



NOTICE OF PUBLIC MEETING

**CITY OF ALBANY
CITY COUNCIL
Council Chambers
333 Broadalbin Street SW
Wednesday, August 10, 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

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. OATH OF OFFICE FOR NEW WARD II-A COUNCILOR MEMBER
4. ROLL CALL
5. SCHEDULED BUSINESS

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.

- a. Communications
 - 1) Accepting resignations from Roz Keeney and Heidi Overman from the Landmarks Advisory Commission. [Pages 1-2]
Action: _____
- b. Business from the Public
- c. Adoption of Consent Calendar
 - 1) Approval of Minutes
 - a) June 20, 2011, City Council Work Session. [Pages 3-6]
 - b) July 11, 2011, City Council Joint Meeting with Benton County. [Pages 7-11]
 - c) July 18, 2011, City Council Joint Meeting with Linn County. [Pages 12-16]
 Action: _____
- d. Award of Bids
 - 1) W-08-01, Valley View Reservoir seismic improvements. [Pages 17-20]
Action: _____
 - 2) WL-11-01-B, Broadway Reservoir mixing improvements. [Pages 21-24]
Action: _____
- e. Approval of Intergovernmental Agreement
 - 1) ST-12-01 Jackson Street Reconstruction – Surface Transportation Program fund exchange. [Pages 25-32]
Action: _____
- f. Reports
 - 1) Receiving Code Enforcement Team Fourth Quarter Report for Fiscal Year 2010-2011. [Pages 33-35]
Action: _____
 - 2) November and December 2011 Council Meeting Dates. [Page 36]
Action: _____

g. Appointments

1) Landmarks Advisory Commission. [Pages 37-41]

Action: _____

6. BUSINESS FROM THE COUNCIL

a. Dog ordinance work group update. (Mayor Konopa) [verbal]

7. NEXT MEETING DATE: Work Session August 15, 2011
Work Session August 22, 2011
Regular Session August 24, 2011

8. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net

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

Hyde, Laura

From: Catlin, Anne
Sent: Wednesday, August 03, 2011 12:36 PM
To: Hyde, Laura
Subject: FW: Vacancies on LAC

August 3, 2011

To whom it may concern,

It is with deep regret that I must terminate my position as an Albany Landmark Commission member. I have moved to Corvallis and no longer reside in Albany so no longer meet the requirement for membership. I have enjoyed serving the city in the capacity of a citizen reviewing rehabilitation projects and assisting historic property owners who live in the wonderful historic buildings in Albany, as well as working with Anne Catlin and the other commission members on workshops and public outreach to help protect Albany's historic built environment.

Although I now live in another city my heart will always remain in Albany and I will forever be appreciative for all the wonderful opportunities and memories I've had while living in historic houses and working with the historic community.

Thank you for letting me help preserve one of Albany's best cultural features. Best to all and may the city continue to protect and work to spotlight its historic heritage.

Sincerely,

Rosalind Keeney

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Hyde, Laura

From: Catlin, Anne
Sent: Wednesday, August 03, 2011 5:02 PM
To: Hyde, Laura
Subject: FW: one of you needed for a quorum

Here is Heidi's resignation

Anne Catlin, AICP

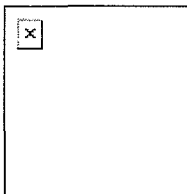
From: Heidi Overman [<mailto:heidi.overman@comcast.net>]
Sent: Wednesday, August 03, 2011 4:46 PM
To: Catlin, Anne
Subject: RE: one of you needed for a quorum

Anne,

After a number of years of being on the Landmarks Advisory Commission, I have to step aside. It has been a good journey along the way & I have been pleased to serve alongside my fellow commissioners, as well as yourself! Unfortunately, due to my overwhelming schedule demands at the present time, I am hereby resigning my seat.

I'm proud to have had the opportunity to help protect & preserve our local historic resources. If my schedule will allow it in the future, I would be more than happy to serve once again.

Best Regards, Heidi Overman



ARTISAN DESIGN WORKS, LLC
COMMERCIAL & RESIDENTIAL BUILDING DESIGN
Heidi Marie Overman
1120 12th Ave. SW, Albany, Oregon 97321
503.884.2772

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CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, June 20, 2011
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:02 p.m.

ROLL CALL

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

Councilors absent: None.

BUSINESS FROM THE PUBLIC

There was no business from the public.

ECONOMIC INDICATORS TSDC/ANNUAL ADJUSTMENT

Assistant Public Works Director/City Engineer Mark Shepard said there are two items for discussion: economic indicators to use in considering rate increases to Transportation System Development Charges (TSDCs) and an update on SDCs.

Economic & Financial Analyst Ray Bartlett handed out a document titled *Table A.1 Annual Forecast* (see agenda file). Bartlett reviewed the document and commented that this was an interesting task since the Council is only considering a TSDC rate increase. Generally, Oregon follows the same trends that are experienced nationally or regionally, but not locally. The smaller the geographic area is, the harder it is to predict, so we go back to the basics. The question the Council wants answered is, how do we know if the economy is improving? Bartlett said there are two indicators: the quarterly state report that predicts states revenues off of the income tax, and a line called "housing starts." So long as employment and income in the state as a whole are going up, it is safe to assume that the economy is getting better. Albany's businesses are the types that drive the economy.

Bartlett said these two indicators are available quarterly, but he suggests looking at it annually since all the Council needs to know is if both indicators are going up.

Councilor Bessie Johnson arrived at 4:08 p.m.

Councilor Floyd Collins commented that this method won't measure the percent of the increase. Bartlett said that is correct; but the City's projected rate schedule is already set at 20% each year and the question isn't how much to raise rates, but whether to raise them or not. This is a simpler method. It is possible to determine a measure of the magnitude of economic growth or decline, but that would be complicated and expensive.

Bartlett said he does not think that TSDC fees will determine whether or not building takes place. The development process happens long before a developer would take out a building permit, so that step is not likely to stop a project. The more information the City provides about the cost to put the final product on the market, the better it is for the developer because they can make other adjustments. The cost of TSDC fees do not influence whether a development takes place at all, but rather, it would influence the size of what gets built.

Collins said that on a \$250,000 project, the cost of the permit is less than 3%; but even such a small component generates a lot of emotion in the building community.

Collins asked, do other jurisdictions use these indicators? Bartlett said he has not seen any that do. He has seen other agencies phase in fee increases, but not by using an index such as this.

Councilor Jeff Christman said he wants to come up with something tangible to indicate when the right time for the increase is, because the Council heard from local builders during the public hearing that now is not the right time.

Bartlett said there has been discussion about the housing market and how the economy tanked as a result. A recent news article said that unemployment is the number one indicator of whether a housing market has hit bottom.

Collins asked, to what degree are permit fees a positive or negative signal? Bartlett said, if the City is providing services as effectively as possible, which is the government's role, then that is good. Development policies that are too tight are probably the biggest deterrent. In fact, regulatory issues are likely to have a bigger impact on building activity than fees do. Regulations should be justifiable and reasonable.

Collins asked, have you seen communities that do not adopt TSDCs and make the development community pay 11%? Bartlett said no.

Civil Engineer III Jeni Richardson said the TSDC will come back to the Council in March. Other issues for SDCs are to consider the Engineering News Rating (ENR) adjustment from the previous year and use that to ramp up the SDCs and connection charges. Last year it did not increase and actually one of the indicators was negative, so the two year adjustment would be .05%.

Richardson asked, do you want staff to bring a Resolution for water SDC-r and SDC-i to increase rates by .47 %, and set a public hearing, while holding the line on the other SDCs? The Council agreed.

Staff will bring back the recommended economic indicators to a meeting in spring 2012.

Staff will prepare a resolution and schedule a public hearing on water SDC increases in July.

SMALL BUSINESS DEVELOPMENT CENTER MICROENTERPRISE REQUEST

Barbara Bessey, the Director of Small Business Development Center (SBDC) at the Linn Benton Community College (LBCC), introduced herself. She is here for two reasons: to tell the Council what is happening in the SBDC, and to talk about the micro enterprise program.

Bessey gave a PowerPoint presentation (see agenda file).

Christman asked how much the SBDC will charge to launch a business. Bessey is not sure but thinks it will probably be \$300-350. That revenue will be used for speakers, etc. and is not figured into the budget request she is making tonight. The total cost to run the program is \$62,000 and she asking for \$20-25,000 from the City of Albany.

Collins asked how many new jobs were created by the 75 successful businesses launched. Bessey is not sure but will find out. She pointed out that it does create at least one job. Collins said the total number of jobs created would be relevant because it shows the return on investment.

Councilor Dick Olsen asked, are all the business still operating successfully? Bessey said, not all of them. From those that launched in 2009-2011, five or six are still in business because she and her staff continue to work with them. If they can establish a good relationship with the students in the micro business class, it can last throughout the life of the business.

Collins asked, with large employers laying people off, have you seen an increase in folks applying for the program? Bessey said yes; many are not finding jobs so are deciding to start a business instead. They now have 12 LBCC Advisors to work with students. The goal is to get as many small businesses connected as possible.

Collins asked, are larger industries being mentors? Bessey said yes, they have partnerships for food processing and bio science work through National Frozen Food and Oregon Freeze Dry. Tech Labs have also been great partners.

