Parks and Setting Uniform Park Hours

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

Action Requested:

Adoption of ordinance banning alcohol use or possession in all City parks and establishing uniform hours for parks to be closed.

Discussion:

Complaints about City park patrons behaving badly, fueled by inappropriate or excessive consumption of alcohol, date back to the 1960s if changes to the Albany Municipal Code park regulations are any indication. Over the intervening years, as the City and the park system have grown, AMC 7.28 has been amended repeatedly to restrict alcohol possession and consumption in parks where that has become a problem. The result is a patchwork of places and restrictions that are difficult to keep straight when enforcement is necessary: beer and wine are okay in some parks and not in others; all alcohol is banned in many places; and in other parks, drinking alcohol is allowed outright.

This ordinance proposes to ban the possession and use of alcoholic beverages of all kinds in all City parks, trails, and on multiuse paths except by special permit. Such a uniform ban is simple to remember and enforce. Permitted use is similarly simple to administer and enforce.

This ordinance also calls for all City parks to be closed from 11:00 p.m. to 5:00 a.m. to anyone except law enforcement personnel and others authorized by the City Manager, Parks & Recreation Director, or designee. It also allows the Director to close any park or section of a park at other times as needed. The uniform closure hours do not apply to the Dave Clark Riverfront Path or the Periwinkle Path. Both of these off-street multiuse paths are managed by the Parks & Recreation Department but are essential pieces of the City's transportation network and not subject to this ordinance.

Budget Impact:

None.

JVBD: MMS:de

Attachment

c: Ed Boyd, Chief of Police
Ed Hodney, Director of Parks & Recreation
Casey Dorland, Police Lieutenant

AN ORDINANCE AMENDING AMC CHAPTER 7.28.010, 7.28.100, AND 7.28.240 AND REPEALING AMC CHAPTER 7.28.102, **RELATING TO ALCOHOL IN PARKS AND PARK HOURS**

WHEREAS, the City has experienced frequent instances of litter, vandalism, and disruptive behavior in its parks which appear to stem from inappropriate consumption of alcohol; and

WHEREAS, over the years, the City has responded to this persistent problem by closing certain parks and public spaces to alcohol consumption; and

WHEREAS, the above-referenced problems have been reduced in those parks where alcohol consumption has been prohibited; and

WHEREAS, continuing to allow alcohol consumption in remaining parks and public recreational space has made enforcement more difficult.

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

Section 1: Albany Municipal Code Section 7.28.010 is amended to read as follows: AMC 7.28.010 definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

(1) **“Alcoholic beverage” means any beverage having an alcohol content of more than one half of one percent by volume.**

(2~~4~~) **“City” means the City of Albany.**

(3~~2~~) **“Director” means the a person appointed by the City Manager as the Director of Parks & Recreation for the City of Albany or designee. immediately in charge of all park areas and their activities, and to whom all park attendants of such areas are responsible.**

(4~~3~~) **“Park” means a park, playground, beach, recreation center, trail, and multiuse path or any other area in the City, owned or used by the City, and devoted to active or passive “recreation.”**

(5~~4~~) **“Person” means any person, firm, partnership, association, corporation, company or organization of any kind.**

(6~~5~~) **“Skatepark” means the Albany Skatepark, a facility for the use of skateboards, roller skates, bicycles and inline roller skates located at 1375 Sixth Avenue SE, Albany, Oregon.**

(7~~6~~) **“Vehicle” means any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled. The term includes any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the City parks. (Ord. 5724 § 1, 2009; Ord. 5464 § 1, 2000; Ord. 4585 § 1, 1983; Ord. 3169 § 1, 1964).**

Section 2: Albany Municipal Code Section 7.28.100 is amended to read as follows: **Intoxicating Alcoholic** beverages – General.

No person shall:

(1) Parks. Bring, **possess**, or drink alcoholic beverages ~~with the exception of beer and wine at any time in the park~~ **in any park except pursuant to a special permit as provided below;**

(2) Buildings. Bring or drink alcoholic beverages in City-owned buildings except by a permit issued in accordance with AMC 7.28.104 through 7.28.106. (Ord. 4604 § 1, 1983; Ord. 4585 § 1, 1983; Ord. 3169 § 6(1), 1964).

Section 3: Albany Municipal Code Section 7.28.102 is hereby repealed:

~~7.28.102 Intoxicating beverages—Prohibition—Bryant Park, Bowman Park, Eleanor Park, Monteith Riverpark, Albany Skatepark, Burkhart Park, Swanson Park, the Dave Clark Riverfront Path, Eads Park, Kinder Park and the Oak Creek Greenbelt and Trail.~~

~~It is unlawful for any person to possess an alcoholic beverage in Bryant Park, Bowman Park, Eleanor Park, Monteith Riverpark, Albany Skatepark, Burkhart Park, Swanson Park, the Dave Clark Riverfront Path, Eads Park, Kinder Park and the Oak Creek Greenbelt and Trail without a special permit. For the purpose of this section through AMC 7.28.108, an “alcoholic beverage” is any beverage having alcohol content of more than one-half of one percent by volume. (Ord. 5723 § 1, 2009; Ord. 5680 § 1, 2007; Ord. 5524 § 1, 2002; Ord. 5464 § 3, 2000; Ord. 4925 § 1, 1990; Ord. 4721 § 1, 1986; Ord. 4604 § 1, 1983; Ord. 4585 § 1, 1983; Ord. 4512 § 1, 1982; Ord. 3860 § 1, 1975).~~

Section 4: Albany Municipal Code Section 7.28.240 is amended to read as follows: Park operating policy.

~~No person in a park shall:~~

(1) Hours. **Unless otherwise closed by order of the Director as provided in Section 2 below, parks shall be closed to the public between 11:00 p.m. and 5:00 a.m. daily. During hours when parks are closed, no person shall enter or remain in a park except law enforcement personnel and others duly authorized by the City Manager or designee.** ~~Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information.~~

(2) **Park closures.** ~~Closed Areas.~~ Any **park or portion thereof** ~~section or part of any park~~ may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Director finds reasonably necessary.

(3) Lost and Found Articles. The finding of lost articles by park attendants shall be reported to the Department who shall make every reasonable effort to locate the owners. Articles will be considered abandoned and disposed of by ordinance if no claim has been made for the article within 30 days. (Ord. 4585 § 1, 1983; Ord. 3169 § 8(1 – 3), 1964).

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Diane Taniguchi-Dennis, P.E., Public Works Director *diane taniguchi-dennis*
Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer *MWS*

DATE: June 15, 2011, for the June 22, 2011, City Council Meeting

SUBJECT: Contractor Request to Perform Night Work for Four Months

RELATES TO STRATEGIC PLAN THEME: ● Great neighborhoods

Action Requested:

Staff requests Council consider the proposed request from Robinson Construction to perform construction related work on the Wal Mart site between the hours of 6:00 p.m. and 7:00 a.m. for four months.

Discussion:

The Albany Municipal Code (AMC) 7.08.050 outlines the limitations on actions that create noise that can be considered a nuisance. AMC 7.080.050 generally prohibits construction activities after 6:00 p.m. and before 7:00 a.m. in order to protect community residents from loud, disturbing, and unnecessary noise unless the Council authorizes an exemption.

The construction contractor that is performing all of the on-site and off-site improvements for the Wal Mart improvements has submitted a request to work through the night for four months (late June through mid October). A copy of the request is included as Attachment 1.

The contractor is required by ODOT to complete the Highway 20/I-5 interchange improvements between 7:00 p.m. and 7:00 a.m. in order to minimize disruption of traffic. The contractor would like to use the Wal Mart site on Goldfish Farm Road as a staging area for this nighttime construction. As such, the contractor would stockpile gravel and other material on the Wal Mart site and retrieve the material during the night work hours. This would require construction traffic such as dump trucks and loaders to operate on the Wal Mart site during the night.

The Wal Mart site is north of the Coastal Crossing subdivision. Staff is concerned that allowing the Wal Mart site to be used as a staging area for the night work will impact the homes in Coastal Crossing with significant noise during the night. Staff prefers that the contractor work with ODOT to identify another staging area that will have less of a noise impact. There is significant ODOT right-of-way on the southeast corner of the intersection of Highway 20 and Spicer.

Staff Recommendation:

While staff understands the constraints the contractor is working under, staff does not recommend approval of the proposal as presented. The contractor has not demonstrated to staff that they have explored all other alternatives that will have less of an impact on residential properties. In addition, the contractor's proposal does not provide enough detail and certainty regarding the mitigation plan to minimize noise impacts.

City Council

Page 2

June 15, 2011, for the June 22, 2011, City Council Meeting

Budget Impact:

No budget impact for the City.

MWS:prj

Attachment

ROBINSON

CONSTRUCTION CO.

21360 NW Amberwood Drive Hillsboro, OR 97124-6925 • Phone: (503) 645-8531 • Fax: (503) 645-5357 • CCB# 63147

Date: 6/5/2011
To: City of Albany
From: Robinson Construction Co.
Regarding: Extended work hours

Request

Robinson Construction Co. is requesting permission to access our jobsite between the hours of 7:00 PM and 7:00 AM in order to transport material from the jobsite to the I-5 and Hwy 20 Interchange.

Address: 1330 Goldfish Farm Rd.

Requested Hours: 7:00 PM – 7:00 AM

Days: Monday – Saturday

Dates: Duration of project

Issue

Robinson Construction Co. has extensive work to perform at the I-5 and Hwy 20 interchange. This work includes placing a large amount of fill material along Airport Road, the I-5 northbound off-ramp, and the I-5 southbound off-ramp. Due to the amount of traffic on these roads, ODOT is restricting our work hours to 7:00 PM and 7:00 AM. Additionally, the restrictions in lane closures does not allow for lay down areas to stockpile material within the work zone.

Scope of Work

Trucks will enter from Goldfish Farm Road and load up material before exiting onto Goldfish Farm Road (see attached map).

Required Equipment

- Wheel loader
- Forklift
- Dump trucks
- Light towers

Limiting Disturbance

Robinson Construction Co. will take the necessary steps to limit the disturbance while performing this work:

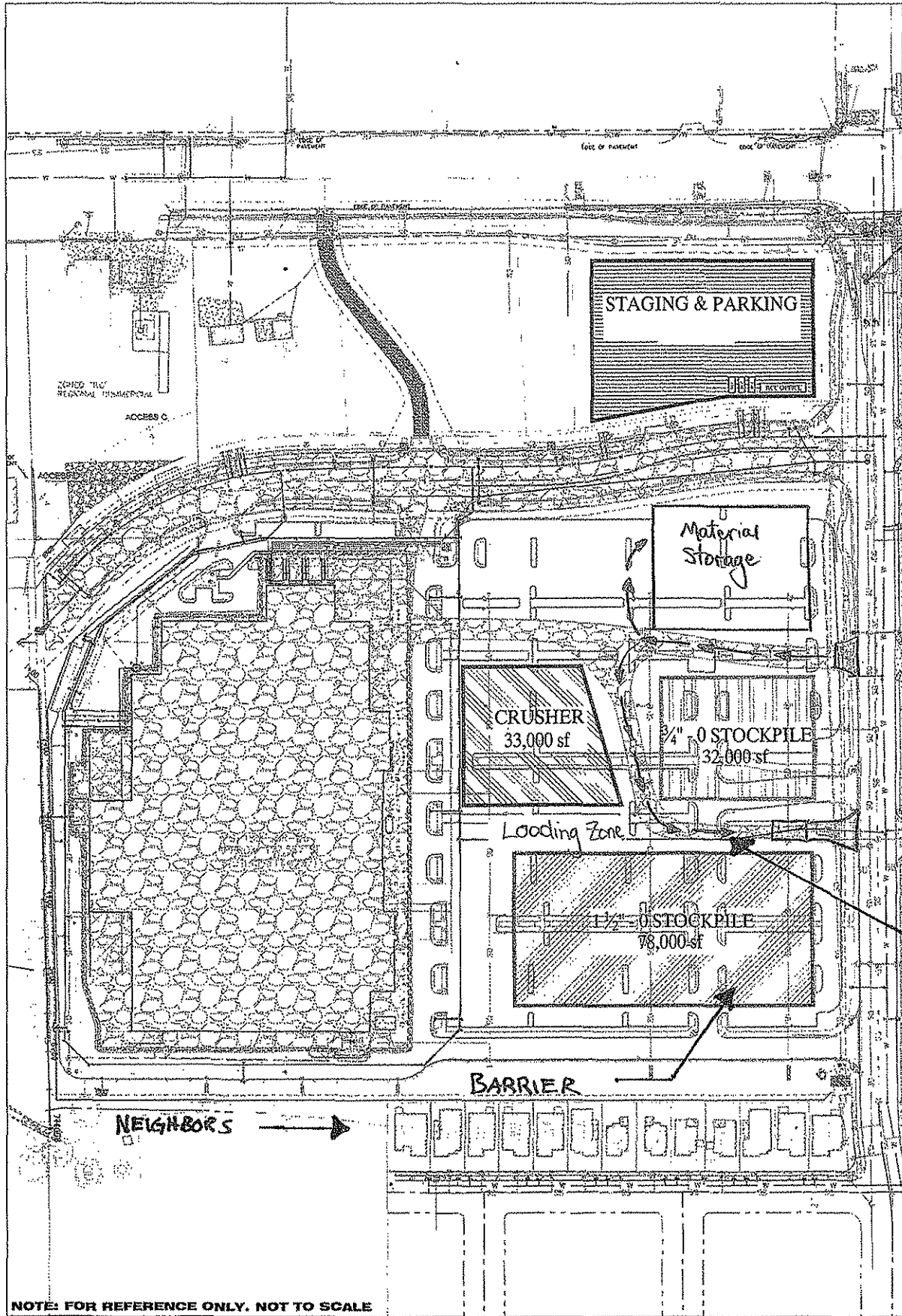
1. Minimize use of backup alarms by directing traffic while onsite.
2. Place light towers only where they are required and face them away from the neighbors
3. Use the large stockpile as a barrier between the trucks entering and exiting the site and the neighbors along the Southside of the property.

Please let us know if there are any concerns we can address in order to approve this request.

Thank you,

Rian Tuttle

Rian Tuttle
Project Manager
Robinson Construction Co.




ROBINSON
CONSTRUCTION CO.

WAL-MART ALBANY BUILDING
DEVELOPER STAGING PLAN 4.23.11

Attachment 1



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Stewart Taylor, Finance Director 
DATE: June 15, 2011, for the June 22, 2011, City Council Meeting
SUBJECT: GASB 54, New Fund Balance Designations and Reporting
RELATES TO STRATEGIC PLAN THEME: • Effective Government

Action Requested:

By resolution, adopt provisions to implement GASB 54 by committing resources of special revenue funds for specific purposes and delegating authority to assign ending fund balances to the Finance Director.

Discussion:

In February 2009, the Governmental Accounting Standards Board (GASB) issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. The statement establishes a reporting standard for ending fund balances in governmental funds. It does not change how to account for daily transactions nor does it require any changes to legally adopted budgets. The City of Albany is required to implement the new reporting standards in the financial statements and Comprehensive Annual Financial Report (CAFR) for year end 2010-2011.

GASB 54 creates a hierarchy of fund balance classifications. The classifications are based primarily on the extent to which governments are bound by the constraints placed on the resources reported in each fund. The assignment of specific classifications is intended to provide users more consistent and understandable information about a fund's net resources.

For the City of Albany, GASB 54 impacts reporting for the City's General Fund, Special Revenue Funds, Capital Replacement Fund, Capital Projects Fund, and the Debt Service Fund. Previously, the City reported fund balances that were reserved, designated, or unreserved. With the implementation of GASB 54, the following five new categories are required for classifying ending fund balances:

1. Nonspendable – includes assets that are not in a spendable form such as inventory and prepaid expenses, and assets that are legally or contractually required to be maintained such as the corpus of a permanent fund.
2. Restricted – includes externally imposed constraints placed on the use of resources for a specific purpose such as constraints imposed by creditors and grantors. Externally imposed constraints may also include constitutional provisions or enabling legislation such as constraints for systems development charges and the state gas tax.
3. Committed – includes constraints imposed by formal action of the City Council. The constraints may also be removed by similar Council action.
4. Assigned – includes constraints imposed based on the intent of a government official such as the City Manager or Finance Director. The City Council must designate who has authority under this classification.

5. Unassigned – includes residual balance in the General Fund and negative balances in other funds.

In addition, GASB 54 limits Special Revenue Funds to funds with ending fund balances that are classified as restricted or committed. Special Revenue Funds that cannot be classified as restricted or committed must be reported in the General Fund. A committed balance requires formal action by the City Council to classify resources of the fund. The commitment can be modified anytime by similar Council action. The following is a list of the City’s Special Revenue Funds and the anticipated ending fund balance classifications:

<u>Fund</u>	<u>Classification</u>	<u>Restricted by:</u>
Parks and Recreation	Committed and Restricted	Council Action and ORS
Risk Management	Committed	Council Action
Street	Committed and Restricted	Council Action and ORS
Grants	Restricted	Grant Covenants
Building Inspection	Restricted	ORS
Economic Development	Committed and Restricted	Council Action and ORS
Ambulance	Committed	Council Action
Public Transit	Committed and Restricted	Council Action and Grant Covs.
Public Safety Levy	Restricted	ORS
ARA	Restricted	ORS

GASB 54 allows the City Council to grant authority to assign ending fund balance classifications. In order to create the greatest flexibility in financial reporting, staff recommends that the Finance Director be given authority to assign resources and ending fund balances where applicable.

Budget Impact:

GASB 54 does not change the budget or calculation of ending fund balances. Rather, it changes the reporting of ending fund balances in governmental funds into five specific categories.

ST

Attachment: Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ALBANY, OREGON COMMITTING RESOURCES OF SPECIAL REVENUE FUNDS AND DELEGATING AUTHORITY TO ASSIGN ENDING FUND BALANCES TO THE FINANCE DIRECTOR.

WHEREAS, in February 2009, the Governmental Accounting Standards Board (GASB) issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*; and

WHEREAS, GASB 54 establishes a reporting standard for ending fund balances in governmental funds; and

WHEREAS, GASB 54 creates a hierarchy of fund balance classifications based primarily on the extent to which governments are bound by the constraints placed on the resources reported in each fund; and

WHEREAS, GASB 54 limits Special Revenue Funds to funds with ending fund balances that are classified as restricted or committed; and

WHEREAS, committed funds require a formal action by the City Council; and

WHEREAS, the City Council desires to formally commit certain resources in several of the City's Special Revenue funds and activities; and

WHEREAS, GASB 54 allows the City Council to grant authority to assign ending fund balances; and

WHEREAS, the City of Albany is required to implement the new reporting standards in the financial statements and Comprehensive Annual Financial Report (CAFR) for year end 2010-2011.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALBANY, OREGON, as follows:

Section 1. Special Revenue Fund resources are hereby formally committed to the purposes described below:

Parks and Recreation – twenty percent of general property tax resources and various program resources are committed to parks and recreation activities.

Risk Management – available resources are committed to risk management activities as described in the Risk Management Policy. Other program resources are committed as separately approved by the City Council.

Street – in lieu of franchise fees and other program resources are committed to street activities.

Economic Development – transient lodging tax resources are committed to economic development activities as described in the Transient Lodging Tax Policy. Airport program resources are committed to airport activities. Other program resources are committed to economic development activities.

Ambulance – ambulance service fees, FireMed fees, and other program resources are committed to ambulance activities.

Public Transit – bus fares, match programs, and other program resources are committed to public transit activities.

Section 2. The Finance Director is hereby given authority to assign fund balance classifications where applicable.

DATED AND EFFECTIVE THIS 22nd DAY OF JUNE, 2011.

Mayor

ATTEST:

City Clerk



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Stewart Taylor, Finance Director *ST*
Anne Baker, Senior Accountant *amb*

DATE: June 15, 2011, for the June 22, 2011, City Council Meeting

SUBJECT: 2010-2011 Supplemental Budget

RELATES TO STRATEGIC PLAN THEME: • Effective Government

Action Requested:

By Resolution, adopt the proposed Fiscal Year 2010-2011 Supplemental Budget.

Discussion:

The proposed Supplemental Budget changes total \$228,500, a 0.12% increase from the current FY 2010-2011 Budget. This Supplemental Budget will be used to adjust appropriations as needed. No single fund requires an increase of more than the ten percent level which would require a public hearing. The proposed changes are discussed on a fund by fund basis in the narrative which is presented below.

Budget Impact:

Parks & Recreation Fund:

- Increase the Sports Services Program \$23,000. This increase is due to unexpected labor costs due to higher than normal rainfall in the spring of 2011. This increase is offset by a decrease in expenditures in Children/Youth/Family Recreation Services and an increase in Sports Program fees.
- Increase the Adult Recreation & Fitness Services Program \$28,700. This is due partly for an unanticipated VSIP participant and increased costs of classes due to an increase in participants. This increase is being offset by an increase in Fitness Program revenues.
- Increase the Parks Maintenance Services Program \$74,000. This is due to unanticipated expenditures in Contractual Services related to park mowing, water for irrigation, and a softball fence relocation project. The increase is offset by reductions in the following Programs of \$40,000 in Aquatics Services, \$9,000 in Children/Youth/Family Recreation Services, and \$25,000 in Parks & Recreation Administration.

The result is a net increase in appropriations of \$42,700, 0.40%, in the Parks & Recreation Fund.

Grant Fund: Transfer \$21,700 to the Parks & Recreation Fund, Park SDC Projects from the Oak Street Park Grant. The transfer is offset by a decrease in Capital expenditures. The transfer closes the Oak Street Park Grant.

Risk Management Fund:

- Transfer \$68,000 from the PepsiCo Settlement Proceeds program to the HARP program. The transfer is offset by a decrease in Capital expenditures.
- The HARP program was approved by Council motion on January 12, 2011. An increase in Materials and Services of \$68,000 is offset by a transfer from the Risk Management Fund, PepsiCo Settlement Proceeds program.

The result is a net increase in appropriations of \$68,000, 0.30% in the Risk Management Fund.

Ambulance Fund: Increase Capital Expenditures \$45,400 to account for the purchase of four power stretchers. The expenditure is being offset by a decrease in Wages and Salaries.

Public Transit Fund: Increase the Albany Transit System program \$15,000. The increase is due to two unplanned transmission overhauls and increased fuel costs. The increase is being offset by an increase in Beginning Fund Balance.

Capital Replacement Fund: Transfer \$272,900 from the City Facilities Replacement program to the Facilities Replacement program. This transfer creates a Public Works Facilities Replacement Program. The transfer is not being appropriated in the Facilities Replacement program during the 2010-11 fiscal year.

Capital Projects Fund: Transfer \$213,000 to the Street Fund, Street Capital program and \$431,400 to the Street Fund, Streets Transportation SDC's program from the 53rd Ave Bridge/Roadway project. The transfer is being offset by a decrease in Capital expenditures of \$586,200 and increases appropriations \$58,200, .55% in the Capital Projects Fund. The transfer closes the 53rd Ave Bridge/Roadway project.

Sewer Fund: Transfer \$448,700 from Wastewater Administration to the Street Fund, Street Maintenance Revenues. The transfer is moving Sewer In Lieu Of Franchise Fees from an Operating Expense to a Non-Operating Expense. The transfer is being offset by a decrease in Materials and Services.

Water Fund:

- Transfer \$460,000 from Water Administration to the Street Fund, Street Maintenance Revenues. The transfer is moving Water In Lieu Of Franchise Fees from an Operating Expense to a Non-Operating Expense. The transfer is being offset by a decrease in Materials and Services.
- Transfer \$54,300 from the Water Equipment Replacement program, Building Replacement, to the Capital Replacement Fund, Facilities Replacement program. The transfer is being offset by a reduction in Capital Expenditures and creates a Public Works Facilities Replacement program. The transfer is not being appropriated in the Facilities Replacement program during the 2010-11 fiscal year.

Central Services: Increase GIS Services \$44,000 to account for the Ariel project that was carried over from fiscal year 2009-10. Work done on the project was not completed in time to be paid in the 2009-10 fiscal year and could not be anticipated during the 2010-11 budget process. The expenditure is being offset by an increase in Beginning Balance due to the carryover of the project.

AB

Attachments: Resolution and line item detail

RESOLUTION NO. _____

WHEREAS, the Albany City Council adopted a budget for the City of Albany for the 2010-2011 fiscal year on June 9, 2010; and

WHEREAS, there have been occurrences which were not anticipated at the time of the presentation of the budget for Fiscal Year 2010-2011 which require a change in the City's financial planning; and

WHEREAS, there has occurred a pressing necessity which was not foreseen at the time of the preparation of the budget which requires prompt action,

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the budget appropriations shown below are hereby approved for the 2010-2011 fiscal year.

	Current Budget	Budget Adjustments	Revised Budget
GENERAL FUND			
Nondepartmental			
Materials & Services	\$ 277,300	\$ -	\$ 277,300
Municipal Court	628,300	-	628,300
Code Enforcement	20,900	-	20,900
Fire Suppression	8,006,425	-	8,006,425
Public Safety Levy: Fire	949,200	-	949,200
Fire & Life Safety	670,100	-	670,100
Police	11,598,700	-	11,598,700
Public Safety Levy: Police	1,016,400	-	1,016,400
Planning	1,134,400	-	1,134,400
Housing	260,300	-	260,300
Library	2,367,000	-	2,367,000
Transfers Out	1,130,900	-	1,130,900
Contingency	1,350,300	-	1,350,300
Total GENERAL FUND	\$ 29,410,225	\$ -	\$ 29,410,225

SPECIAL REVENUE FUNDS

PARKS & RECREATION			
Sports Services	\$ 200,300	\$ 23,000	\$ 223,300
Children/Youth/Family Rec Services	246,900	(18,000)	228,900
Resource Development/Marketing Services	282,800	-	282,800
Adult Rec & Fitness Services	87,300	28,700	116,000
Park Maintenance Services	1,299,900	74,000	1,373,900
Parks & Recreation Administration	1,069,300	(37,300)	1,032,000
Senior Services	448,400	-	448,400
Aquatic Services	737,200	(40,000)	697,200
NW Art & Air Festival	184,300	-	184,300
Performance Series	162,200	-	162,200
Urban Forestry	240,300	-	240,300
Park SDC Projects	66,500	-	66,500
Senior Center Foundation	19,600	-	19,600
Parks Capital Improvement Program	3,256,000	-	3,256,000
Transfers Out	2,033,800	12,300	2,046,100
Contingency	244,100	-	244,100
Total PARKS & RECREATION	\$ 10,578,900	\$ 42,700	\$ 10,621,600

SPECIAL REVENUE FUNDS, continued

GRANTS

Personnel	\$ 100,200	\$ -	\$ 100,200
Materials & Services	1,122,952	-	1,122,952
Capital	4,000,300	(21,700)	3,978,600
Transfers Out	-	21,700	21,700
Total GRANTS	\$ 5,223,452	\$ -	\$ 5,223,452

BUILDING INSPECTION

Building Inspection	\$ 1,185,000	\$ -	\$ 1,185,000
Electrical Permit Program	149,800	-	149,800
ADA Code Enforcement	66,600	-	66,600
Transfers Out	11,600	-	11,600
Total BUILDING INSPECTION	\$ 1,413,000	\$ -	\$ 1,413,000