City Manager Wes Hare reminded the Council that they set aside PepsiCo settlement funds for economic projects, which is an option in this case. Or, the City is also approaching Metropolitan Planning Organization (MPO) status which would make the City eligible to receive the same sort of funding that Corvallis has been receiving and passing on to this particular program. Bessey said that the Corvallis money is tied to low-income, which means that students must be at 85% of poverty level. She would like to serve middle-income too, so the limits that come with how the money can be spent, is important.

Christman asked, are you looking for long-term funding? Bessey said yes. They are also looking to private foundations, but in the meantime she has waiting lists of folks who want to start the program in September. She has money for one term only.

Christman would like to know the total of how many jobs have been created, beyond the first job of the business owner. He wants to know if there are second and third persons, for example, drawing paychecks.

Councilor Bill Coburn said he sees the value in the program but is concerned about making a long-term funding commitment. Bessey said Community Development Block Grants have traditionally funded this type of program, and is what Corvallis had funneled to the program; but those funds are going away.

Collins is sympathetic to the program and appreciates the pursuit for long-term financing. He is asked all the time by citizens what is being done to stimulate the local economy.

Coburn asked if Bessey has considered charging a fee that would be paid back by the business owner when they get their business going. Bessey said they have not done that. Because they are using federal funds they cannot charge for advising, though they can charge reasonable fees for instructors or materials.

Bessey will come back with more information.

REVISION OF ALBANY MUNICIPAL CODE 7.08 RELATED TO CONSTRUCTION NOISE

City Attorney Jim Delapoer explained that Walmart is required by the state to do traffic improvements along I-5 but can only work at night in order to have the least impact on traffic. Delapoer reviewed the current ordinance that restricts noise.

Shepard clarified that the work is being done on the I-5 interchanges but Walmart wants to use their construction site as a stockpile for gravel and other materials, which would create noise for the Coastal Crossings neighborhood.

Delapoer said there are two distinct issues: changes to the ordinance regulating noise, and then whether to accept or reject the application from Walmart that is requesting an exemption to the ordinance.

Shepard said that staff's recommendation is to reject the current Walmart application for an exemption because it is not specific enough. Staff hopes Walmart will resubmit the application with more information to further describe how they are mitigating the noise. Staff has also asked them to consider some alternate sites for the stockpile.

This item is scheduled for the next Regular Session. Delapoer cautioned the Council that they should discuss the ordinance separate from Walmart's application for an exemption, as they are two different agenda items.

The Council discussed how the ordinance would be applied to specific scenarios and recommended some minor adjustments to the verbiage.

Collins described the complaints he got over the weekend from constituents about noise from helicopters. Noise level regulations are also in the Development Code; those are based on Department of Environmental Quality standards. Staff offered to contact the helicopter vendor to discuss the complaints.

Johnson was pleased that the Council is looking out for the residents of Coastal Crossing and hope residents get that message.

PROCESS FOR FILLING WARD II COUNCIL SEAT

Konopa reviewed the staff memo. The Council discussed the process for filling the vacant seat. Interviews were tentatively scheduled for August 3, 2011. The deadline for applications is July 21, 2011. The vacancy will be advertised in the local media and on the City's website.

CITY MANAGER REPORT

Goal 5 Public Hearing Schedule

Hare said that Planning Manager Heather Hansen is proposing that in light of the recent Council action to hold a public hearing on Goal 5, it would be more beneficial to hold a work session so that there could be more interaction than what a public hearing would provide. Hansen thinks folks would like the opportunity to talk to the Council rather than staff. Hansen said they would also invite representatives from state agencies so that questions could be answered in a timely manner.

The Council discussed opening the public hearing on July 27, 2011, and continuing it to another date. Discussion followed.

The Council asked staff to schedule a work session on Goal 5.

Other Business

Hare said there is a memo on the dais, dated June 8, 2011, regarding the Request for Funds from Greater Albany Public Schools (GAPS) (see agenda file). If the Councilor's want changes made to the memo, they should let Hare know.

The Council discussed how an easement is better than a lease in regards to use of the Timber Ridge School gymnasium.

Hare said there is a new issue involving GAPS that will also be coming to the Council, regarding the Local Improvement District (LID). After staff review of the northern LID assessments, it was determined that the City over-reimbursed the school district by about \$36,000. The net result is that GAPS owes the City \$36,000, but they have already finalized their bond using the numbers that were provided for close-out costs. It would be a hardship for GAPS to come up with the money now; however, the City would like to recuperate the costs.

Hare pointed out that the City collects excise taxes on behalf of GAPS, which GAPS could use for this shortage.

This item will be on the agenda at the first Regular Session in July.

COUNCILOR COMMENTS

Christman asked how long the video that is scheduled for the next Regular Session will be and what the purpose is. Staff said it is about the dog "Blue", and the same video is posted on the *Albany Democrat-Herald's* website. Hare said that staff received a request prior to the last meeting to have the video shown during Business from the Public but there was not time to add it to that particular agenda, so staff told the requestors that it could be added to the next meeting. Typically staff will honor requests to put items on the agenda unless the material is inappropriate.

Christman thinks the "Blue" case needs to run its course through the legal system. Discussion followed.

ADJOURNMENT

There being no further business, the Work Session adjourned at 6:23 p.m.

Respectfully submitted,

Mary A. Dibble, MMC
Deputy City Clerk

Reviewed by,

Stewart Taylor
Finance Director

JOINT MEETING
of
BENTON COUNTY COMMISSIONERS
and
ALBANY CITY COUNCIL
Municipal Court Room
Monday, July 11, 2011
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:01 p.m.

ROLL CALL

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

Benton County Commissioners present: Chair Linda Modrell; Vice Chair Jay Dixon; and Annabelle Jaramillo
Benton County Commissioners absent: None.

The Benton County Commissioners introduced themselves. The staff and audience introduced themselves.

Councilor Jeff Christman arrived at 4:02 p.m.
Councilor Dick Olsen arrived at 4:03 p.m.

BUSINESS FROM THE PUBLIC

There was no business from the public.

Report from Benton County Sheriff regarding need for new jail

Benton County Sheriff Diana Simpson passed out a PowerPoint (see agenda file). Simpson said that the jail is "the tail that wags the dog." In other words, they have a great system but there is no "truth in sentencing." Sentencing is ineffective, because what happens in the courtroom depends on how much space the jail happens to have at that moment.

Simpson described how the two holding cells are used at the jail. This is choke point and creates the most problems. The jail purchases frozen meals from the Washington Department of Corrections and supplements those meals with local fruit, vegetables, and milk. Inmate workers prepare the meals. The kitchen is very small. By law, the Benton County Jail is obligated to make sure the inmates get a nutritionally sound meal. Laundry service is contracted out. The Day Room is used for eating and also for meetings in the afternoon.

Simpson said she is committed to work hard to educate the public about the need for a new jail. The Willamette Criminal Justice Council (WCJC) has a lay committee and they are focusing on this as well. She went to the recent North Albany Neighborhood Association (NANA) meeting and gave a small presentation. She is willing to visit other groups as well.

Konopa said that Simpson's presentation to the WCJC did not include the pictures of the inside of the jail. The pictures Simpson presented tonight have a strong visual impact and would be good to include in future presentations.

Konopa asked Simpson to speak to the design plans. Simpson said jails are being designed and built differently today than 10-20 years ago, and costs are coming down. For example, there is no need for low ceilings. Also, to a certain point they need sturdy walls but they are not necessary for higher floors. There are different ways to

build chase systems and run electrical and plumbing. Currently the jail's plumbing is underground so any blockage means going through cement to remove it.

Simpson's vision is an 80 bed jail, with 20 beds for work release. They are building a program room that could convert to work release, so it has a dual use. Simpson thinks a lot of folks end up in jail because they made a mistake; and about 80% are drug or alcohol related, so she would like treatment units. She would also like a medical unit so that the mentally ill can have a safe place that is confined, in order to calm down. She said, we are spending millions each year to rent beds outside of Benton County, and instead we could be using those dollars here. She would also like to have programs for children with incarcerated parents in order to try to stop that familial cycle.

Councilor Bessie Johnson asked, would 80 beds be enough for the future? Simpson said 80 beds plus 20 for work release would give them more truth in sentencing and would be a manageable number.

Johnson asked, when your inmates are housed at another jail and have court appearances, does your staff have to go pick them up? Simpson said yes, and it is expensive to do that. Johnson said it is too bad they can't do video arraignment.

Johnson said she does not envy having to choose who stays and goes when the jail is at full capacity. Simpson said at one point they had six inmates facing murder charges. Many times those living in Albany think folks go to the Linn County Jail, but that is not always the case; they sometimes go to Benton County. If someone has a 13 month sentence or more, they go to state facilities and for sentences less than that, they stay local.

Simpson said Benton County plans to go out for another public safety levy.

Benton County Commissioner Annabelle Jaramillo commended Simpson and the Sheriff's Office for the work they do. She said, the Commissioners are supportive of a new jail, but the citizens have to understand the need for it.

Simpson said that once a month the jail is open so that the public can take a tour. She thanked the Council for inviting her today.

Konopa said the Council is staying in the loop with the WCJC so that they are aware of what bonds will be forwarded to the voters.

Discuss East Thornton Lake Natural Area

Parks & Recreation Director Ed Hodney passed out the Update on East Thornton Lake Natural Area (ETLNA) (see agenda file). Hodney introduced Jeff Powers, Director, Benton County Parks and Natural Areas.

Hodney reviewed the document. The goal for this project is the protection of natural resources for endangered species along with meeting recreational goals in the City's Parks Master Plan. This site does both, and additionally pays attention to the cultural and historical resources.

Hodney gave an update on the fundraising, as described in the handout. The City owns the ETLNA property but still owes \$1 million to the Trust for Public Land and has until March 2012 to pay the bill. Fundraising is under way. Staff has applied for a state parks grant and Hodney will know more on July 20. The Oregon Water and Electric Board (OWEB) has a \$250,000 grant for acquisition; the City applied for it, but ETLNA is not normally the type of project they fund. Also, there is \$100,000 pledged in private funds. Citizens have raised \$26,000 so far. There are several other fundraising events planned.

Hodney provided a colored map (see agenda file) that shows tentative use and habitat zones. This gives a rough idea of what goes where. The cultural resource assessment will tell them what areas to avoid based on Indian artifact sites.

Hodney said at the July 13, 2011, Regular Session, staff will make a formal request for a turtle populations study and management plan.

Hodney would like to discuss a partnership between the City of Albany and Benton County on the ETLNA site and perhaps other sites in North Albany, so that both agencies can work more effectively together than if they were working separately. Albany Parks & Recreation staff know how to take care of urban parks but are not experienced in habitat management, whereas Benton County Parks' employees have that expertise. Hodney envisions a reciprocal role in ETLNA and possibly North Albany Park, which is a Benton County facility.

Powers said that ten years ago Benton County put a much larger emphasis on the management of natural areas and parks. They have moved towards doing a comprehensive plan update over the last year and a half by going out to the public. They have spoken to residents in North Albany to present the balance they are trying to strike. Residents said they appreciate that balance. Powers said they did a habitat conservation plan to speak to their goal of managing parks and promoting natural resource values. They also tell citizens how to promote habitat on their own properties. ETLNA has values that are complimentary to Benton County's values. The North Albany Park is an older park and it will be looked at as part of the next Master Plan update. Powers agreed with Hodney that it is good to take this opportunity to consider shared capital development and operation and maintenance costs, to see if there are better efficiencies. For example, they could trade mowing for habitat expertise.

Johnson pointed out that Albany is not just North Albany; there are many more citizens in this city. The comments and interests of all the citizens should be considered. Hodney affirmed that his role is to address the needs for all the citizens of Albany.

Councilor Bill Coburn said that the Grande Ronde Indians and Oregon State University (OSU) were at one time interested in ETLNA. He asked, have you asked them to donate? Hodney said OSU does not have a funding mechanism to donate, but they will be involved in research. The Spirit Mountain Community Fund, the funding arm of the Confederated Tribes of the Grande Ronde, typically doesn't fund acquisitions but do cultural resource surveys, natural resource surveys, and educational programs. Additionally, they may want to help build the Kalapuya Interpretive Center.

Benton County Commissioner Jay Dixon asked, what about the development costs? Hodney said they don't have that yet, but at some point they will need to come up with a funding strategy. Hodney thinks they will get more interest from funders once the property is purchased.

Konopa described the pavers that the North Albany Neighborhood Association (NANA) is selling to raise money. NANA member Bill Root said the pavers range from 6" x 6" to 12" x 12". They were displayed at the recent ETLNA barbecue fundraiser and will also be available for sale at the Saturday Market. Konopa said they are also on the City's website and it would be nice if Benton County added it to their website as well.

Hodney said staff from both agencies will work up a draft intergovernmental agreement (IGA) and bring it forward to both bodies, if that is the consensus of the Board and Council.

Jaramillo likes the concept of providing habitat corridors. It creates connectivity for wildlife and as development pressures occur, those will be cut off. It is important to get those in place now.

Dixon is supportive of working together. He said, our constituents appreciate governments that work together, especially when it saves money.

Konopa pointed out that Thornton Lake is the last natural lake in North Albany; all the others are manmade.

Benton County Commissioner Linda Modrell said that in Benton County there have been projects that have taken more than a decade to open, so it is important to have a plan ready to to enact when the financial opportunities do become available. She said she does recognize what Johnson said about considering all of Albany and she would like to get some feedback about what the rest of the citizens might like to see.

Konopa said ETLNA is complementary to Talking Water Gardens. Albany would have a second natural area in the city.

The council and the board directed the staff to construct a draft IGA for review by both bodies at future meetings.

Report on meeting Goal 5 requirements in Albany and the county

Community Development Director Greg Byrne gave an update about Goal 5, the state's goal for natural resources. Albany staff has been coordinating with Benton County staff to receive their comments. Goal 5 is part of Albany's periodic review program and the work has been ongoing for some time.

Byrne said that under Goal 5 they must address riparian areas, wetlands and significant wildlife. The process started some years ago with a Natural Resource Committee (NRC). The NRC made recommendations which were tabled for awhile. More recently those recommendations were revisited and presented to the public, but there was not much support. Next, staff considered using the state's "safe harbor" option, but through the public process found that they were very inflexible and difficult to apply in an urban setting. The third option was Environmental, Social, Economic, Energy (ESSE) analysis, which focused on significant wetlands around Oak Creek, the Calapooia River, and the Willamette River. There are public hearings in August and September for the ESSE regulations.

Modrell asked, what is the ESSE analysis? Byrne described that it allows for the analysis and the balancing of many factors to decide if the area should be fully, or less, protected.

Jaramillo asked what Linn County is doing about riparian areas. Byrne said Linn County has a stronger program than the City is proposing; their setback is 50 feet over all riparian and wetlands. Byrne said he thinks that that is appropriate given the rural nature of Linn County; and moving into the city, he thinks Albany's proposed setbacks are appropriate.

Modrell asked how the transitions work from one side of the street to the other, from urban to rural. Byrne will work with Linn County to see how they are doing that. Discussion followed.

Jaramillo said they also need to discuss qualitative factors for water quality and quantity, and what the communities want.

Report on managing personnel benefit costs

City Manager Wes Hare said that Modrell asked him to speak to how the City has managed personnel costs. Hare referred to an e-mail he received from Human Resources Director David Shaw. It said that the "average salary report" for October 2010 showed that for regular employees the total was \$1,943,999. For June 2011, the City's total was \$1,900,321, which is a difference of \$43,678 per month. In other words, the City has reduced its payroll by \$524, 136.

Hare explained how Albany reduced the number of employees through attritions and some layoffs, but mostly through the Voluntary Separation Incentive Program (VSIP). The City also changed health care plans and saw savings that way. Hare said the City is bound by PERS and union contracts and is unable to find savings in those areas. The two main tools that have been successful were to reduce the number of employees and health care savings.

Hare explained the VSIP detail. VSIP is also beneficial for providing for succession planning. While the program is voluntary, it is not necessarily open to all employees; staff used spreadsheets to make decisions about where to offer it and the savings particular vacancies would create. Hare said they made a heavy investment in evidence-based management, by doing things differently to get a better outcome and to still provide effective services.

Jaramillo said the big challenge is to communicate with the public about how agencies are cutting back on employees and still providing service. She doesn't think local agencies do a good job explaining that. Hare said that the risk of appearing that you are doing more with less staff, is that the public assumes you started out with too many employees. But there are real impacts to having fewer employees. For example the rating that is used by the insurance industry to set rates for Albany citizens dropped, because fire staffing levels are low. This impacts some homeowner insurance rates and is a direct result of a reduced staffing level.

Johnson pointed out that for the employees left behind, the work doesn't go away; they just have more of it. The public has to feel the difference, otherwise they tend to think there were too many employees before.

Konopa commended City staff for coming up with VSIP. It is a creative way to reduce the costs. She agrees that we may still be providing the service but it definitely creates more demand on the staff that remains.

Councilor Jeff Christman said the challenge is to make it clear to the community about what our priorities are. We need to communicate that better. Hare said, we did spend effort doing so but it is a tough message to get across. Our Strategic Plan and the Budget process shows where the money goes: 80% of the General Fund goes to Police and Fire, for example. Unfortunately, it is the more unusual issues that get the press' attention.

BUSINESS FROM THE COUNCIL AND THE BOARD

Johnson thanked the Benton County Board of Commissioners for meeting with them. Jaramillo thanked Albany for the invitation, as it is important to get together.

Modrell asked for a timeline for the IGA. Hodney will provide a structure.

Councilor Dick Olsen said that Albany is Benton County's second largest city, so he is pleased to hear that they are excited about ETLNA.

Konopa appreciates that Benton County is supportive of other city projects, not just those in North Albany.

Jaramillo noted that the Benton County Fair will be the first week in August.