RISK MANAGEMENT

Wages & Salaries	\$ -	\$ -	\$ -
Materials & Services	\$ 1,734,600	\$ 68,600	\$ 1,803,200
Capital	\$ 9,639,000	\$ (68,600)	\$ 9,570,400
Transfers Out	\$ 8,899,400	\$ 68,600	\$ 8,968,000
Total RISK MANAGEMENT	\$ 20,273,000	\$ 68,600	\$ 20,341,600

ECONOMIC DEVELOPMENT

Target Utilities	\$ 44,600	\$ -	\$ 44,600
Economic Development Activities	\$ 564,200	\$ -	\$ 564,200
Albany Municipal Airport	505,800	-	505,800
Transfers Out	90,000	-	90,000
Total ECONOMIC DEVELOPMENT	\$ 1,204,600	\$ -	\$ 1,204,600

AMBULANCE

Personnel	\$ 1,892,800	\$ (45,400)	\$ 1,847,400
Materials & Services	324,200	-	324,200
Capital	-	45,400	45,400
Total AMBULANCE	\$ 2,217,000	\$ -	\$ 2,217,000

PUBLIC TRANSIT

Albany Transit System	\$ 530,000	\$ 15,000	\$ 545,000
Linn-Benton Loop	459,700	-	459,700
Paratransit System	373,600	-	373,600
Total PUBLIC TRANSIT	\$ 1,363,300	\$ 15,000	\$ 1,378,300

PUBLIC SAFETY LEVY

Transfers Out	\$ 2,977,500	\$ -	\$ 2,977,500
Total PUBLIC SAFETY LEVY	\$ 2,977,500	\$ -	\$ 2,977,500

CAPITAL REPLACEMENT

Equipment Replacement	\$ 3,840,300	\$ -	\$ 3,840,300
City Facilities Replacement	625,300	(272,900)	352,400
GF Facilities Maintenance Projects	388,851	-	388,851
IT Equipment Replacement	1,858,400	-	1,858,400
Transfers Out	299,300	272,900	572,200
Total CAPITAL REPLACEMENT	\$ 7,012,151	\$ -	\$ 7,012,151

SPECIAL REVENUE FUNDS, continued

STREET

Personnel	\$ 732,500	\$ -	\$ 732,500
Materials & Services	2,877,500	-	2,877,500
Capital	8,767,900	-	8,767,900
Transfers Out	80,000	-	80,000
Total STREET	\$ 12,457,900	\$ -	\$ 12,457,900

DEBT SERVICE FUND

DEBT SERVICE

Bancroft Debt Service	\$ 261,700	\$ -	\$ 261,700
1995 Fairgrounds Revenue Bonds	216,600	-	216,600
2002 LTD Tax Pension Bonds	1,644,800	-	1,644,800
2004 Revenue Obligations	414,300	-	414,300
2007 GO Refunding Bonds	2,208,700	-	2,208,700
Total DEBT SERVICE	\$ 4,746,100	\$ -	\$ 4,746,100

CAPITAL PROJECTS FUND

CAPITAL PROJECTS

Albany Data Integration Project	\$ 153,000	\$ -	\$ 153,000
LID Construction Projects	1,850,000	-	1,850,000
Albany Station REA Building	1,280,000	-	1,280,000
Albany Station Pathway	678,000	-	678,000
North Albany Park & Ride	832,000	-	832,000
ST-07-03 53rd Ave Bridge/Roadway	593,600	(586,200)	7,400
SS-07-02 Ellingson Rd Sewer Ext	515,000	-	515,000
WL-07-08 Ellingson Rd Water Ext	645,000	-	645,000
Transfers Out	4,109,400	644,400	4,753,800
Total CAPITAL PROJECTS	\$ 10,656,000	\$ 58,200	\$ 10,714,200

PERMANENT FUNDS

SENIOR CENTER ENDOWMENT

Materials & Services	\$ 2,000	\$ -	\$ 2,000
Unappropriated	51,400	-	51,400
Total SENIOR CENTER ENDOWMENT	\$ 53,400	\$ -	\$ 53,400

LIBRARY TRUST

V. O. Torney Trust	\$ 13,100	\$ -	\$ 13,100
Manela Trust	74,500	-	74,500
Total LIBRARY TRUST	\$ 87,600	\$ -	\$ 87,600

ENTERPRISE FUNDS

SEWER

Personnel	\$ 1,987,900	\$ -	\$ 1,987,900
Materials & Services	6,477,400	(448,700)	6,028,700
Capital	20,440,000	-	20,440,000
Transfers Out	762,500	448,700	1,211,200
Debt Service	15,233,000	-	15,233,000
Contingency	715,400	-	715,400
Total SEWER	\$ 45,616,200	\$ -	\$ 45,616,200

WATER

Personnel	\$ 2,144,300	\$ -	\$ 2,144,300
Materials & Services	7,123,500	(460,000)	6,663,500
Capital	15,874,900	(54,300)	15,820,600
Transfers Out	400,500	514,300	914,800
Debt Service	3,921,400	-	3,921,400
Contingency	821,300	-	821,300
Total WATER	\$ 30,285,900	\$ -	\$ 30,285,900

INTERNAL SERVICE FUNDS

CENTRAL SERVICES

Finance	\$ 1,373,200	\$ -	\$ 1,373,200
Council & Nondepartmental	261,500	-	261,500
City Manager's Office	1,112,400	-	1,112,400
Information Technology Services	1,199,500	-	1,199,500
GIS Services	441,300	44,000	485,300
Permit Tracking	94,800	-	94,800
Human Resources	681,500	-	681,500
Facilities Maintenance	636,200	-	636,200
Total CENTRAL SERVICES	\$ 5,800,400	\$ 44,000	\$ 5,844,400

PUBLIC WORKS SERVICES

PW Administration	\$ 600,300	\$ -	\$ 600,300
Engineering Services	2,701,800	-	2,701,800
Operations Administration	1,217,400	-	1,217,400
Water Quality Control Services	367,900	-	367,900
PW Customer Services	1,089,800	-	1,089,800
Facilities & Maintenance Engineering	1,292,600	-	1,292,600
Contingency	-	-	-
Total PUBLIC WORKS SERVICES	\$ 7,269,800	\$ -	\$ 7,269,800
TOTALS	\$ 198,646,428	\$ 228,500	\$ 198,874,928

DATED AND EFFECTIVE THIS 22nd DAY OF JUNE, 2011.

Mayor

ATTEST:

City Clerk

City of Albany
2010-11 Supplemental Budget
Changes by Line Item

202-35-1402-51001	Wages and salaries	4,000	
202-35-1402-53001	Overtime	8,000	
202-35-1402-56001	Benefits	4,000	
202-35-1402-60101	Contractual services	3,500	
202-35-1402-61504	Noncapital facility enhancements	3,500	
202-35-1403-51001	Wages and salaries		9,000
202-35-1401-43109	Sports Program Fees		14,000
202-35-1405-56001	Benefits	20,000	
202-35-1405-60101	Contractual services	8,700	
202-35-1401-43114	Fitness Program Fees		28,700
202-35-1407-60113	Contractual Misc	3,000	
202-35-1407-60114	Contractual Park Mowing	3,000	
202-35-1407-65013	Maint: Lighting/Irrigation	3,500	
202-35-1407-72046	Renovation Projects	64,500	
202-35-1410-72041	Pool Filtration System		40,000
202-35-1403-56001	Benefits		9,000
202-35-1408-99005	Park Administration Contingencies		25,000
202-35-1408-91203	To Grant Fund	12,300	
202-35-1408-60101	Contractual services		4,000
202-35-1408-61038	Software		5,300
202-35-1408-65006	Maint: Building		3,000
203-35-5053-72018	Oak Street Park Development		21,700
203-35-5053-91202	To Parks Fund	21,700	
203-35-5054-72022	Teloh Calapooia Park Playground	8,300	
203-35-5054-49005	From Parks Fund		8,300
208-10-1037-90015	Reserve: PepsiCo Settlement		68,600
208-10-1037-91276	To HARP	68,600	
208-10-1038-49070	From Settlement Proceeds		68,600
208-10-1038-60101	Contractual Services	38,250	
208-10-1038-60201	Space Rental	6,750	
208-10-1038-63005	Utilities	1,800	
208-10-1038-61024	Materials & Supplies	9,000	
208-10-1038-61006	Advertising	4,500	
208-10-1038-61026	Meetings & Conferences	2,600	
208-10-1038-61028	Minor Equipment	2,700	
208-10-1038-67054	Train Station Band Donation	3,000	
212-25-1206-56001	Benefits		45,400
212-25-1206-70005	Capital Equipment	45,400	
213-50-1106-49905	Beginning Balance		15,000
213-50-1106-61041	Vehicle Fuel Charges	5,000	
213-50-1106-65513	Vehicle Maintenance	10,000	

City of Albany
2010-11 Supplemental Budget
Changes by Line Item

217-10-1034-91205	To Capital Replacement	272,900	
217-10-1034-90008	Reserve: Building Replacement		272,900
402-50-2013-91257	To Street Capital	213,000	
402-50-2013-91269	To Streets Transportation SDC's	431,400	
402-50-2013-85018	ST-07-03 53rd Ave Bridge/Roadway		92,600
402-50-2013-90012	Reserve: Capital Projects		493,600
402-50-2013-49905	Beginning Balance		58,200
601-50-2407-91277	To Street - ILFF Transfer	448,700	
601-50-2407-60210	In Lieu of Franchise Fee		448,700
615-50-2311-91277	To Street - ILFF Transfer	460,000	
615-50-2311-60210	In Lieu of Franchise Fee		460,000
615-50-2311-91205	To Capital Replacement	54,300	
615-50-2311-90007	Reserve: Capital Replacement		54,300
701-13-2010-60101	Contractual Services	44,000	
701-13-2010-49905	Beginning Balance		44,000

CITY OF ALBANY
 CITY COUNCIL
 Council Chambers
 Wednesday, May 11, 2011
 7:15 p.m.

AGENDA

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge of allegiance to the flag.

ROLL CALL

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

SPECIAL PRESENTATIONS

Taylor Johnson – Intel Science Project Award

Jim Huff, City Manager of Banks, Oregon, also serves on the Intel Science Project judging panel, presented the Middle School Northwest Science Expo, City of Banks Community Sensitivity Award to Taylor Johnson, a student at Calapooia Middle School, in Albany, for his *Erosion in the Valley* experiment that specifically targeted the Albany area. It was a 15 day experiment and brought a result different than what they had expected.

Oregon Festival and Events Association Annual Awards.

Scott Ingalls, Chair of the Oregon Festival and Events Association Ovation Award Committee, explained that the awards are given out once a year. This year the Association membership doubled and therefore the competition doubled. Albany continues to win a significant number of awards. This year, four awards were won by the City of Albany:

- Volunteer of the Year, Mike Murzynsky, Senior Accountant for the City of Albany
- Most Innovative Marketing Piece or Campaign, for the Summer Camp Program
- Best Vendor of the Year, won by Pepsi of Corvallis
- Sponsors of the Year, for tripling their investment in Albany, Carino's Italian Restaurant and Red Robin Restaurant of Albany

2011 Historic Preservation Awards.

Planner II Anne Catlin and Landmarks Advisory Commission Chair Oscar Hult presented the following awards:

- St. Mary's Church - for rehabilitating the Train House at 210 7th Avenue SW;
- R3 Development LLC - for rehabilitation of the J.C. Penney's building at 317 1st Avenue SW;
- JMA Investments - for the rehabilitation of the front porch of 225 Calapooia Street SW;
- City Public Works Operations - ongoing stewardship of the Vine Street Water Treatment Plant and Canal, 4th and Vine Streets;
- Jacho & Emma Eaton - for major rehabilitation of the Andrus House, also known as the Keyhole House at 1638 1st Avenue SE;
- John & Teresa Graham - for rehabilitating the exterior including replacing asbestos siding of their home at 438 9th Avenue SW;
- Rod & Kate Porsche - for exterior painting and improvements to 208 7th Avenue SE;
- Harry Wallace - for exterior painting and improvements to 323 Calapooia Street SW; and
- Michael & Rebecca Hake - for restoration of the carriage style garage doors at 916 Maple Street SW.

Catlin provided a PowerPoint of the buildings receiving awards (in agenda file).

Coloring Contest Winners:

- 6 and under awarded to -
 One winner - Micaela Gutierrez, age 6.
- 7 to 9 year old category, 1st and 2nd place prizes awarded to -
 1st place: Lisa Gutierrez, 9 years old; and
 2nd place: Angel H, 9 years old.
- 10 and older category, 1st and 2nd place prizes awarded to -
 1st place: Miguel Maciel, age 11; and
 2nd place: Emma Denley, age 10.

PROCLAMATION

Motorcycle Safety Awareness Month.

Konopa read a proclamation declaring May 2011 as Motorcycle Safety Awareness Month in Albany.

SCHEDULED BUSINESS

Communication

Accepting the resignation of Hal Schalles from the Albany Arts Commission.

MOTION: Councilor Johnson moved to accept the resignation of Hal Schalles from the Albany Arts Commission and send him a letter of thanks. Councilor Reid seconded the motion and it passed 5-0.

Legislative Public Hearing

CP-02-11, amending Ordinance No. 4447, which adopted the Albany Comprehensive Plan by adopting the Public Transit Plan and the Transportation Financial Plan; revising text in Chapter 5 of the Comprehensive Plan and the 2010 Transportation Plan; adopting findings and declaring an emergency.