ADJOURNMENT

There being no further business, the Work Session adjourned at 5:39 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
Deputy City Clerk

Stewart Taylor
Finance Director

Approved by Linn County: 8-3-11

Approved by City of Albany: _____



**MINUTES OF THE JOINT WORK SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
AND
ALBANY CITY COUNCIL
LINN COUNTY COURTHOUSE, BASEMENT MEETING ROOM
4:00 p.m., Monday, July 18, 2011**



The Linn County Board of Commissioners and the Albany City Council met for a Joint Work Session on Monday, July 18, 2011.

Those present for the matters as indicated below were: Linn County Commissioners Roger Nyquist, Chairman, John Lindsey, Vice-Chairman and Will Tucker; Ralph Wyatt, Linn County Administrative Officer; Jason Carlile, Linn County District Attorney; Mark Noakes, Linn County Assessor/Tax Collector; Darrin Lane, Linn County Roadmaster; Sharon Konopa, Mayor, City of Albany; Albany City Councilors Dick Olsen, Floyd Collins, William Coburn, Bessie Johnson and Jeff Christman; Wes Hare, Manager, City of Albany; Mark Shepard, Assistant Director, Albany Public Works Department; Ron Irish, Transportation System Analyst, Albany Public Works Department; Heather Hansen, Senior Planner, Albany Community Development Department; John Bradner, Albany Fire Chief; Marilyn Smith, Management Assistant/Public Information Officer; John Pascone, President, Albany-Millersburg Economic Development Corporation (AMEDC); Janet Steele, President, Albany Area Chamber of Commerce; Wolf Dyner; Ray Kopczynski; Bekkie Snyder, Recorder for the Board of Commissioners and Hasso Hering, Editor for the Democrat-Herald.

A. CALL TO ORDER: At 4:03 p.m. Board Chairman Nyquist called the meeting to order.

B. PLEDGE OF ALLEGIANCE.

C. INTRODUCTIONS:

1) Introduction of City Council Members & Staff – Sharon Konopa, Mayor.

2) Introduction of Board Members, Elected Officials & Staff – Roger Nyquist, Board Chair.

D. BUSINESS FROM THE PUBLIC: There was no one present from the public wishing to use this forum.

E. REPORTS and DISCUSSION:

1) Community Crime Trends – Jason Carlile, Linn County District Attorney.

Mr. Carlile presented a handout entitled "Top 10 Felonies and Misdemeanors" (Exhibit 1). He stated that seven defendants are under indictment for murder. Mr. Carlile reviewed the information with the Board and City Council Members. Discussion followed.

2) Albany Police Facilities – Wes Hare, Manager, City of Albany

Mr. Hare gave a brief report on the current police facility. He mentioned that, after Council approval, consultants would be hired to do a site plan for the property on Highway 99 where the new facility would be located.

Commissioner Nyquist stated that the County would be interested in discussing the possible purchase of the current facility; however, the County and City would need to sit down and negotiate terms.

3) I-5 Interchange Project – Roger Nyquist, Board Chair.

Commissioner Nyquist passed out maps (Exhibit 2) from ODOT regarding this project and went over the information with the Board and City Council members.

Mayor Konopa noted that ODOT has had several meetings with neighbors regarding the I-5 Interchange and had addressed neighbors concerns. She stated that a meeting would be scheduled between ODOT and the City Council to go over the plans.

4) Road Transfer Intergovernmental Agreement – Roger Nyquist, Board Chair.

Darrin Lane, Linn County Roadmaster, stated that the Intergovernmental Agreement has worked well. The agreement was used recently for Clover Ridge and Grand Prairie Roads. The funding was also used in lieu of repair or reconstruction on Lochner Road, Ellingson Road, Columbus Street, as well as, Knox Butte Road.

He noted that, in the future, the Goldfish Farm Road project would need to be finished. There are right-of-way issues, as well as, development problems on that project. A temporary improvement was made which widened the roadway about three feet. Mr. Lane stated that the Intergovernmental Agreement works well. Discussion followed.

5) International Paper (IP) Negotiations (Albany & Millersburg) – Wes Hare, Albany City Manager.

Mr. Hare stated that the City has an interest in what happens at the Millersburg site. Albany has tried to work with the City of Millersburg regarding the waste water treatment system that belongs to IP. John Pascone, President, Albany-Millersburg Economic Development Corporation (AMEDC) stated that negotiations are ongoing regarding the IP waste water system, and there is a draft agreement with IP that would turn over the system to the City of Millersburg. IP is dismantling the facility and wants to be out by the middle of next year. Discussion followed about the buildings on the property.

6) Economic Development Report – John Pascone, President, AMEDC.

Mr. Pascone stated that several State and local projects have come through in the last couple of months. He reviewed those projects with the Board and City Council Members. He mentioned that AMEDC is part of a food processors group that got a USDA grant to work on the food processing industry.

Floyd Collins, Councilor, noted that, as the economy starts to recover the City has some assets that other communities don't have; such as water and waste water capacity, as well as, easy access to I-5. Mr. Pascone stated that few communities could offer that amount of water or waste water capacity.

7) Council of Governments Wetlands Project – John Pascone, President, AMEDC.

Commissioner Nyquist handed out a map that showed prime industrial land in the Wetland Mitigation Project (Exhibit 3). The "red" indicated property owners that submitted an application to participate while the "yellow" indicates projects where an application would be submitted. Mr. Pascone stated that the project was now called "The Industrial Land Readiness Project". This is a project to identify industrial sites in the areas of Adair Village, Albany, Corvallis, Lebanon, Millersburg and Tangent. There are 40 sites on the list with Albany and Millersburg having 18 of the 40 sites. Mr. Pascone explained that the idea was to find out what the wetland problems were on these sites and to come up with a regional general plan. Twenty of the 40 sites would be chosen to do work on.

Mr. Pascone passed out a paper entitled "Evaluation of Prime Industrial Sites" (Exhibit 4) and reviewed the information.

Mr. Hare stated that a discussion would be held at a regular Council Meeting on September 12, 2011 about the use of the Pepsi money that was set aside for economic development. He asked the Board to send him any ideas they might have on this issue.

8) Property Valuation Trend, Impacts on Compression – Mark Noakes, Linn County Assessor/Tax Collector.

Mr. Noakes stated that valuations are down and compression is up. He is finishing up a ratio study on existing property. In 2006, there were 2,776 sales that went into the study. For 2010, there are 942 sales and for the first three months of 2011, there were only 181 sales in the County. He noted that the City of Albany had lost \$198,000+ to compression in 2009; in 2010, they lost \$368,000. The number of accounts under compression in the County went from 19,326 up to 21,000. He's expecting that number to go up to 23,000 plus. During that same time frame, the County had a \$1.33 million compression loss in 2009. In 2010, it went up to \$2.2 million. He anticipates the loss could be as high as \$3 million this year. He stated the only good news was that new value estimates for the County were probably underestimated.

9) Oak Creek Refinement Plan – Heather Hansen, Senior Planner, Albany Community Development Department.

Ms. Hansen passed out maps (Exhibit 5) that cover a conceptual project entitled the "South Albany Area Study". Most of that area is farmland. She stated that the City had received an Integrated Planning Grant for \$180,000. A consultant has been selected. Ideally, this would remove barriers and provide more certainty so the City would have a good idea of what should be focused on first. She noted that two committees would be formed: a Technical Advisory Committee and a Project Committee. Robert Wheeldon, Linn County Planning and Building Director, would be a member of one of the committees.


10) Acknowledgement of Ralph Reid's Service to the County & City.

Commissioner Nyquist stated that Councilor Reid had represented the City very well. Mayor Konopa and Councilor Johnson spoke briefly about Mr. Reid. City Manager Hare stated that Mr. Reid enjoys receiving visitors, but you should call before dropping by.

F. BUSINESS FROM THE COUNCIL AND THE BOARD:

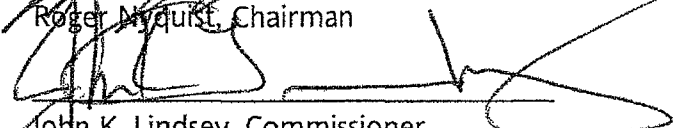
Jeff Christman, Councilor, stated that he appreciated getting together with the County. Mayor Konopa hopes that the City and County can continue to meet periodically.

G. **ADJOURNMENT:** There being no other business to come before the Board and the City Council; the Joint Work Session meeting was adjourned by unanimous consent.


Recorder
For Board of Commissioners
Bekkie Snyder

LINN COUNTY BOARD OF COMMISSIONERS

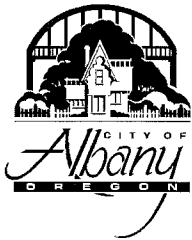

Roger Nyquist, Chairman


John K. Lindsey, Commissioner


William C. Tucker, Commissioner

Date

8/3/2011



TO: Albany City Council

VIA: Wes Hare, City Manager
Mark W. Shepard, P.E., Public Works Director *MWS*

FROM: Jeff Blaine, P.E., Assistant Public Works Director/City Engineer *JB*
Staci Belcastro, Civil Engineer III

DATE: August 5, 2011, for the August 10, 2011, City Council Meeting

SUBJECT: Award of Bid for W-08-01, Valley View Reservoir Seismic Improvements

RELATES TO STRATEGIC PLAN THEME: A Safe City

Action Requested:

Staff requests that Council award this contract in the amount of \$591,000 to the low bidder, Legacy Construction Inc. of Salem, Oregon.

Discussion:

On Tuesday, August 2, 2011, bids were opened for W-08-01, Valley View Reservoir Seismic Improvements. There were five bids submitted for this project, ranging from \$591,000 to \$839,982. The Engineer's estimate was \$553,000. A bid summary is included as Attachment 1.

Project Description

This project includes seismic upgrades and interior and exterior coatings on each of the three at-grade steel reservoirs located at 3240 Valley View Drive. The two smaller reservoirs were constructed over forty years ago and are 50-feet tall and approximately 30-feet in diameter. The larger reservoir was constructed over thirty years ago and is 50-feet tall and 55-feet in diameter. The seismic improvements will include modifications to the inflow/outflow piping, installation of steel reinforcing plates along the bottom course of the two smaller reservoirs, and removal and replacement of the overflow piping on all three reservoirs. The exterior and interior of all three reservoirs will receive a new coating system. A project vicinity map is included as Attachment A.

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. Design Costs Valley View Reservoir Seismic Improvements	
a. Consultant Design & Construction Engineering	\$ 27,500
b. City Engineering	\$ 20,000
<i>Engineering Subtotal</i>	\$ 47,500
II. Construction Costs Valley View Reservoir Seismic Improvements	
a. Construction Contract	\$ 591,000
b. Contingency (10%)	\$ 59,100
c. Miscellaneous Project Costs	\$ 8,000
<i>Construction Subtotal</i>	\$ 658,100
<i>Total Estimated Project Cost</i>	\$ 705,600
<i>Project Budget</i>	\$ 450,000
<i>Under/(Over) Project Budget</i>	\$ (255,600)

All the bids came in higher than the Engineer's Estimate. Upon opening the bids, staff discussed the project with the bidders and determined that the bid results were indicative of the actual project costs and not the result of special circumstances. Staff also discussed the bid results with the consultant that designed the seismic improvements. They identified some minor design modifications that may be able to be made in order to reduce the project costs slightly while maintaining the intent of the project design. Staff will be pursuing these options and seeking a deductive Change Order to reduce the project costs.

Budget Impact:

The estimated project cost of \$705,600 is over the project budget. This is primarily due to the addition of interior painting of the reservoirs. This painting was not identified in the original project scope but during design the need to paint the interior of the reservoirs was identified and included in the project. This will minimize the need to take the reservoirs out of service in the future and will realize some economy of scale for completing the work at one time.

There were several projects completed below their budgeted amount in Fiscal Year 2010-2011, which has resulted in a higher than anticipated beginning balance in the Water Capital Projects fund. This higher beginning balance is available to cover the additional project cost of \$255,600. Staff will work to minimize change orders and complete the Valley View Reservoir Improvements under the estimated project cost. This project will be funded from the Water Capital Projects Fund (615-50-2308).

SLB:kw:prj

Attachments (2)

ATTACHMENT 1

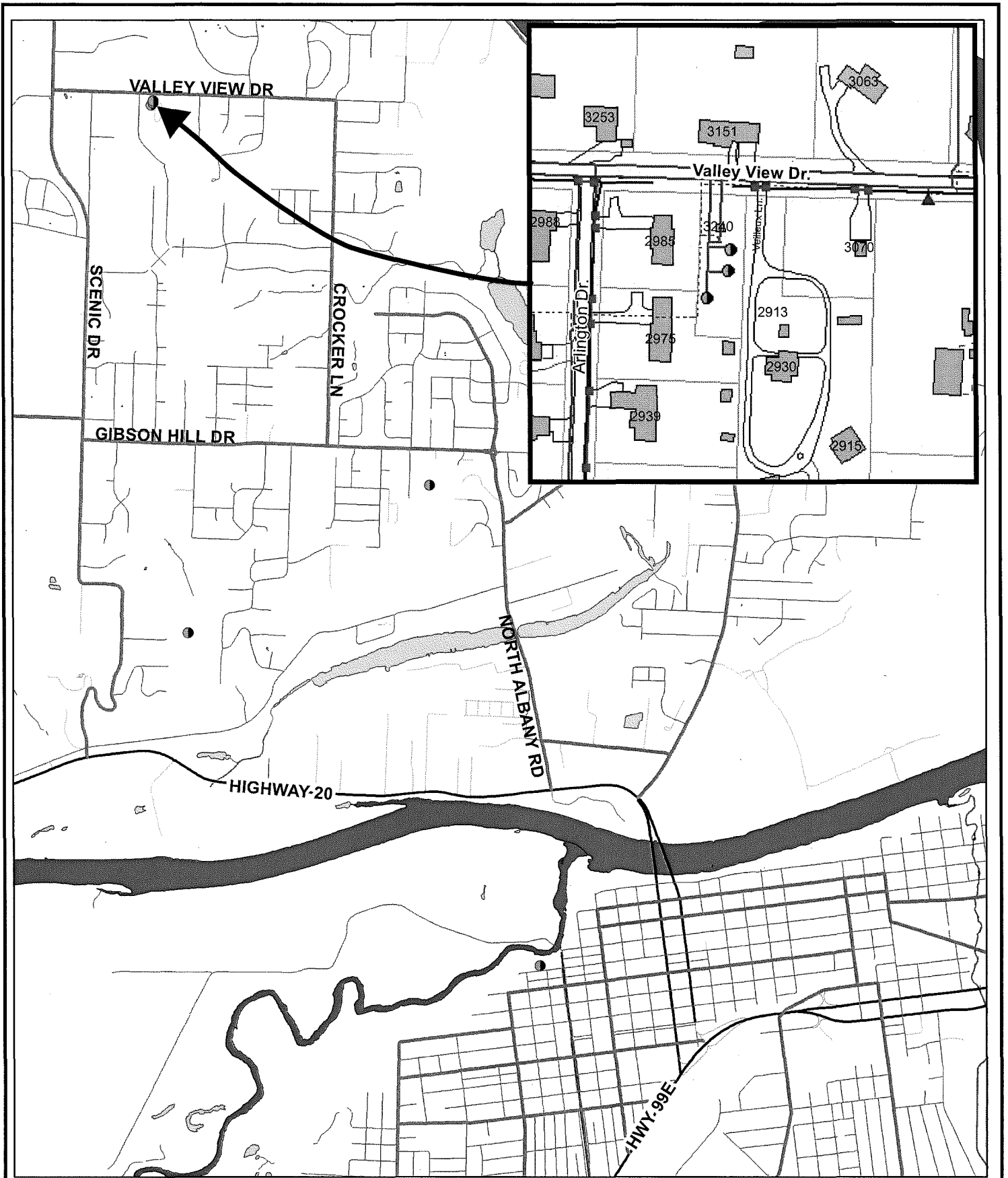


**CITY OF ALBANY, OREGON
Public Works Department
Construction Contract Bids**

Project: W-08-01, Valley View Reservoir Seismic Improvements

Bid Opening: August 2, 2011

Engineer's Estimate	Legacy Construction	Emery & Sons	T Bailey	Western Industrial	INE Construction
\$553,000	\$591,000	\$647,800	\$659,800	\$687,000	\$839,982



W-08-01 VALLEY VIEW RESERVOIR SEISMIC IMPROVMENTS

ATTACHMENT A - PROJECT VICINITY MAP

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

0 1,000 2,000 4,000
Feet

N

Project File Location:

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



TO: Albany City Council

VIA: Wes Hare, City Manager
Mark W. Shepard, P.E., Public Works Director *MWS*

FROM: Jeff Blaine, P.E., Assistant Public Works Director/City Engineer *JB*
Staci Belcastro, Civil Engineer III *SB*

DATE: August 3, 2011, for the August 10, 2011, City Council Meeting

SUBJECT: Award of Bid for WL-11-01-B, Broadway Reservoir Mixing Improvements

RELATES TO STRATEGIC PLAN THEME: A Safe City

Action Requested:

Staff requests that Council award this contract in the amount of \$150,670 to the low bidder, Elk Mountain Construction of Sandy, Oregon.

Discussion:

On Tuesday, July 26, 2011, bids were opened for W-11-01-B, Broadway Reservoir Mixing Improvements. There were four bids submitted for this project, ranging from \$150,670 to \$212,600. The Engineer's estimate was \$180,000. A bid summary is included as Attachment 1.

Project Description

The Broadway Reservoir, at 8 million gallons, is the City's largest reservoir and provides drinking water and fire protection for the entire City. Improvements to the reservoir are required to correct mixing inadequacies and improve water quality. Improvements include modification to the existing inlet/outlet piping, installation of pipe supports, mixing valves, and other piping improvements.

This project is a companion project to the first phase of water transmission main improvements between the Vine Street Water Treatment Plant (WTP) and the Broadway Reservoir. This mixing improvement project and the first phase of transmission main improvements were budgeted as a single capital project line item, however, they are being bid as separate construction contracts in order to more efficiently and cost effectively manage the two construction activities.

The first phase of transmission main improvements is currently planned to be bid this winter for construction during Summer of 2012. The new transmission main will improve the City's ability to fill the Broadway Reservoir during high demand periods and will also help keep water fresh during low demand periods. The transmission main improvements will also provide protection against a loss of water supply due to a catastrophic event by creating a second feed across the Willamette River.