Konopa explained that this legislative public hearing is regarding legislative amendments related to a Periodic Review work task per OAR 660-025-0040. The amendments will complete the final task related to Statewide Goal 12: Transportation. The amendments revise the text of Chapter 5 of the Albany Comprehensive Plan; the text in the adopted Albany Transportation System Plan dated February 2010; and adopts the Albany Public Transit Plan, dated January 2011, and the Albany Transportation financial Plan, dated May 2011, as standalone documents supporting the 2010 Transportation System Plan. The applicant is the City of Albany. This is City of Albany case file CP-02-11.

Konopa called to order the Legislative Public Hearing at 7:40 p.m.

Konopa asked if any member of the Council wished to abstain. No one did.

Konopa asked if any members of the City Council wished to declare a conflict of interest, or report any significant ex parte contact or a site visit. No one did.

Konopa explained for all those wishing to testify, please be aware that you must raise an issue with enough detail to afford the Council and parties an opportunity to respond to the issue if you later want to raise that issue on appeal to the Department of Land Conservation & Development. Testimony and evidence must be directed towards the approval standards staff will describe or other criteria in the plan or Development Code which you believe apply to the decision. If additional documents or evidence are provided by any party, the City Council may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension to the 120-day limit. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes any action or damages in Circuit Court.

Konopa called for the staff report.

Community Planner Janet Morris said this project has been to the Council several times. This time it wraps up a work program for the periodic review, Work Program #4, related to the Transportation Plan. She said the project had a partial approval in 2010. Two elements needed to be completed and they have been. She mentioned that the transportation financial plans would need to be adopted if the Council adopts the ordinance.

Councilor Coburn had questions relating to the Kittelson & Associates Report. He said they mention that there is a need to build a facility for the buses. He asked, has there been any consideration for a gas "fuel surcharge" to cover that expense? Public Works Director Diane Taniguchi-Dennis said their focus has been to keep a certain rate for their customers, but that discussion could take place with the Council.

Coburn said on page 36, under marketing, they suggest instituting an annual "free-ride day". He suggested a free ride for a can of food, along with a free-ride day.

Coburn asked, on page 38, ID #'s "T3" and "T4", Project Name "Discontinue Routes 1 & 4", why delete routes with a cost to the City of around \$46,000? Taniguchi-Dennis said by extending the other routes they could get better efficiency. There is a trade-off cost.

Coburn said page 41 talks about Albany becoming a Metropolitan Planning Organization (MPO). He said, the City is spending a lot of money on this study. He asked, if it becomes a MPO, will a new study be

needed? Taniguchi-Dennis said master plans are created to be adaptive. There will be adjustments and changes, but they will not need to start from the beginning.

Reid mentioned that the Federal Department of Transportation may raise the level to a population of 100,000 to become a MPO, and Albany may not qualify.

Coburn asked for Table 5-2 on page 68 to be consistent with the same Table 8-1 on page 103.

Coburn said at the top of page 104 the replacement vehicle comment is out of date (it says "to arrive in October 2010") and needs to be corrected.

Coburn said on page 115 it says "...with the addition of shelters to all major transit stops." He asked, does the City intend to have shelters at all the stops? Taniguchi-Dennis said no, it would be at the major stops where there are a lot of people congregating to catch the bus.

Coburn commented that page 119 refers to the "Fare Strategy". He supports looking at that and asked if that is part of the plan. Taniguchi-Dennis said the fare strategy would be a separate policy and staff can bring discussions to Council work sessions. She mentioned that the patrons that use the transit system are very sensitive to increases in prices. It is a delicate balance in the community. Coburn suggested the strategy would be to implement small increases rather than a big one.

Johnson asked, does the plan allow for expansion of the bus routes in the future? Taniguchi-Dennis said they are looking at how to expand the services but are limited by the financial structure in place.

Konopa mentioned that if anyone wished 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. She said no one had signed up but asked if anyone from the audience wished to speak. No one wished to speak.

Councilor Olsen asked, regarding projects I-1 and I-2 on page 21 of the agenda, the roundabout on Main Street and 4th Avenue, is it to augment the traffic on 1st and 2nd Avenues? Does the City really want more traffic on 1st and 2nd Avenues? He asked, was this his last chance to argue about it? Transportation Systems Analyst Ron Irish said the table you are referencing is a list of Transportation System Program (TSP) projects and is included in this document for reference. It is not the last chance to discuss the project. It is in the Capital Improvement Program (CIP) a couple of years out, so up until it becomes a budgeted project for the following year, the Council can have discussion on it.

Councilor Collins said these two projects will alleviate some traffic issues through the underpass. He commented that the City should continue to bring the Oregon Department of Transportation (ODOT) to the discussion and he supports Olsen's concerns and would be leery of the projects unless the City has a commitment from ODOT.

Konopa closed the Legislative Public Hearing at 8:00 p.m.

City Attorney Jim Delapoe read for the first time in title only an "ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE ALBANY COMPREHENSIVE PLAN BY ADOPTING THE PUBLIC TRANSIT PLAN AND THE TRANSPORTATION FINANCIAL PLAN; REVISING TEXT IN CHAPTER 5 OF THE COMPREHENSIVE PLAN AND THE 2010 TRANSPORTATION PLAN; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY."

MOTION: Reid moved to have the ordinance read a second time in title only. Coburn seconded the motion and it passed 5-0.

Delapoe read the ordinance a second time in title only.

MOTION: Reid moved to adopt the ordinance. Coburn seconded the motion.

Collins commented that it actually took three to four years of research and study on the part of staff to come to this vote. It may seem that the decision was made quickly in this meeting, but a lot of thought and research has gone into the ordinance.

VOTE: A vote was taken on the motion and it passed 5-0, and was designated Ordinance No. 5753.

Consolidated Quasi-Judicial Public Hearing

CP-01-11 and ZC-01-11, amending Ordinance No. 4447, which adopted Albany Comprehensive Plan Map; amending Ordinance No. 4441, which adopted the Albany Zoning Map; and adopting findings for changing the designation and zoning of properties located at 111 Davidson Street SE and on the east side of Davidson Street, north of Salem Avenue.

Konopa said this consolidated quasi-judicial public hearing is regarding both a Comprehensive Plan Map amendment that would change the designation of 4.26 acres of property from Residential Medium Density to Light Industrial, and a Zoning Map amendment that would change the zoning of the same 4.26 acres of property from RM (Residential Medium Density) to IP (Industrial Park). The applicants are Candace Rivera and Scott Lepman.

Konopa opened the consolidated quasi-judicial public hearing at 8:02 p.m.

Konopa asked if any member of the Council wished to abstain. No one did.

Konopa asked if any members of the City Council wished to declare a conflict of interest, or report any significant exparte contact or a site visit. Johnson disclosed that she owns property in the area. Collins disclosed that he had done some work for Mr. Lepman, but nothing since being on the Council.

Konopa explained for all those wishing to testify, please be aware that you must raise an issue with enough detail to afford the Council and parties an opportunity to respond to the issue if you later want to raise that issue on appeal to the Department of Land Conservation & Development. Testimony and evidence must be directed towards the approval standards staff will describe or other criteria in the plan or Development Code which you believe apply to the decision. If additional documents or evidence are provided by any party, the City Council may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension to the 120-day limit. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes any action or damages in Circuit Court.

Staff Report

Planner II Anne Catlin said the applicant, Scott Lepman, has submitted a concurrent Comprehensive Plan Map and Zoning Map amendment application to change the designation and zoning of 4.26 acres located at 111 Davidson Avenue SE, which includes two parcels of land and portions of a third and fourth parcel. The proposal is to change the Comprehensive Plan designation of the 4.26 acre site from Medium Density Residential (MDR) to Light Industrial (LI) and change the zoning from Residential Medium Density (RM) to Industrial Park (IP). The purpose is to expand the existing self-serve storage facility by 1.09 acres. Under the current RM zoning, self-serve storage facilities are limited to three acres in size. The IP zoning district allows self-serve storage facilities as a Conditional Use, but does not have a restriction on the size of the site. The Planning Commission found that changing the Zoning and Plan designation of the small amount of mostly developed land from RM to IP will have little impact on the Comprehensive Plan goals and policies and will have no effect on the Statewide Planning Goals. They recommended the Council approve these quasi-judicial map amendments. She reviewed some staff findings in the agenda file and said two people testified at the Planning Commission.

Applicant

Candace Ribera, representing Scott Lepman, 100 Ferry Street, doing business as Glorietta Bay LLC, said the intention of the amendment is to provide for the expansion of the self-storage facility. Currently they have a vacancy rate of 8.7% with nine out of 10 units being small units. This change would allow an additional 23,950 square feet, or 98 additional units. Access to the property will continue to be solely from Davidson Street. In the future the remaining 1.47 acres fronting Salem Avenue will be utilized for multi-family development. They believe the use allowed in the Industrial Park designation is more compatible to their building goals. They plan a single story, fortress design, which means the back of the building will be adjacent to the landscaping. The doors will open to the back of the lot and not be seen on the residential side. There are six other such facilities in Albany. A traffic impact analysis was prepared for this request. The peak hour trips were far less than the minimal requirements. The current building will be expanded rather than creating a standalone facility created. The result of the change will have no significant effect on the neighborhood.

No one wished to speak in support of the application.

No one wished to speak in opposition of the application.

Konopa closed the hearing at 8:18 p.m.

City Attorney Jim Delapoe read for the first time in title only "AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE ALBANY COMPREHENSIVE PLAN MAP; AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE ALBANY ZONING MAP; AND ADOPTING FINDINGS FOR CHANGING THE DESIGNATION AND ZONING OF PROPERTIES LOCATED AT 111 DAVIDSON STREET SE AND ON THE EAST SIDE OF DAVIDSON STREET, NORTH OF SALEM AVENUE."

MOTION: Coburn moved to have the ordinance read a second time in title only. Johnson seconded the motion and it passed 5-0.

Delapoer read the ordinance a second time in title only.

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

Johnson commented that rezoning is a good move. Lepman's storage units are clean, quiet, and an asset to that neighborhood. She doubts anyone would want to build anything residential there. She was pleased to hear that staff and the Planning Commission were in favor of the change.

Reid said he would be voting against the change as he has proposed having this area used as an overpass to for access to that area of Albany. He feels that part of the City will become less and less accessible because of activity by Union Pacific Railroad along the river. An overpass would go over the railroad tracks on Waverly Drive. This change would block it. He doesn't want to lose access to that part of the City.

There followed discussion of Reid's concept for the crossing. Ron Irish said the concept was looked at during the Transportation Systems Program process and they found that it would be costly and difficult to build because of clearance over the railroad tracks and the length of Salem Avenue isn't long enough to facilitate the rise to the needed height. Also, the north side ramp would not extend far enough. Irish reminded the Council that what is before them is a zone change not a development proposal.

VOTE: A vote was taken on the motion and it passed 4-1, with Reid voting no, and was designated Ordinance No. 5754.

Business from the Public

Bill Root thanked the Council for the proclamation for Motorcycle Safety month and discussed their charitable fund raising efforts. He mentioned going to Washington DC to visit the Vietnam War Memorial.

Dr. Arlene Brooks, DVM, 1030 Running Dog Lane SE, Turner, said Blue is beginning his ninth month in the Linn County kennel without exercise or walks and no definitive date for his release. She feels he may be succumbing to the "kennel crazies" similar to a person who is held in solitary confinement. It could become irreversible. She said this is in-humane. The issue is not just about a biting dog, but also questions and concerns about the ordinance, the wording of the ordinance, the application of the ordinance, and procedural requirements. They have around 800 signatures calling for a settlement conference or relief for Blue's "in-humane" situation. She said his situation doesn't have to remain in-humane. She pleaded for the Council to have some compassion, some humanity, and a resolution of the case.

City Attorney Jim Delapoer provided an update to the Council on communication streams between Mr. Warren, the City's Attorney, and Mr. Meadowbrook, Blue's owner's lawyer. He included a copy of an email from Mr. Meadowbrook asking to have Blue transferred to Hope Haven. Delapoer said no one wants the dog to languish at the pound. The City received a copy of a letter on April 26 (in agenda file) from Mr. Warren to Mr. Meadowbrook suggesting arbitration in this matter. Delapoer explained that arbitration is when both parties agree to some process outside of court where the matter is heard, considered, and resolved. It has the advantage that it is cheap, it is fast, and it is final. A mediation or settlement conference is completely different; the judge is only the facilitator. The judge is the host to the meeting. He said the law applies to everyone equally. Mediation doesn't work in this case because the City's negotiating team would not have the authority to say that the law doesn't apply here. The City Council has to apply the law uniformly. The constitution says the government must provide equal rights and liabilities for all citizens. If the Council were to not apply the law in Blue's case, they would be basically repealing the law because they cannot arbitrarily decide to apply the law in one case and not in another. The speediest solution is arbitration. The City can consider housing Blue somewhere else.

The Council asked what the response from Meadowbrook was, and Delapoer said it was rejected.

Dr. Brooks commented in response to releasing Blue to Hope Haven, it is not set up to provide interim housing. If released to Hope Haven it would be a permanent resolution. She reiterated that currently Blue doesn't get to exercise or walked at the kennel. She said anything the Council can do to expedite or solve the case is worth it. The City is holding personal property that is alive. She believes there are issues with the ordinance as it is written, particularly concerns about the seriousness of the wound and a professional evaluation. She would like the ordinance to function like it is meant to, protect the public by removing dogs that are a hazard, but she doesn't believe that happened in this case.

Konopa said the Council heard that Hope Haven was an option, but now it is not. Dr. Brooks said it is an option, but they would be retraining him and that type of investment requires that it be a permanent resolution. She hasn't been able to get into the Linn County Kennel to evaluate Blue and was surprised that he hasn't already become difficult because of his confinement for nine months. She would like to see him, evaluate him, and put him somewhere where he can get exercise.

Delapoer responded that arbitration has been rejected. The City has consented to Dr. Brooks seeing the dog. The dog can't be released to a citizen, but can be to a facility with trained staff, an animal shelter, or something similar; some sort of secure facility as long as there is an understanding that the dog will be brought back for euthanasia, if that is the court's decision.

Coburn asked, has this offer to move him to a secure facility been made to Mr. Raymond or his attorney? Delapoer said that is his understanding.

Dr. Brooks said she emailed both attorneys that Hope Haven is an alternative to euthanasia.

There followed a discussion regarding Dr. Brooks visiting Blue.

Coburn commented that the ball is in Mr. Raymond's court. He needs to find an alternative place to house Blue, if unhappy with the Linn County Kennel.

Johnson said this is the process that we have. Appeals are what slowed the process. She suggested getting Blue some care at Safe Haven.

COUNCIL RECOMMENDATION: Collins requested that the City Manager work with staff, Linn County, and Dr. Brooks to meet a time frame that works for all to allow Dr. Brooks to visit the dog "Blue." There was consensus by the Council.

Coburn suggested they talk to Linn County about the boarding conditions. The City is not in charge of the Linn County Animal Shelter.

Charlene Morrison, 1350 Springhill Drive, said she talked to Mr. Meadowbrook and he said that all that has to be done is an agreement for a settlement conference and the dog could be released.

Konopa said Mr. Raymond does not want arbitration, he and his lawyer want mediation. They have filed civil rights suits against the City. The City wants to protect their rights as a City.

Ellen Hamill, 2042 Hill Street SE, said that Raymond has released Blue to someone who will retrain him. They want him alive. The decision that Blue is a dangerous dog was the wrong decision. This wasn't provocation and Judge Scott made a mistake. The Council can change it. The Council created the ordinance in the first place. She presented a petition with more signatures to the Council (in the agenda file) saying there were around 800 signatures.

Cindy Kastl, 1106 Ferry Street, was concerned how the dog was determined to be dangerous. Is there some way to go back to determine if he is dangerous?

Konopa said arbitration seems to be the only option for the City. As she understands the legal process, evaluation happened according to the law.

Richard Brooks, 1030 Running Dog Lane, Turner, read the ordinance and commented on portions of it. He doesn't believe that the dog was "at large" or that there was provocation involved. He said he tried to bring this up at the trial and wasn't allowed to.

Delapoer strongly advised the Council not to discuss what took place at the trial. If they do that, they run the risk of starting a new appeal process because this could be deemed another hearing where decisions are being made. It is appropriate to discuss the ordinance, but not what went on at the hearing; the Council was not there.

Shari Holverson, 608 Alpine Meadow, read a letter describing an incident at Edgewood Estates, in which Blue was "at-large" and when faced with a confrontation with a Mrs. Ambrose, went running home. She believes he is not a dangerous dog. She said they have collected 765 signatures and asked the Council to do the right thing.

Tammy Wilson, 1519 Del Rio, said she lives for taking care of animals. It is time for change. The ordinance needs to be reevaluated. Her heart is in it for Blue and she wants to be the voice for Blue.

Mark Azevedo, 1210 Skyline Drive, said this has become a polarized situation. He too is disturbed by an animal in solitary confinement for such a long period of time. He offered to find a livable and secure place for the dog, and work with the polarized groups. He was volunteering to mediate.

Ellen Hamill read the petition language presented earlier, saying they have 780 signatures. They are concerned about the lack of resolution of the case. They want a review of the case, believe the ordinance needs review, and asked the City to enter into a settlement agreement.

Perry Ligterink, 2634 Pine Lane, said the incident bothers him. It sounds like the City is holding the dog hostage. He is willing to volunteer to work with Blue.

Larry Holverson, 608 Alpine Meadow, was concerned that this is being tied up in the legal process. What about a settlement out of court? This is a unique situation and circumstances. He can't believe there isn't some way to satisfy both concerns in this case.

Rose Looney, 1350 NW Springhill Drive, asked if the Council could change the ordinance tonight. City Manager Wes Hare said there is a process that would require a written ordinance and two readings, etc.

Olsen commented that he went to see Blue with Mr. Raymond. He read the notes he took of the visit which included petting and playing with Blue. He said after that visit, Blue was locked up and unable to receive visitors. He wants to amend the ordinance to say when a case comes before a judge there is an intermittent place to send the dog.

Looney said the language in the ordinance needs to include someone who is trained in assessing the dog.

Collins commented that the Council needs to receive input from the judge, police, professionals, etc. They will never be able to write a perfect ordinance. When the Council starts that process, those are the types of issues that need to be brought up.

Adoption of Resolution

ST-08-06. Infrastructure Improvements – School to Knox Butte, accepting the Engineer's and Financial Investigation Reports and setting a public hearing.

Civil Engineer Christopher Goins explained the Greater Albany Public Schools (GAPS) received a Notice of Decision for the construction of a new school, Timber Ridge, in 2007. An anticipated private development project was going to be constructed between the school site and Knox Butte Road. However, the developers withdrew their application, leaving GAPS with a significantly increased responsibility to complete off-site public infrastructure improvements in order to serve the new school. GAPS approached the City with the idea of forming two Local Improvement District (LID) projects to facilitate the construction of the public improvements while distributing the project costs equitably among the properties receiving special benefit from the project. The first LID completed the improvements north of the new school and the assessments were finalized in June 2010. This project completed Timber Ridge Street south to the traffic circle at Knox Butte Road and associated utility improvements on Timber Ridge Street and Knox Butte Road. Staff is asking the Council to accept the Final Engineer's Report and Financial Investigation Report, and adopt the attached resolution to schedule a public hearing for May 25, 2011.

MOTION: Collins moved to accept the Final Engineer's Report and Financial Investigation report, and adopt the resolution to schedule a public hearing for May 25, 2011. Reid seconded the motion.

There was some Council discussion.

VOTE: A vote was taken on the motion and it passed 5-0, and was designated Resolution No. 5999.

Appropriating settlement proceeds for renewal of the wetland delineation for several tax lots associated with the former SVC/PEPSICO development and mitigation sites.

Hare commented that there is no way to say what kind of return the City might get for the money. The wetlands delineation does make the property potentially more attractive to a buyer. It may be the smallest barrier to cross.

Olsen suggested postponing this because of the costs and a discussion followed.

Collins said the question is if the Council thought they might get it sold before the renewal. If someone came in July they would not get on the site until February. He is frustrated with the rules of the Division of State Lands that lets a wetland delineation expire in five years. Wetlands on site do not change. He is in support of the resolution because the \$27,000 investment may help move the property. In addition, he wants to work with the League of Oregon Cities and others, to try to get the Administrative Rule changed so that it says that the delineation can be extended beyond the five years as long as there have been no significant change in the characteristics of the property. He doesn't understand why they would expire.

Reid wants to move ahead so that it is ready for the next buyer.

MOTION: Collins moved to adopt the resolution appropriating settlement proceeds for renewal of the wetland delineation for several tax lots associated with the former SVC/PEPSICO development and mitigation sites. Johnson seconded the motion.

There followed a discussion of the possibility that the property would sell before the renewal would be necessary. Consensus was that the current economic situation makes it unlikely.

VOTE: A vote was taken on the motion and it passed 5-0, and was designated Resolution No. 6000.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) April 11, 2011, City Council Work Session.
- 2) Approving liquor licenses for:
 - a) Orange, LLC, D/B/A Albany 76, 3135 Santiam Highway SE.
 - b) The American Legion Post #10, 129 First Avenue West

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

BUSINESS FROM THE COUNCIL

Ordinance creating Albany Municipal Code Section 7.08.035, Drinking at Albany Station, prohibiting consumption of alcoholic beverages and possession of open alcoholic beverage containers at Albany Station and declaring an emergency.

City Attorney Jim Delapoer read for the first time in title only "AN ORDINANCE CREATING ALBANY MUNICIPAL CODE SECTION 7.08.035, DRINKING AT ALBANY STATION, PROHIBITING CONSUMPTION OF ALCOHOLIC BEVERAGES AND POSSESSION OF OPEN ALCOHOLIC BEVERAGE CONTAINERS AT ALBANY STATION, AND DECLARING AN EMERGENCY."

MOTION: Reid moved to have the ordinance read a second time in title only. Coburn seconded the motion and it passed 5-0.

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

MOTION: Reid moved to adopt the ordinance. Coburn seconded the motion and it passed 5-0, and was designated Ordinance No. 5755.

Collins asked Irish to look at speeds on Crocker Lane as accidents seem to be increasing. He would also like Public Works to consider a three-way stop at Robin Lane.

Olsen asked if the Council was willing to meet with the Police Chief and Municipal Judge regarding the dog ordinance. Coburn was interested in doing so. Reid, Collins, and Johnson said no.

Hare said he had tentative plans to go to Sri Lanka, representing the International City/County Management Association (ICMA), and may miss the next Council Work Session and Council Regular session.

NEXT MEETING DATE

The next City Council Work Session is scheduled for Monday, May 23, 2011, at 4:00 p.m., in the City Municipal Court Room, at City Hall.

The next City Council Regular Session is scheduled for Wednesday, May 25, 2011, at 7:15 p.m., in the Council Chambers of City Hall.

ADJOURNMENT

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, May 23, 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.

ARSON INVESTIGATION REPORT

Konopa said this item isn't actually a report; it is to give recognition to the arson investigators. Fire Chief John Bradner explained that there is a post investigative analysis of the arsons that happened from October to December 2010 going on now in the Council Chambers. The City Council left the Municipal Court Room and moved into the Council Chambers.

Albany Police Captain Eric Carter, the Mayor, and Bradner presented Certificates of Appreciation to the following for their participation in the arson investigation:

- Oregon State Police
 - Detective Howard Greer
 - Detective Ray Downey
 - Detective Douglas Larson
- Oregon State Police Crime Lab
 - Jennifer Riedell
 - Darrell Hall
 - Daniel Peterson
- Office of the Oregon State Fire Marshal
 - George Crosiar
- Bureau of Alcohol, Tobacco, Firearms and Explosives
 - Senior Special Agent John Comery
 - Senior Special Agent Mike Meadows
 - Resident Agent in Charge Colleen Domenech
 - Special Agent James Panos
 - Special Agent Aaron Woods
 - Special Agent Aaron Yoh
 - Special Agent Roland Jacobs
 - Special Agent Jay Brown
 - Special Agent Tony Schdowski
 - Crime Analyst Christie Goldsmith
- Portland Fire and Rescue
 - Lieutenant Fabian Jackson and dog Lila
- Linn County District Attorney's Office
 - Senior Deputy District Attorney George Eder
 - Legal Assistant Brandi Earnest
- Corvallis Fire Department
 - Fire Marshal Jeff Prechel
 - Deputy Fire Marshal Jim Patton
 - Deputy Fire Marshal Carla Pusateri
 - Firefighter Rory Loveland
 - Firefighter Jonathon Elliott
 - Firefighter Daniel Tate
 - Firefighter Jacob Baker

- Linn County Sheriff's Office
 - Detective Josh Moyes
 - Detective Sally Jo Donohue
- Lebanon Fire District
 - Chief Dan Woodson
 - Firefighter Russell Duerr
- Scio Fire District
 - Chief Rich LaBelle
- City of Albany Building Division
 - Building Official Melanie Adams
 - Code Compliance Inspector Mary Gaeta
 - Code Compliance Inspector Meghan Lewis

The City Council returned to the Municipal Court Room at 4:12 p.m.

ALLIED WASTE RATE PROPOSAL

Allied Waste (AW) General Manager Mike Huycke and Division Manager Kevin Hines said the memo in the Council packet describes a multi-year plan that moves towards a Consumer Price Index (CPI) based rate structure. This rate schedule would eliminate the need for AW to repeat the process of coming to the Council regarding rates every 18 months, and would also serve to keep Albany's rates competitive.

Huycke said the structure proposes a three-tier price increase. The first would be July 1, 2011, for 9%; the second would be July 2012 for 4% percent; and finally an increase based on the CPI in January 2013. Huycke explained that before they get to the CPI they have to get the base level of profitability up to a reasonable level. In the past it has been 7- 9% but over the course of several years, with the economy, it has been 5-6 %. If AW does not do a price increase in 2011, with the spike in gas costs, it will drop to 2.8%.

Huycke explained why they think the proposed rate structure is reasonable. He pointed out that they carry risk with how much time their vehicles are on the road and how just one accident can eat up the profits. They have \$2.5 million in reserve for this and if there were an accident, even if it is not AW's fault, they would still have to defend themselves.

Councilor Dick Olsen asked, is AW self- insured? Huycke said yes. Olsen asked, do most waste companies do that? Huycke said they are in a high-risk business but AW outperforms the norm, so they are self-insured.

Councilor Bessie Johnson asked how many customers are using the food-waste recycling program. Hines said they have about six commercial customers in Albany so they are doing it on a pilot program. The customers have asked for carts with more volume. They are mostly for restaurants and cafeteria uses. It is a commercial-based program.

Huycke explained that AW can control operational costs such as management of trucks, facilities, and people; but they cannot control the cost of gas. They review numbers weekly to see if they are meeting productivity levels. Unfortunately they do not have a mechanism to offset the increased cost of doing business.

Councilor Bill Coburn said that other utilities are controlled by the Public Utility Commission (PUC). He asked, could we use them as an example of a reasonable margin of profit? Councilor Floyd Collins said that he had asked that question and found out that it is not unusual for the PUC to allow a 12% profit, but it can also be as low as 3-5%; and more recently, it was 8%. Huycke said other waste haulers are in the 8-12% range. AW has been in the lower range.