A project vicinity map is included as Attachment 2.

Summary of Total Estimated Project Costs

Based on the project bid and anticipated related costs, a summary of the total estimated project cost is shown in the table below. The amounts have been rounded to the nearest \$100. The table also includes a cost estimate for the first phase of transmission main improvements and how the combined costs of the two construction projects are anticipated to compare to the overall budgeted amount.


Project Components	Estimated Cost
I. Design Costs Broadway Reservoir Mixing Improvements	
a. Consultant Design & Construction Engineering	\$ 28,900
b. Mixing Analysis and CFD Modeling	\$ 74,700
c. City Engineering Design & Construction Engineering	\$ 36,000
<i>Engineering Subtotal</i>	\$ 139,600
II. Construction Costs Broadway Reservoir Mixing Improvements	
a. Construction Contract	\$ 150,700
b. Contingency (10%)	\$ 50,100
d. Miscellaneous Project Costs	\$ 8,000
<i>Construction Subtotal</i>	\$ 208,800
<i>Estimated Total Project Cost</i>	\$ 348,400
III. Estimated Design & Construction Costs for First Phase of Transmission Main Improvements (not included in this contract)	\$ 2,000,000
<i>Estimated Total Project Cost: Mixing Improvements</i>	\$ 348,400
<i>Estimated Total Project Cost: Transmission Main</i>	\$ 2,000,000
<i>Estimated Total Project Cost: Mixing and Transmission Main</i>	\$ 2,348,400
<i>Project Budget</i>	\$ 2,500,000
<i>Under/(Over) Project Budget</i>	\$ 151,600

Budget Impact:

This project will be funded from the Water Bond Fund (615-50-2302).

SLB:kw

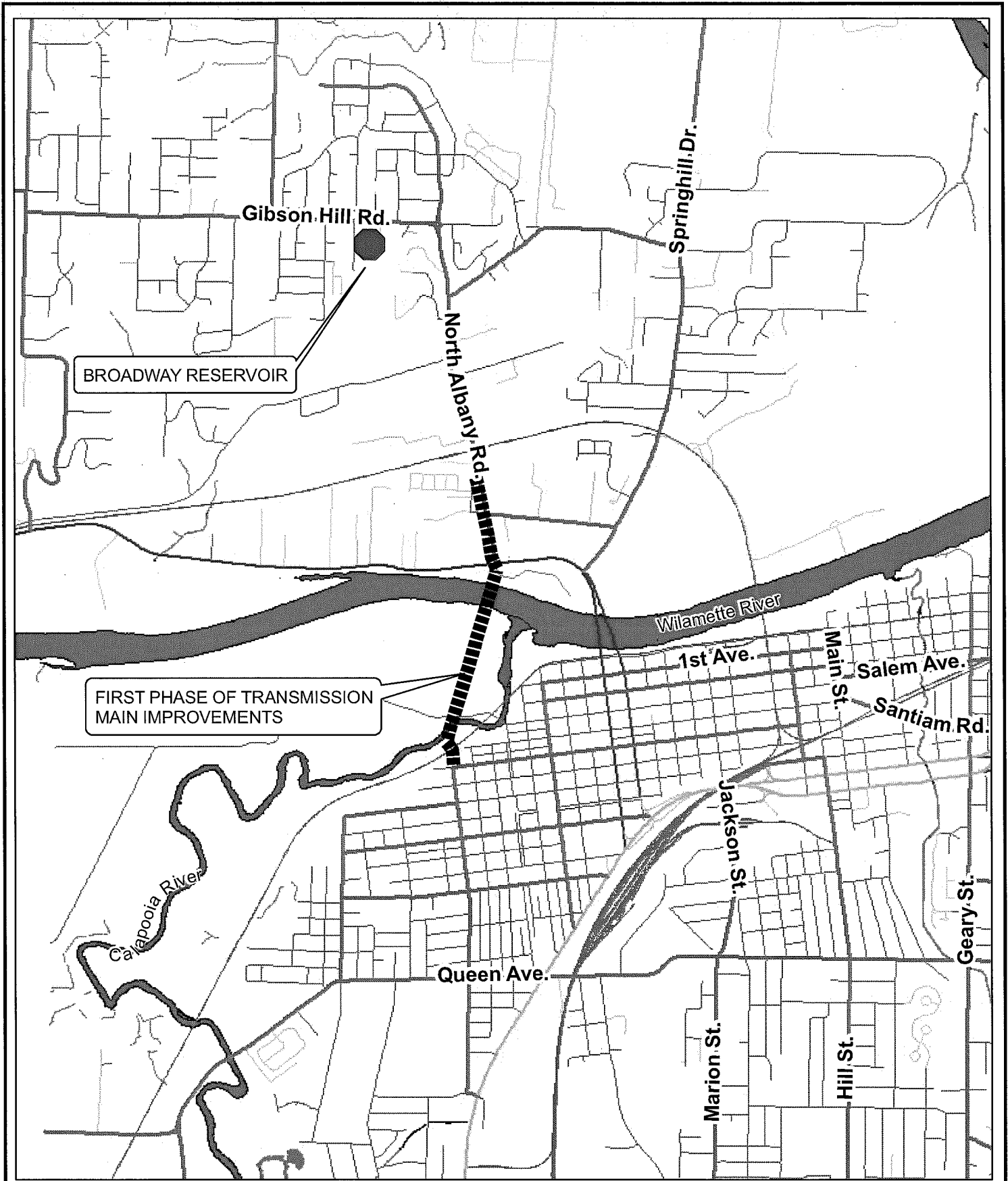
Attachments (2)

	<p>CITY OF ALBANY, OREGON Public Works Department Construction Contract Bids</p>
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Project: WL-11-01-B, Broadway Reservoir Mixing Improvements

Bid Opening: Tuesday, July 26, 2011

Engineer's Estimate	Elk Mountain Construction	TI Tech LLC	Emery & Sons	Lagacy Contracting
\$180,000	\$150,670	\$188,400	\$198,765	\$212,600


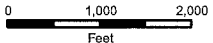


WL-11-01-B, BROADWAY RESERVOIR MIXING IMPROVEMENTS



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

N

ATTACHMENT 2 - PROJECT VICINITY MAP

TO: Albany City Council

VIA: Wes Hare, City Manager
 Mark W. Shepard, P.E., Public Works Director *MWS*

FROM: Jeff Blaine, P.E., Assistant Public Works Director/City Engineer *JB*
 Chris Cerklewski, P.E., Civil Engineer III *CLC*

DATE: August 2, 2011, for the August 10, 2011, City Council Meeting

SUBJECT: ST-12-01, Jackson Street Reconstruction
 Surface Transportation Program Fund Exchange

RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Staff recommends that Council authorize the City Manager to execute an intergovernmental agreement with the Oregon Department of Transportation (ODOT) to exchange federal Surface Transportation Program (STP) funds for state funds.

Discussion:

Each year the City of Albany is allocated a percentage of federal transportation funds received by the State of Oregon. The funds are allocated to cities based on population.

ODOT facilitates a fund exchange program in which cities can choose to exchange the federal STP funds for state funds. The state then spends the federal funds on large scale projects and allocates state funds to the cities. The state funds can then be used on qualifying street work and the projects do not have to meet all of the federal project requirements, greatly simplifying the administrative process and reducing project costs for local governments. The exchange rate for the program is 94 percent.

The current Capital Improvement Program identifies the Jackson Street Reconstruction project for the 2011-2012 fiscal year. Due to the estimated cost of the project, the full amounts from 2008 and 2009 and a portion of the 2010 fund exchange programs will be used on this project. The following table summarizes the funds the City will receive under this intergovernmental agreement.

Year	Federal Funds	Exchange Rate	State Funds
2008	\$503,982.00	94%	\$473,743.08
2009	\$484,060.00	94%	\$455,016.40
2010	\$394,936.72	94%	\$371,240.52
TOTAL	\$1,382,978.72		\$1,300,000.00

The STP fund exchange program is a reimbursement program. The City will send documentation to ODOT with a request for reimbursement according to the agreement. Staff recommends Street Capital and Restoration fund (250-50-2700) be used to expend the interim funds and receive the reimbursement.

City Council

Page 2

August 2, 2011, for the August 10, 2011, City Council Meeting

Budget Impact:

This agreement will have no net impact on the Street Capital and Restoration fund (250-50-2700). This fund will be used to expend the project costs up to the eligible reimbursement amount and will receive an equal amount back from the ODOT reimbursement.