City Manager Wes Hare said that more typically Oregon cities look at cost and quality of service rather than the rate of return. City staff has looked at AW's rates and quality of service compared to other communities in the region and Hare agrees that AW rates are competitive and their numbers are accurate. In his review he found that AW rates are consistent with what is happening in other locations.

Collins noted that the last increase was in 2009 for 4%. He asked, what would the increase have looked like if the 2009 rate had been indexed according to the CPI each year, compared to the 9.4% increase AW is asking for today? Huycke will get that information for him.

Collins asked, leaf pickup would not be a separate increase, correct? Hines said that is correct.

Coburn asked why Tangent's rates are higher than Albany's rates. Hines said it is a longer drive to the landfill and also Tangent is largely residential without a strong commercial presence. Those two pieces drive their cost.

Johnson is not comfortable with the rates being tied to the CPI since it could mean a rate increase each year. Hare explained that it is just one of three components and the rates could actually go down. Hines agreed with Hare. Hines

added that AW is aware that 9% is a big increase but he pointed out that the rates have not increased since 2009 and fuel and operations are the biggest costs.

Coburn said he finds it hard to explain to the public why AW needs an increase, when the newspaper story said that it was to increase their bottom line. It is not unreasonable to make a profit but it is difficult to put it on the City Council to determine how much the profit should be. He would not support a 9% increase. He understands the business side of it, but he is also a rate payer.

Collins asked, is it typical to count depreciation as an operating cost? Discussion followed regarding depreciation.

Johnson asked, does the same company that owns AW also own Coffin Butte Landfill? Huycke said yes. She asked, can the price be negotiated? Huycke said that the landfill sets the rate. He said that in the next few months they will be spending \$6 million for a new cell that has adequate air space and will last for two years.

Olsen asked, does someone regulate what Coffin Butte charges? Huycke said no, but if you look to the south the cost is almost twice. Marion County is almost twice too, so Coffin Butte is very competitive.

Huycke said AW works hard at being community players. Even in the economic downturn they have participated in community events. They want to put together a pricing structure that makes good sense for everyone.

Public Information Officer/Management Assistant Marilyn Smith said that AW continues to partner with the City on the Big-Pick-Up each year. The event would not be as successful as it is without AW's contribution.

The rate discussion will come back to another Work Session.

BUSINESS FROM THE PUBLIC

There was no business from the public.

AIRPORT MASTER PLAN UPDATE

Airport & Transit Manager Chris Bailey said the Airport Commission is trying to figure out how to increase revenues. They want to ask the Federal Aviation Association (FAA) to create a new approach to the Airport that would be more precise and deliver the airplanes lower in cloudy weather rather than them having to land somewhere else. In order to do this the City first needs to rescind a letter dated April 29, 1996, from former City Manager Steve Bryant to the FAA. Also the FAA will not develop an approach or fund such a project unless there is an Airport Master Plan update that answers the question of whether or not it is feasible for it to be created. The update is currently scheduled for 2016 but Bailey would like to move it up sooner to answer this and other questions. Bailey said the update is eligible for FAA funding at 95% and the Transient Lodging Tax (TLT) revenues could pay the other 5%.

Hare said he called Bryant to ask why the letter was written. Bryant didn't remember exactly but he thought it may have had something to do with limitation to the development of the fairgrounds. Hare said a Master Plan would reveal what any limitations might be.

Public Works Director Diane Taniguchi-Dennis said the Master Plan would identify the technical issues with the approaches. There also needs to be an update to the Comprehensive Plan. She said, it is a long process but to start we need to say to the FAA that Albany is interested.

MOTION: Councilor Ralph Reid Jr. moved to direct City staff to rescind the 1996 letter to the Federal Aviation Administration (FAA) and request assistance for discovery of a possible Instrument Landing System (ILS) at the Airport and Johnson seconded it.

Bailey said the Master Plan will be able to address more than just the approach.

Collins wants it to be the best Airport possible, but there may have major constraints with I-5 on the north and south, and local zoning questions.

VOTE: A vote was taken on the motion and it passed 6-0.

Taniguchi-Dennis said staff will work with the Airport Commission and let them form a recommendation which will come to the City Council.

Reid said that the property on the south end needs to be mowed.

Bailey said another item to address is stabilizing land use rates. The FAA guidelines for land lease rates have to be fair and equitable but Albany's vary; so we are not in compliance. Bailey said they plan to hold the highest lease holder steady and the rest will increase by the CPI over time until everyone is caught up. It may take between 8-13 years. They are on 30-year leases. Discussion followed.

COPIER CONTRACT

Information Technology Director Jorge Salinas said that a Resolution to secure a copier contract with Ricoh for four years will be coming to the next Regular Session.

Salinas said that in the past the City was contracting for 22 machines at the cost of \$44,000 annually. This year the City issued a Request For Proposal (RFP). The responders were graded in six areas. For 28 copiers it will cost \$45,435.72, as outlined in the staff memo. The bid scores are also in memo. There were eight City employees that participated in all areas of grading. Salinas handed out a list of the copiers (see agenda file).

Coburn noticed that the City is adding six copiers. He asked, what changed to need that many more? Salinas said that Police is adding one which will be closer to detectives; the Community Pool is adding one; and Transit is adding two. Salinas pointed out that the City is getting 28 copiers for about the same price as 22 copiers.

There was discussion about color copiers.

Collins asked, how does this price compare to the state pricing? Salinas said the Ricoh state contact would have cost \$56,000, so we would be paying about \$18,000 more in comparison to the lowest cost vendor without any options. For Xerox, comparatively, the price was \$91,500 or \$52,000 more in comparison to the lowest cost vendor without any options. Collins said that the RFP process resulted in a competitive quote.

Reid wants to know which printers on the list are color and which are black and white. Salinas will send that information to Reid.

Johnson said that leasing the machines saves money especially since toner is so expensive. She commended Salinas and the review team for a great job.

Salinas added that these copiers will be connected to the network and in some cases it will be cheaper to print to them instead of the HP printers.

COUNCILOR COMMENTS

Olsen asked when the dog "Blue" can be moved out of solitary confinement to a dog hotel. Hare is not sure but he thinks that it will be as soon as possible. He said the City is moving very quickly and is not holding the process up.

Reid said he doesn't want the dog moved until Linn County's dog kennel bill has been paid in full; he said neither the City nor Linn County should be stuck with the bill.

CITY MANAGER REPORT

Taniguchi-Dennis said that staff will be turning on the water tomorrow at Talking Water Gardens in order to test the pumps. They will also be filling the wetlands so plants can start to germinate.

Konopa said the Big-Pick-Up had a good turnout with 150 participating, and also many were able to see Talking Water Gardens for the first time. She heard wonderful comments.

Taniguchi-Dennis said the EPA's award ceremony for Talking Water Gardens will be on June 1.

ADJOURNMENT

There being no further business, the Work Session adjourned at 5:46 p.m.


Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
Deputy City Clerk

Stewart Taylor
Finance Director



TO: Albany City Council
VIA: Stewart Taylor, Finance Director 
FROM: Linda Booth, Parks & Recreation Clerk III
DATE: June 15, 2011, for the June 22, 2011 City Council Meeting
SUBJECT: Annual Liquor License Renewals

RELATES TO STRATEGIC PLAN THEME: ● A Safe City

Action Requested:

Council approval for these annual liquor license renewals

Discussion:

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

ALBERTSON'S #555	1177 WAVERLY DR SE
CARINO'S ITALIAN RESTAURANT	1825 14 TH AVE SE
CIDDICI'S PIZZA	133 5 TH AVE
CLEMENZA'S CAFÉ & WINE SHOP (ON & OFF PREM)	236 1 ST SW
COOPER'S	1917 PACIFIC BLVD SE
FIRST BURGER	210 1 ST AVE W
FRONT STREET BAR & GRILL	2300 FRONT ST N
GEARY STREET MARKET	2805 GEARY ST
GINZA JAPANESE RESTAURANT	2218 SANTIAM HWY SE
GROCERY OUTLET OF ALBANY	1950 14 TH AVE SE
LINN BENTON COMM COLL CONF SERV	6500 PACIFIC BLVD SW
LOAFER'S INC	222 WASHINGTON ST SW
LUCKY LARRY'S LOUNGE	2845 SANTIAM HWY
MA'S DAIRY FARM	3411 S PACIFIC BLVD
MOMIJI JAPANESE RESTAURANT	641 HICKORY ST
RED ROBIN RESTAURANT	1845 14 TH AVE SE
ROSIES FAMILY MEXICAN RESTAURANT	1727 HILL ST
SAM CITY	2180 PACIFIC BLVD SE
TARGET STORE T-0609	2255 14 TH AVE SE
TOM TOM DELI & MARKET	321 AIRPORT RD SE
TRI VALLEY FOOD MART	2703 SANTIAM HWY SE
VAULT 244	244 1 ST ST SW
WINE DEPOT & DELI (ON & OFF PREMISES)	300 2 ND SW #112

Budget Impact:

Revenue of \$875

lb

RESOLUTION NO. _____

A RESOLUTION EXTENDING CITY OF ALBANY'S WORKERS' COMPENSATION COVERAGE PROVIDED BY CITY/COUNTY INSURANCE SERVICES (CIS) TO VOLUNTEERS FOR POLICY YEAR 2011-2012

WHEREAS, the City of Albany elects the following:

Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteer workers listed on the attached Volunteer Renewal Summary Form as follows:

1. An assumed monthly wage of \$1,200 per month will be used for public safety volunteers; and
2. An aggregate assumed annual wage of \$2,500 will be used for public officials and per volunteer board, commission, and committee for the performance of administrative duties; and
3. Nonpublic safety volunteers will keep track of their hours and have their assumed payroll reported in the correct class code for the type of work being performed using Oregon minimum wage; and
4. Court-mandated community service workers/inmates on work release may be covered for workers' compensation benefits by the sentencing court. Coverage will be determined prior to work inception and stipulated to in writing between City of Albany and the respective sentencing court. Court-mandated volunteers will keep track of their hours and have their assumed payroll reported in Class Code 7720V using Oregon minimum wage; and
5. A roster of active volunteers (public safety, nonpublic safety, and community service workers/inmates on work release) will be kept monthly for reporting purposes. It is acknowledged that City/County Insurance Services may request copies of these rosters during year-end audit; and
6. Unanticipated volunteer projects or exposure not addressed herein will be added onto City of Albany's coverage agreement (a) by endorsement, (b) with advance notice to CIS, and (c) allowing two weeks for processing. It is hereby acknowledged that coverage of this type cannot be backdated.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council to provide workers' compensation insurance coverage through City/County Insurance Services as indicated above. This resolution will be updated annually.

DATED AND EFFECTIVE THIS 22ND DAY OF JUNE 2011.

Mayor

ATTEST:

City Clerk

Worker Compensation
Renewal Summary
Volunteers

2011-2012 YEARLY TOTALS		NO OF HOURS	NO OF PEOPLE	TOTAL DOLLARS	No. of Volunteers	No. of Volunteer Hrs	No. of Months	Minimum Wage
8411F	Volunteer Fire Fighters	-	0	-	0			1200
8411V	Public Safety Volunteers	1,590.33	60	72,000.00	60			1200
8820V	Atty/Judge/Bailiff/Clerks	-	-	-	-	-	-	-
7720V	Court-Mandated Workers	3,074.25	71	104,124.00	25	41	12	8.5
9061V	Volunteer Senior Center	11,672.41	847	98,202.77				
9061V	& Call a Ride	4,825.00	221	40,607.14				
	TOTALS	16,497.41	1068	138,809.91	85	16	12	8.5
9102V	Volunteer Summer Rec/Teen Center	244.00	58	2,057.97	5	4	12	8.5
9102V	& Volunteer Parks	101.00	54	20,718.71	11	17	12	8.5
	TOTALS	345.00	112.00	22,776.68				
8810V	Volunteer Clerical/Library/911 Operators	1,612.00	148	88,636.97	87	10	12	8.5
8742V	Volunteer Boards/Commissions/Public Officials	-	0	52,500.00				
7024J	Vessels Operations	333.00	58.00	7,767.12	11	7	12	8.5
		23,796.99	1,629	509,391.36				

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING FRANCHISED UTILITY EASEMENT:

Grantor

Purpose

Martin Family Trust

A 10-foot wide franchised utility easement on the west side of a future right-of-way as required by a condition of approval for Blossom Crossing subdivision.

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

DATED AND EFFECTIVE THIS 22ND DAY OF JUNE 2011.

Mayor

ATTEST:

Deputy City Clerk

EASEMENT FOR FRANCHISED PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 14th day of June, 2011, by and between Martin Family Trust, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

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

This agreement is subject to the following terms and conditions:

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

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

GRANTOR: Martin Family Trust

Bob B. Martin
Bob B. Martin, Trustee

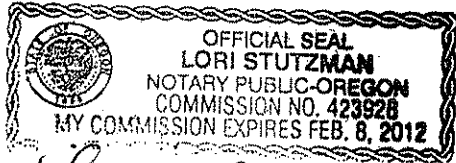
Geraldine M. Martin
Geraldine M. Martin, Trustee

STATE OF Oregon)
County of Benton) ss.
City of Albany)

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

The foregoing instrument was acknowledged before me this 14th day of June, 2011, by Bob B. Martin, Trustee of the Martin Family Trust, as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 14th day of June, 2011, by Geraldine M. Martin, Trustee of the Martin Family Trust, as her voluntary act and deed.



Lori Stutzman
Notary Public for Oregon
My Commission Expires: February 8, 2012

Lori Stutzman
Notary Public for Oregon
My Commission Expires: February 8, 2012

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

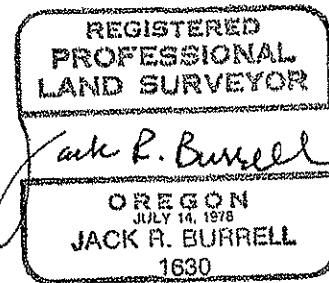
K & D ENGINEERING, Inc.

EXHIBIT "A" Engineers • Planners • Surveyors

Franchise Utility Easement Description
(over a portion of Martin Trust Tract)

A strip of land for easement purposes that is located over a portion of that Martin Family Trust Tract described by deed recorded in Document No. 2005-382460 of the Benton County, Oregon Deed Records on March 15, 2005. Said strip being the easterly 10 feet of even width of said tract and being more particularly described as follows:

Beginning at a 5/8 inch rod at the northeast corner of said tract; thence along the east line of said tract the following three (3) courses: 1) along the arc of a 386.75 foot radius curve to the right (chord bears South 23°46'58" East 43.07 feet) a distance of 43.10 feet to a 5/8 inch rod; 2) thence South 26°58'30" East 20.01 feet to a 5/8 inch rod; 3) thence along the arc of a 273.00 foot radius curve to the right (chord bears South 10°04'48" East 158.68 feet) a distance of 161.00 feet to a 5/8 inch rod at the southeast corner of said tract; thence WEST, along the south line of said tract, 10.07 feet; thence northerly, parallel with and 10.00 feet from the easterly line of said tract the following three (3) courses; 1) along the arc of a 263.00 foot radius curve the left (chord bears North 09°56'59" West 154.01 feet) a distance of 156.30 feet; 2) thence North 26°58'30" West 20.57 feet; 3) thence along the arc of a 376.75 foot radius curve to the left (chord bears North 24°07'44" West 47.61 feet) a distance of 47.64 feet to the north line of said tract; thence EAST 11.26 feet to the Point of Beginning



RENEWAL DATE 12/31/11

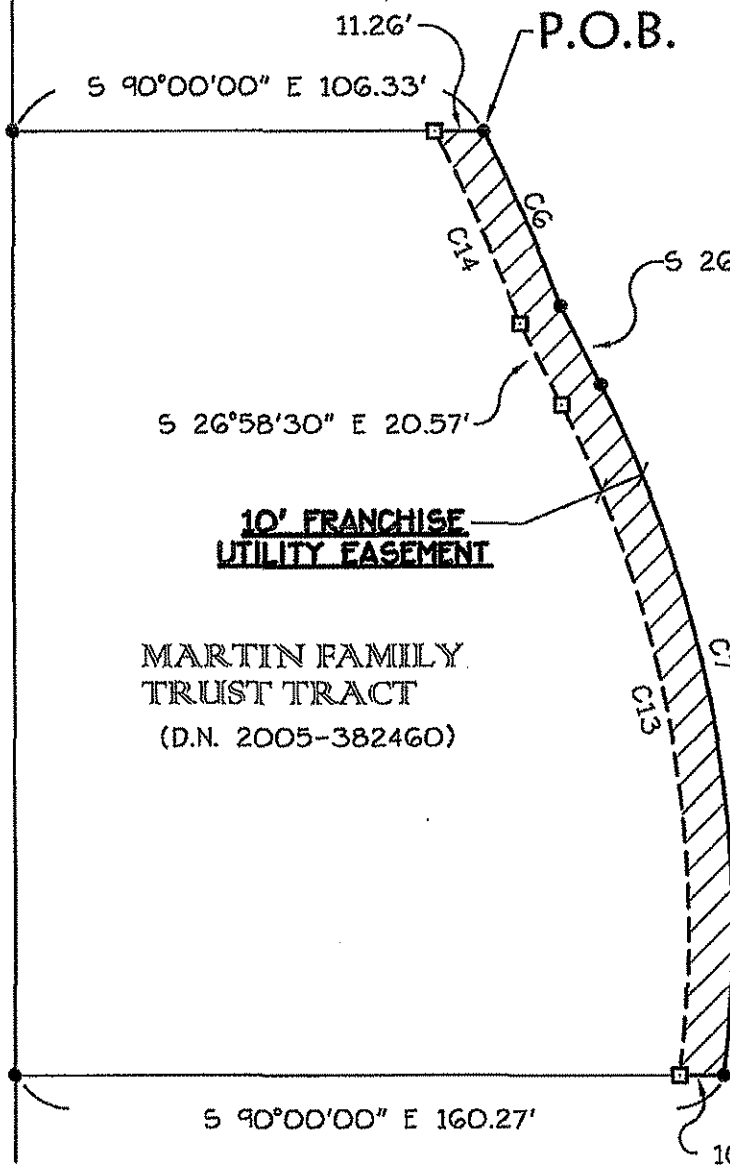
January 12, 2011
EASEMENT DESCRIPTION – A PORTION
OF THE MARTIN FAMILY TRUST TRACT
(04-120-K) JJC:mm

File Ref: titan\projects\2004\04-120-K\surveying\documents\church as grantor\Martin Trust easement desc.doc

FRANCHISE UTILITY EASEMENT OVER THE MARTIN FAMILY TRUST TRACT

EXHIBIT "B"

LOCATED IN
NE 1/4 + SE 1/4 OF SEC. 1, T. 11 S., R. 4 W., W.M.
A.M. RAINWATER DLC NO. 61
CITY OF ALBANY, BENTON COUNTY, OREGON
JANUARY 11, 2011



LEGEND:

- FOUND MONUMENT
- CALCULATED POINT
- CG CURVE DATA, SEE TABLE

RIVER VIEW ESTATES
LLC TRACT
(TRACT I OF
D.N. 2010-471180)

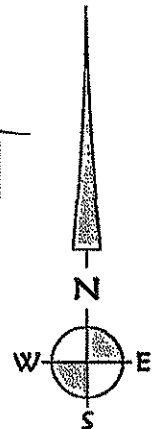
**10' FRANCHISE
UTILITY EASEMENT**

MARTIN FAMILY
TRUST TRACT
(D.N. 2005-382460)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell
OREGON
JULY 14, 1978
JACK R. BURRELL
1630

RENEWAL DATE 12/31/11



SCALE: 1" = 40'

CURVE TABLE:

CURVE	RADIUS	LENGTH	CHORD	DELTA
C6	386.75'	43.10'	N23°46'58"W 43.07'	06°23'04"
C7	273.00'	161.00'	N10°04'48"W 158.68'	33°47'24"
C13	263.00'	156.30'	S09°56'59"E 154.01'	34°03'02"
C14	376.75'	47.64'	S24°07'44"E 47.61'	07°14'43"

Date: 1/11/2011 Time: 15:52
Scale: 1=40
File: dwg\2004\04-120\MARTINEASE.dwg (lan)

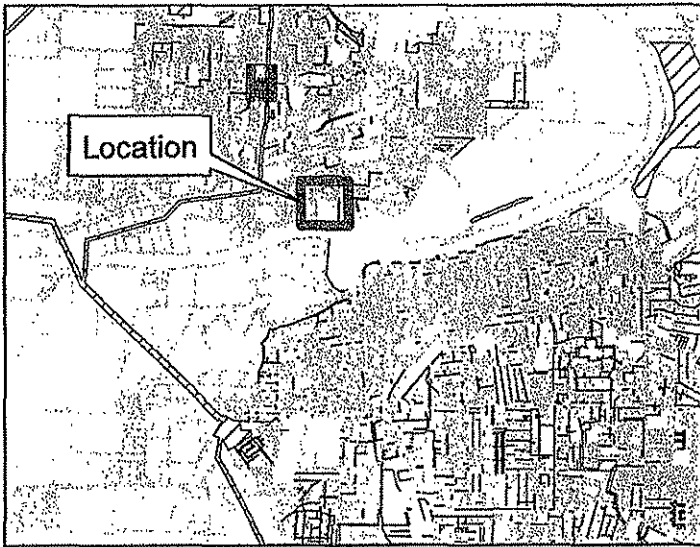


K & D ENGINEERING, Inc.
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 926-2583

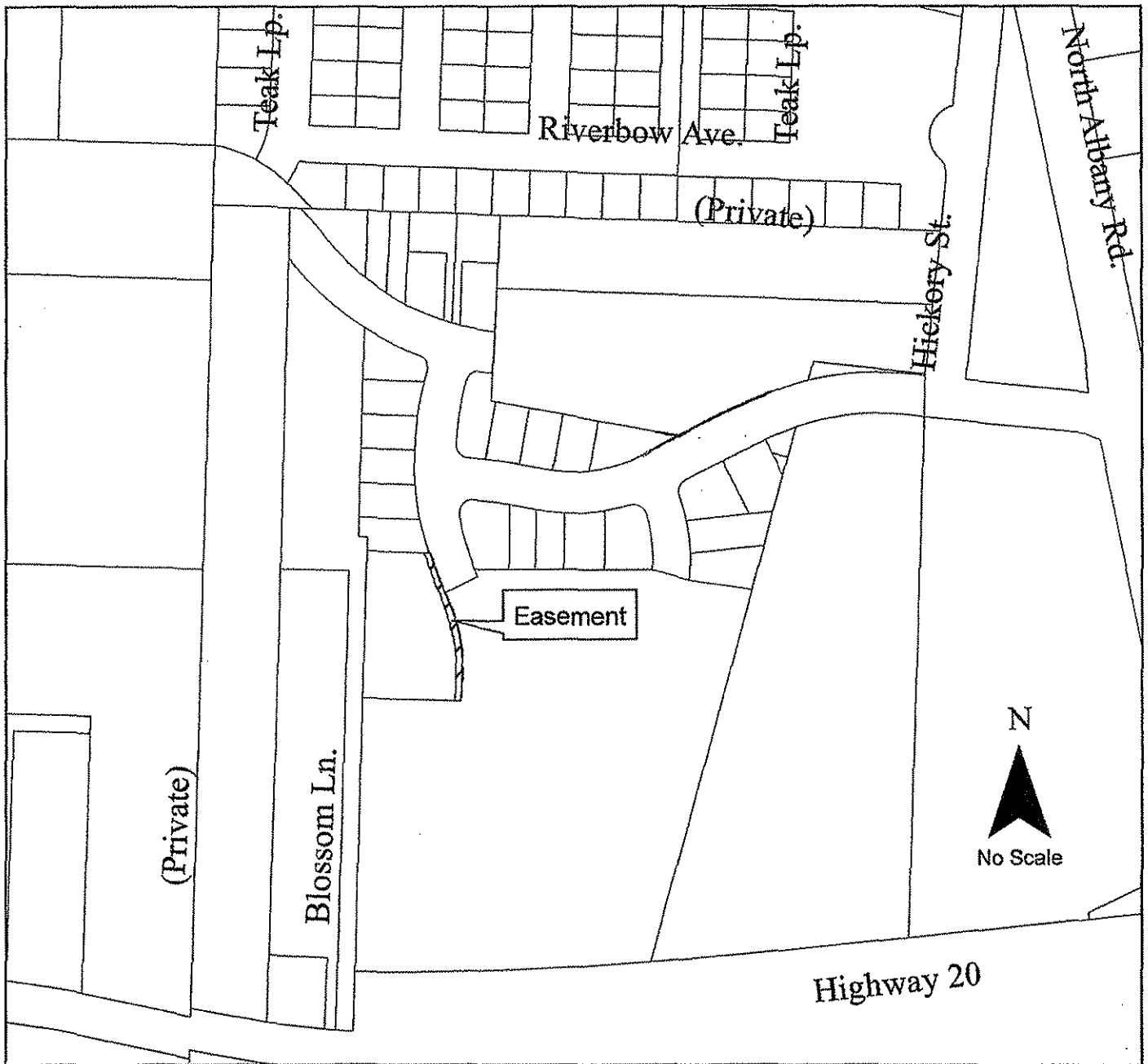
EXHIBIT C

11S04W01DB00200

A 10-foot wide franchise utility easement on the west side of a future right-of-way as required by a condition of approval for Blossom Crossing subdivision.



Geographic Information Services





TO: Albany City Council

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

FROM: Chris Bailey, Airport and Transit Manager *CB*

DATE: June 13, 2011, for the June 22, 2011, City Council Meeting

SUBJECT: Temporary Extension of Transit Advertising Services with Lamar Advertising

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Approval to continue the City's current Transit Advertising Agreement with Lamar Advertising on a temporary month-by-month basis until the new transit advertising Request for Proposals is prepared and awarded. Request authorization for the Public Works Director to sign the month-by-month contract extension with Lamar Advertising under the same terms and conditions of the current agreement, for up to six months beginning July 1, 2011.

Discussion:

On June 8, 2005, the City Council passed Ordinance No. 5622 which allowed temporary, one-year extensions of public contracts that remain in accordance with their original terms. The Transit Advertising Agreement for the City with Lamar Advertising has been in effect since June 14, 2006, and provides annual revenues of approximately \$17,000 to the City's transit programs.

The City is currently preparing a Request for Proposals for transit advertising; the anticipated completion date for the process is September 2011. The current Transit Advertising Agreement will expire July 1, 2011, and the City will require advertising services in the interim. While the City completes the proposal process, Lamar Advertising is willing to continue to provide advertising services on a month-by-month basis under the same terms and conditions as their existing contract for up to six months.

Budget Impact:

Extension of the contract ensures advertising revenue will continue to accrue while the Request for Proposals is drafted and executed. Fiscal Year advertising revenue averaged approximately \$1,500 per month.

CB:prj
Attachment

Modification No. 1
Agreement to Furnish Professional Services
--Between--
The City of Albany and Lamar Advertising

This modification is written to make the following changes to the above written Agreement between the City of Albany, a municipal corporation of the State of Oregon (herein called "**City**"), and **Lamar Advertising**, a company incorporated under the laws of the State of Delaware (herein called the ("**Contractor**").