CLC:prj

Attachment

2008-2010 FUND EXCHANGE AGREEMENT
Jackson Street Reconstruction
City of Albany

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and the CITY OF ALBANY, acting by and through its designated officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statute (ORS) 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Agency has submitted a completed and signed Part 1 of the Project Prospectus, or a similar document agreed to by State, outlining the schedule and costs associated with all phases of the Jackson Street Reconstruction, hereinafter referred to as "Project."
2. State has reviewed Agency's prospectus and considered Agency's request for the Fund Exchange. State has determined that Agency's Project is eligible for the exchange of funds.
3. To assist in funding the Project, Agency has requested State to exchange federal funds in the following manner:

Fiscal Year	Federal Funds	Exchange Rate	State Funds
2008	\$503,982.00	94%	\$473,743.08

2009	\$484,060.00	94%	\$455,016.40
2010	\$394,936.72	94%	\$371,240.52
Total	\$1,382,978.72		\$1,300,000

4. Agency shall exchange a total of \$1,382,978.72 federal funds for state funds at the ratios defined in the above table. State shall reimburse Agency up to the total of \$1,300,000 state funds for eligible costs incurred.
5. The term of this Agreement will begin upon execution and will terminate September 30, 2013 unless extended by an executed amendment.
6. The Parties agree that the exchange is subject to the following conditions:
 - a. The federal funds transferred to State may be used by State at its discretion.
 - b. State funds transferred to Agency must be used for the Project. This Fund Exchange will provide funding for specific roadway projects and may also be used for the following maintenance purposes:
 - i. Purchase or Production of Aggregate. Agency shall ensure the purchase or production of aggregate will be highway related and used exclusively for highway work.
 - ii. Purchase of Equipment. Agency shall clearly describe how it plans to use said equipment on highways. Agency shall demonstrate that the equipment will only be used for highway purposes.
 - c. State funds may be used for all phases of the Project, including preliminary engineering, right of way, utility relocations and construction. Said use shall be consistent with the Oregon Constitution and statutes (Section 3a of Article IX Oregon Constitution). Agency shall be responsible to account for expenditure of state funds.
 - d. This Fund Exchange shall be on a reimbursement basis, with state funds limited to a maximum amount of \$1,300,000. All costs incurred in excess of the Fund Exchange amount will be the sole responsibility of Agency.
 - e. State certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within State's current appropriation or limitation of the current biennial budget.

- f. Agency, and any contractors, shall perform the work as an independent contractor and will be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work including, but not limited to, retirement contributions, workers' compensation, unemployment taxes, and state and federal income tax withholdings.
- g. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
- h. Agency, or its consultant, shall conduct the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates; purchase all necessary right of way in accordance with current state and federal laws and regulations; obtain all required permits; be responsible for all utility relocations; advertise for bid proposals; award all contracts; perform all construction engineering; and make all contractor payments required to complete the Project.
- i. Agency shall submit invoices to State on a monthly basis, for actual costs incurred by Agency on behalf of the Project directly to State's Project Manager for review and approval. Such invoices will be in a form identifying the Project, the agreement number, the invoice number or account number or both, and will itemize all expenses for which reimbursement is claimed. Under no conditions shall State's obligations exceed \$1,300,000, including all expenses. Travel expenses will not be reimbursed.
- j. Agency shall, at its own expense, maintain and operate the Project upon completion at a minimum level that is consistent with normal depreciation and service demand.
- k. All employers, including Agency, that employ subject workers in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. Agency shall ensure that each of its subcontractors complies with these requirements.

- I. This Agreement may be terminated by either party upon thirty (30) days' notice, in writing and delivered by certified mail or in person.
 - i. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - A. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - B. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - ii. Either Party may terminate this Agreement effective upon delivery of written notice to the other Party, or at such later date as may be established by the terminating Party, under any of the following conditions:
 - A. If either Party fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow either Party, in the exercise of their reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - B. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or either Party is prohibited from paying for such work from the planned funding source.
 - iii. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
 - m. State and Agency agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
7. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and

transcripts for a period of six (6) years after final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.

8. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
9. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
10. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

The funding for this Fund Exchange program was approved by the Oregon Transportation Commission on December 16, 2010, as a part of the 2010-2013 Statewide Transportation Improvement Program (STIP).

The Program and Funding Services Manager approved the Fund Exchange on June 6, 2011.

CITY OF ALBANY, by and through its designated officials

By _____
City Manager

Date _____

By _____
Public Works Director

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Counsel

Date _____

Agency Contact:
Chris Cerklewski
City of Albany
Public Works, Engineering
PO Box 490
Albany, Oregon 97321
(541) 917-7646
Chris.cerklewski@cityofalbany.net

State Contact:
Michael S. Starnes, P.L.S.
Region 2 Local Agency Liaison
455 Airport Road SE, Building B
Salem, Oregon 97301-5395
(503) 986-6920
Michael.s.starnes@odot.state.or.us

STATE OF OREGON, by and through its Department of Transportation

By _____
Highway Division Administrator

Date _____

APPROVAL RECOMMENDED

By _____
Technical Services Manager

Date _____

By _____
Region 2 Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Assistant Attorney General

Date _____



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Marilyn Smith, Management Assistant/Public Information Officer *MMS*
DATE: August 3, 2011, for the August 10, 2011, City Council Meeting
SUBJECT: Code Enforcement Team Year-end Report, Fiscal Year 2010-2011

RELATES TO STRATEGIC PLAN THEME:

- Great Neighborhoods
- A Safe City
- An Effective Government

The Code Enforcement Team has completed 12 years of work responding to citizen complaints to address situations that pose a threat to public health and safety or affect neighborhood livability.

The Team began the year with 78 open complaints; 50 complaints were open at the end of the fiscal year. In the intervening 12 months, 164 new complaints were investigated and 196 cases were closed.

In review:

- The fiscal year began with a neighborhood education campaign in the Draperville area of Northeast Albany in early September 2010. Resident complaints about that effort brought team members to the November 15, 2010, Council work session for a discussion of junk regulations and enforcement procedures. Sixteen properties were addressed, and two citations were issued. One citation was dismissed when the occupant brought the property into compliance with the law. The Municipal Judge dismissed the second citation. Thirteen other properties were cleaned up voluntarily, and one property owner erected fencing and screening materials so that the problems were no longer visible.
- The series of arson fires in the fall lead to a focused effort to collect addresses of vacant properties throughout Albany, contact the persons or corporations responsible for them, and assure that the properties were secure. We continue to maintain the list, which includes many residential properties in foreclosure or otherwise abandoned. The vacant property list grew to almost 200 addresses by early 2011. Because only about 25 of these properties showed evidence of significant hazards on the premises or lack of security in the structures, it became unwieldy to continually manage the entire vacant property list. We moved to a system of addressing issues on a by-complaint basis. A new computer-based tool developed by property preservation experts with an inside knowledge of the lending industry came online in May. Compliance Connections (CC) allows us to simply log a property address, photos, and notice-of-violation form into a database; and CC contacts the lenders, property preservation teams, and realtors for us. This tool has saved many hours of work and has gotten responses where we have repeatedly failed.
- Most properties damaged by arson are being repaired or rebuilt, but four addresses ended up on the Team's caseload this spring because property owners or responsible parties could not be located or did not respond to orders to take care of the buildings.
 - A house at 1241 Madison Street SE, damaged by arson several years ago and abandoned, was demolished at City expense on June 21.
 - Owners of the house at 129 Sixth Avenue SE did not respond to the Building Official's notice and order to repair or demolish the structure. The City has filed for an injunction in Linn County Circuit Court to grant the City authority to repair or demolish the house. With either course, the City will file a lien on the property to recover costs.
 - For more than a year before the arson fire, the team had been receiving complaints about an abandoned duplex in the 2200 block of Jefferson Court SE and had been trying to locate anyone responsible for the building's upkeep and security. Half of the duplex burned on October 25, 2010. Earlier this month, a representative of the lender for this duplex contacted the City and agreed to mow the lawn, clean up the exterior, and board up open doors and windows.

- Nearly 200 volunteers participated in this year's Big Pickup: Albany Community Action Day on Saturday, May 21, 2011. We were unable to recruit a residential neighborhood this year; so we focused on the natural neighborhood along Cox Creek and Simpson Park trail. About 40 of the volunteers were North Albany residents who picked up litter in ditches along major roads, dug up weeds in roadside planter strips near the roundabout and on Scenic Drive, and helped spruce up Gibson Hill Park. Thanks again to our partner Allied Waste for providing the Dumpsters.
- The unusually wet spring and summer weather has resulted in complaints about overgrown properties throughout the community. Enforcement efforts are limited to properties that are vacant or abandoned. Due to staffing shortage and no funds allotted for noxious vegetation abatement this year, we have been limited to sending a single letter to owners of overgrown properties and hoping they comply with requests to remove noxious vegetation. Because vacant properties present additional concerns to the community, we must take extra steps to address overgrown vacant property vegetation complaints before they become a public safety problem. We have been logging these complaints with CC and have gotten a very good response rate so far.

Fifty-one new complaints were reported in the fourth quarter of the year, and 75 cases were closed.

Some outstanding issues and new complaints:

- 1213 ½ Calapooia Street SW (April 15) – Neighbors complained of people living in a large motor home parked off the alley behind this residence. Motor home has been removed.
- 915 Maple Street SW (April 22) – Neighbors complained of yard full of bicycles, bike parts, lawnmowers, encroaching blackberries, and a tent. Property was cleaned up by resident.
- 2786 Collingwood Street SE (April 26) – Neighbor complained of yard, side yard, and porch covered with bicycles, bike parts, and black garbage bags. Property was cleaned up by resident.
- 2248 Ermine Street SE (May 4) – Neighbor complained of junk vehicles and debris in driveway and all over the yard. Site visit revealed two dismantled trucks in the driveway, auto parts, junk and garbage beside the driveway and the garage. Renter received a citation for keeping junk; she called Police three weeks later for reinspection. Property was found to be in compliance.
- 2618 Waverly Drive SE (May 17) – Neighbor complained of junk and trash piling up at this residence over several months. Found piles of furniture, metal, and other items, some under tarps, next to driveway and in the side and back yards. Two people living in the house, others in a room in the garage and a detached building off the garage. City provided two 40-yard Dumpsters to property owner; owner's family evicted tenants. Property is now in compliance.
- Woodland Square, 1415 Salem Avenue SE (ongoing) – Thirty-nine residents of the neighborhood around this deteriorating mobile home park delivered a petition to City Hall on September 28, 2010, alleging that many of the structures are unsafe, possibly uninhabitable, and unsightly, degrading property values. No additional information or action this quarter.
- ARCO Station, 3110 Pacific Boulevard SE (July 20, 2009; reopened March 15, 2010) – The property remains abandoned, boarded up, and surrounded by a security fence. Sometime in March, weeds were cut inside the fence, landscaping was groomed along the state highway right-of-way, and a downed tree on the east side of the property was removed.

- 2035 Tudor Way SE (February 2, 2011) – Residents of this property have been cited multiple times for keeping the same collection of derelict vehicles, automotive parts, and other junk. Another citation was issued February 21; property owner found guilty on July 13, 2011.

The conviction may be vacated if the property is cleaned by November 30. (This property was featured in presentation to Council on November 15, 2010.)

- 3304 Chicago Street SE (May 2) – Neighbor complained of derelict cars, car parts, and other junk and trash that “never gets cleaned up” at this address, which was also featured in the November 15 presentation. Property owner had been cited for keeping junk in 2009 and was issued a new citation. Trial is pending in Municipal Court
- 1250 Shortridge Street SE: Staff has been working with the property owner since the first junk and trash complaint in February 2007. A prior dwelling here was destroyed by fire, and the property owner moved into a pole barn which is not approved for residential occupancy. The City has a year-old court injunction, granting authority to make the barn into a legal dwelling or demolish it. The property owner is trying to locate an inexpensive manufactured home to move on to the lot. Staff is assisting in that search.

Budget Impact:

Beginning budget	\$20,900.00
Expenditures as of June 30, 2011	14,539.29
	<hr/>
	\$ 6,360.71

MMS:de

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TO: Albany City Council
FROM: Marilyn Smith, Management Assistant/Public Information Officer *mms*
DATE: July 20, 2011, for the August 10, 2011, City Council Meeting
SUBJECT: November and December 2011 Council Meeting Dates

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Council's direction for changes in the meeting schedule for November and December.

Discussion:

Staff recommends the following meeting schedule for November and December.

November

- Wednesday, November 2 Council Meeting @ 7:15 p.m.
- Monday, November 7 Work Session @ 4:00 p.m.
- Wednesday, November 9 Council Meeting @ 7:15 p.m.
- Friday, November 11 City Holiday: Veterans' Day
- Monday, November 14 No meeting
- Wednesday, November 16 CARA & ARA Meetings @ 5:15 p.m.
- Monday, November 21 No Meeting
- Wednesday, November 23 No Meeting
- November 24 & 25 City Holidays: Thanksgiving & day after Thanksgiving
- Monday, November 28 No Meeting

December

- Monday, December 5 Work Session @ 4:00 p.m.
- Wednesday, December 7 Council Meeting @ 7:15 p.m.
- Monday, December 12 Work Session @ 4:00 p.m.
- Wednesday, December 14 Council Meeting @ 7:15 p.m.
- Monday, December 19 No Meeting
- Wednesday, December 21 CARA & ARA Meetings @ 5:15 p.m.
- Monday, December 26 City Holiday: Christmas
- Wednesday, December 28 No Meeting
- Monday, January 2 City Holiday: New Year's Day

Budget Impact:

None.

MMS:ldh

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TO: Albany City Council
FROM: Sharon Konopa, Mayor *Sharon Konopa*
DATE: August 4, 2011, for August 10, 2011, City Council Meeting
SUBJECT: Appointments to the Landmarks Advisory Commission
RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Council approval of the following appointments:

Landmarks Advisory Commission

Kate Foster	(Mayor's new appointment to fill vacant position for term that expires December 31, 2011)
Camron Settlemier	(Mayor's new appointment to fill vacant position for term that expires December 31, 2012)

Discussion:

None.

Budget Impact:

None.

SK:ldh

Attachments

c: Greg Byrne, Community Development Director
Anne Catlin, Planner II
Kristin Johns, Administrative Services Supervisor
Tari Hayes, Administrative Assistant I

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

RECEIVED BOARD, COMMISSION, AND COMMITTEE APPLICATION

FEB 9 2011

City of Albany
 City Manager's Office

(Please print legibly or type)

* = committee of interest above the others.

Board, Commission, and/or Committee Preference:

* ARAX; Albany-Millersburg Joint water/Wastewater Mgmt; ARA Budget; Audit Comm.; Budget Comm. ^(List all that apply); Building Board of Appeals; CARA; HR Comm; * Landmarks Advisory; Parks & Recreation Comm.; * any historical committee or Commission.*

Name: Kate (Kathryn) E. Foster Preferred First Name: Kate

Residential Information:

Home Address: _____ Phone: _____
Albany, OR 97322 Cellular: _____
 (Optional)

E-mail: ~~Kate_foster@earthlink.net~~ Fax: _____
albanykate@yahoo.com (Optional)

Employment Information:

Employer's Name: ~~Linn Co. Planning & Building Dept.~~ Phone: ~~541-917-3816 x2360~~
 Work Address: ~~Po Box 100~~ Cellular: _____
Albany, OR 97321 (Optional)

layoff

E-mail: _____ Fax: _____
 (Optional)

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

- List current or most recent occupation, business, trade, or profession: Assistant Planner for the Linn County Planning and Building Department. I help Linn County residents with their land use & building permit applications, as well as help guide them with their zoning, development, uses/plans and provide some assistance with complaints for code Enforcement.

For City use only: Ward: I II III or Lives Outside City Limits (Circle One)
 If lives outside city limits, does applicant meet special definition for the specific b/c/c for which applying?
 Yes No If yes, how? _____

OVER



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

- I passed out "Stop the Arsonist" flyers for the City of Albany, during the winter of 2010-11 on a volunteer basis.

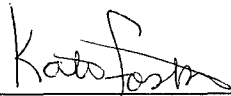
- Submitted a video for the Albany Visitors Association 2010 video contest and won 1st place!

- Distributed flyers as a volunteer for the Linn-Benton Furniture share during the summer of 2010.

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

I am hoping to provide useful and objective insight and better the community in which we live. I have a Bachelor's Degree in Business Administration, Real Estate, and Land Use. I'm proficient with Office computer applications and type approximately 80 WPM. I have experience with public speaking; my undergraduate courses included Public speaking and my current profession as a planner has put me in front of a hearing's examiner and a planning commission hearings involving the public.

- What contributions do you hope to make? I hope to contribute positively to the committee/commission by being myself. We are each from different backgrounds and can therefore offer differing perspectives. I enjoy being social, productive conversation, and listening to members of my community. I have lived in Albany since the end of 2008 and enjoy discovering new things about my new hometown and making it a place others want to visit and stay as well!



Signature of Applicant

02/07/2011

Date



BOARD, COMMISSION, AND COMMITTEE APPLICATION

(Please print legibly or type)

RECEIVED

AUG 03 2011

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

(541) 917-7500

Board, Commission, and/or Committee Preference:

Landmarks, CARA

(List all that apply)

City of Albany
City Manager's Office

Name: Camron Settlemier

Preferred First Name: Camron

Residential Information:

Home Address:

230
~~235~~ ~~50~~ 7th Ave SW
Albany, OR 97321

Phone:

Cellular:

(Optional)

E-mail:

Camron1908@highdeftrains.com
~~csettlemier@highdeftrains.com~~

Fax:

NA

(Optional)

Employment Information:

Employer's Name:

Work Address:

Corvallis, OR 97339

Phone:

Cellular:

(Optional)

E-mail:

Fax:

(Optional)

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

- List current or most recent occupation, business, trade, or profession: Imtech product support, customer support, product quality control and testing (all engineering).

Product support engineer (Job Title)

Owner - Marcam Productions (Video Production Company)

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

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

Yes No If yes, how?

OVER



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

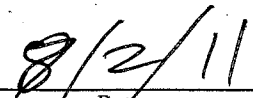
Attending city council meetings and other committee meetings, such as CARA and Landmarks, regarding the carousel project and other projects in the city dealing with historic structures and preservation. Volunteer firefighter from 1991 to 1997 for College Place Washington Fire Department. Fundraising videos ~~Friends~~ of SP4449 (Historic Steam Locomotive) Friends

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

Very interested in promoting historic preservation and improving historic structures through city projects and private projects. Albany is my hometown and I value historic integrity and the resulting city pride and historic-related tourism and activities.
Historic home owner.

- What contributions do you hope to make? I hope to contribute to maintaining Albany's historic integrity & expand the historic districts and/or historic landmarks.


Signature of Applicant


Date