1. This modification shall be effective on July 1 , 2011
2. As related to **the Scope of Service** under Section 2 (two) of said Agreement, "**City**" shall extend said Agreement for a term of six (6) consecutive months commencing on the day following the last day of the initial Agreement term (June 30, 2011).
3. The Concessionaire agrees to pay "**City**" in each Contract Month of the extended term of the Agreement revenues equal to
 - (a) Thirty five (35) percent of net Billings in each Contract Month payable consistent with the Terms set forth in the original Professional Services Agreement as set forth on or about June 14, 2006.
4. Entire Agreement. This Modification constitutes the entire agreement between "**City**" and "**Contractor**" regarding the subject matter herein, and the terms hereof are contractual. Except as expressly modified herein, the Agreement remains in full effect. Any further modification of the Agreement shall be reduced to writing and signed by the parties to be valid and enforceable.

NO OTHER CHANGES; ALL

By signature hereto, both parties agree to this modification as written.

Lamar Advertising

City of Albany

York Haines
Vice President, General Manager

Diane Taniguchi-Dennis
Public Works Director



TO: Albany City Council

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

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

DATE: June 9, 2011, for the June 22, 2011, City Council Meeting

SUBJECT: Award of Bid for WL-11-02, Shannon Drive Water Line Replacement

RELATES TO STRATEGIC PLAN THEME: A Safe City

Action Requested:

Staff requests that Council award this contract in the amount of \$190,810.00 to the low bidder, Pacific Excavation, Inc., of Eugene.

Discussion:

On June 1, 2011, bids were opened for WL-11-02, Shannon Drive Water Line Replacement.

There were nine bids submitted for this project, ranging from \$190,810.00 to \$303,912.45. The Engineer's estimate was \$212,000.00. A bid summary is attached.

Project Description

This project includes construction of approximately 1,565 linear feet of six-inch water line, and 1,130 linear feet of four-inch water line. The construction of the new water lines will replace existing three-inch and six-inch water lines that frequently require maintenance to repair leaks. These new water mains will significantly decrease the amount of service disruptions in this service area. Attachment 2 is a project vicinity map.

Summary of Total Estimated Project Costs

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

Project Components	Estimated Cost
I. Costs	
a. Engineering	\$ 28,900.00
b. Construction Management	\$ 10,000.00
<i>Engineering Subtotal</i>	\$38,900.00
II. Construction Costs	
a. Construction Contract	\$ 190,800.00
b. Contingency (10%)	\$ 19,100.00
c. Other Construction Costs	\$6,000.00
<i>Total Estimated Project Cost</i>	\$254,800.00
<i>Project Budget</i>	\$368,000.00
<i>Under/(Over) Project Budget</i>	\$113,200.00

Budget Impact:

This project will be funded from the North Albany Water Capital Charge (615-50-2310-86052).

CBG:kw
 Attachment

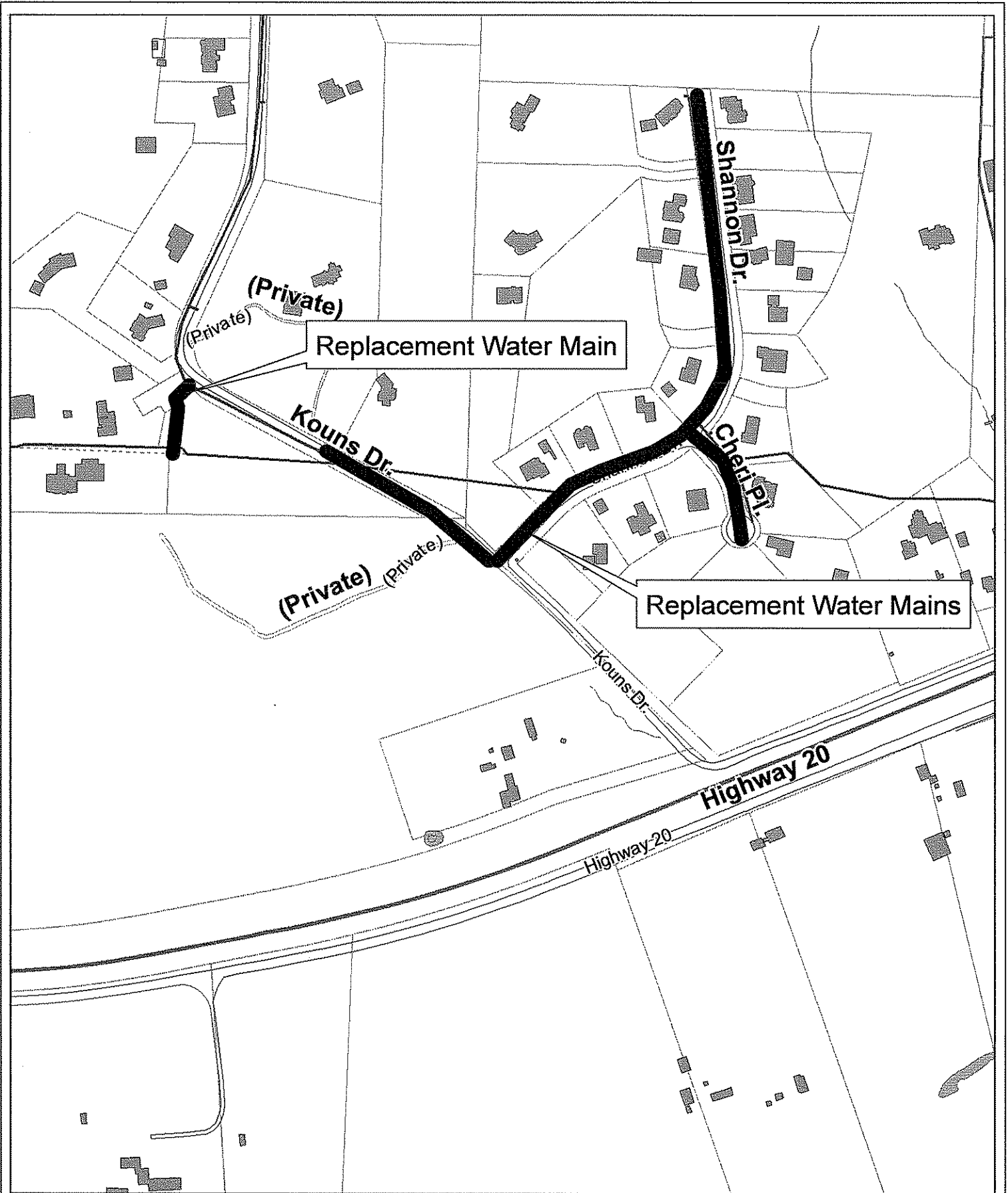


CITY OF ALBANY, OREGON
Public Works Department
Construction Contract Bids

Project: WL-11-02, Shannon Drive Water Line Replacement

Bid Opening: June 1, 2011

Engineer's Estimate	Pacific Excavation, Inc.	Kipco, Inc.	Edge	CG Contractors LLC
\$211,775.00	\$190,810.00	\$205,583.00	\$208,605.45	\$209,845.00
Halme Excavating, Inc.	Grimes Construction	Jim Smith Excavating, Inc.	H & J Construction, Inc	Tornado Soft Excavation, Inc.
\$213,840.00	\$218,361.00	\$222,847.00	\$237,614.75	\$303,912.45



**Attachement 2: Project Vicinity Map
WL-11-02 Shannon Drive Water Line
Replacement**



NOT TO SCALE



TO: Albany City Council
FROM: Sharon Konopa, Mayor *Sharon Konopa*
DATE: June 15, 2011, for June 22, 2011, City Council Meeting
SUBJECT: Appointments as City Council Representatives

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Council approval of the following appointments to fill the unexpired terms due to the resignation from Ralph Reid, Jr.:

Albany-Millersburg Joint Water/Wastewater Management Committee

Bill Coburn [*City Council*] (term expires: 12-31-2012)
(filling Ralph's vacant seat)

Sharon Konopa [*City Council*] (alternate) (term expires: 12-31-2012)
(filling Bill's vacant alternate seat)

Cascades West Area Commission on Transportation (CWACT)

Dick Olsen (term expires: 12-31-2011)

Linn-Benton Loop Commission

Floyd Collins (term expires: 12-31-2012)

Discussion:

None.


Budget Impact:

None.

SK:ldh

c: Diane Taniguchi-Dennis, Public Works Director
Irene Mann, Public Works Executive Assistant
Chris Bailey, Airport & Transit Manager



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Stewart Taylor, Finance Director 
DATE: June 15, 2011, for the June 22, 2011, City Council Meeting
SUBJECT: GAPS final obligations for Timber Ridge LIDs

RELATES TO STRATEGIC PLAN THEME: ● Effective Government

Action Requested:

Provide direction regarding the Greater Albany Public School District's (GAPS) final obligations for improvements and assessments associated with the Timber Ridge Local Improvement Districts (LIDs).

Discussion:

The City of Albany and GAPS entered into an intergovernmental agreement dated May 28, 2008, to provide for the management and construction of public improvements in the vicinity of the new Timber Ridge Elementary School. Because of the urgency of the district to complete the improvements, the project was divided into two LIDs. GAPS provided management of the design, construction, and interim financing for the north LID improvements under the terms of the intergovernmental agreement. The north LID was completed and assessments to the benefited properties were levied in June, 2010. GAPS was reimbursed by the City for project costs above the amount of its own assessment.

The City provided management of the design, construction, and interim financing for the south LID improvements. The south LID was completed and assessments to the benefited properties were levied in June, 2011.

Upon reconciliation of the total project costs for the two LIDs, it was discovered that GAPS had been reimbursed for project costs in the north LID that it did not pay. Those costs related to engineering services and administration provided by the City. The costs were properly included in the assessments but GAPS should not have been reimbursed for costs it did not pay. The result was an overpayment to GAPS of \$36,660. A summary of the costs is provided in the following table:

GAPS Final Obligations

Page 2

June 15, 2011

Timber Ridge North LID	
Project costs paid by GAPS	
Construction and design	3,471,951.22
Interest	185,693.00
Total	3,657,644.22
Less: GAPS assessment	(2,145,489.39)
Total to be reimbursed	1,512,154.83
Less: reimbursement 6/23/2010	(1,548,814.83)
Overpayment	(36,660.00)
Project costs included in assessment	
but not paid by GAPS	128,660.00
Percent attributable to other properties	28.49%
Total	36,660.00

A portion of the improvements in the south LID were managed and funded by GAPS in conjunction with the work completed in the north LID. Those project costs have been properly assessed in the south LID and offset the balance owed by the district for the south LID improvements that benefit the district. A summary of the south LID costs and the overpayment from the north LID is presented below:

Timber Ridge South LID	
GAPS Assessment	110,183.45
Less: project costs paid by GAPS	(87,493.43)
Balance owed South LID	22,690.02
Plus: overpayment from North LID	36,660.00
Balance owed	59,350.02

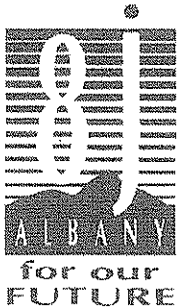
GAPS anticipated that a balance of the assessment for the south LID would be owed but was not anticipating a remaining balance owed from the north LID. Neither the City nor GAPS discovered the overpayment related to the north LID until the project costs of the south LID were also included. The remaining bond proceeds used by GAPS to fund their obligations have been committed to remaining projects and arbitrage requirements.

Budget Impact:

The overpayment of \$36,660 related to improvements in the north LID could be paid from City Street Capital Reserves or could remain an obligation of GAPS.

ST

c: Diane Taniguchi-Dennis, Mark Shepard



Greater Albany Public School District 8J

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June 17, 2011

Mr. Stewart Taylor, Finance Director
City of Albany
PO Box 100
Albany, OR 97321

Dear Stewart:

We have reviewed our records going back to the formation of the LID in 2008 and have the following comments relative to the Council Staff Report:

1. School District Obligation for South LID — During formation of the LID the City said the District would only be assessed a portion of the roundabout costs, all other costs (road, sewer, water, etc.) would be borne by others. The bids came in well under budget and the project had virtually no change orders. Accordingly District staff partially discounted the District's future obligation. When the District received the final report on the South LID the overall project came in over 24% under budget, however the roundabout portion of the project came in as budgeted, hence no discount on District obligation. The assessment for the South LID is correct and there is no argument with the final figure. Regrettably, detail information was not available earlier and an incorrect assumption was made.
2. School District Obligation for North LID — This one is stickier. Going back to the formation of the LID the City stated there would be administrative costs but did not have a budget figure for this. When the District received the staff report for the North LID with final costs the administrative costs were not identified; they were in the project cost total. Further, as no assessment of these administrative costs were identified, these items obviously caused confusion to all parties. That said, with the most recent information provided to the District, the District is able to calculate the figures you identify in your staff report.
3. Conclusion — There are several factors that need to be considered before the District is charged the additional costs. First, the District paid the entire cost of the road before reimbursement. During negotiations with the City to establish the final cost of the project, City staff disallowed several items of cost incurred by the District totaling about \$64,000, mainly changes encountered during construction. The District expended these additional funds with no reimbursement, even though we thought they were legitimate. Also, the late notice on this, a year later, will cause the District great hardship. After we finalized the reimbursement for the North LID and set aside funds for the District obligation for the South LID, the District completed additional bond projects assuming these reimbursement funds were available. There is virtually no bond funds remaining to pay this obligation and payment would likely have to come out of already stressed District operating funds.

Bottom Line: Taking into account the District's unreimbursed costs associated with the road, the late notice of the additional LID obligation, and the resulting impact to District finances, it is my recommendation that the City utilize city street capital reserve funds (as identified in your memo) to pay for the non reimbursed costs incurred on the road.

Respectfully,

Russell Allen
Director of Business

Unprecedented Achievement