



**NOTICE OF PUBLIC MEETING**  
**CITY OF ALBANY**  
**CITY COUNCIL**  
 Council Chambers  
 333 Broadalbin Street SW  
 Wednesday, February 11, 2015  
 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 meeting.
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 meeting.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. SPECIAL PRESENTATION
  - a. Unit Citation, Lifesaving, and Citizen Awards. [verbal]  
 Action: \_\_\_\_\_

5. PROCLAMATION
  - a. Congenital heart defect awareness month. [Page 3]  
 Action: \_\_\_\_\_

6. SCHEDULED BUSINESS

- a. Legislative Public Hearing
  - 1) Declaring a street name change for a public street dedicated and named on the Edgewood Estates Subdivision Plat in Linn County, and declaring an emergency: [Pages 4-15]
    - a) Wilt Avenue SE.  
 Action: \_\_\_\_\_ ORD. NO. \_\_\_\_\_
    - a) Bartley Street SE.  
 Action: \_\_\_\_\_ ORD. NO. \_\_\_\_\_

b. Business from the Public

- c. First Reading of Ordinance
  - 1) Amending the Albany Municipal Code Title 7.90 Secondhand Dealers and Transient Merchants; repealing Ordinance No. 5837 and declaring an emergency. [Pages 16-28]  
 Action: \_\_\_\_\_ ORD. NO. \_\_\_\_\_

d. Adoption of Resolutions

- 1) Calling a measure election to submit to the electors of the City the question of amending the City Charter to authorize up to \$18 million dollars of general obligation bonds to finance public safety projects; declaring intent to reimburse expenditures; and providing for related matters. [Pages 29-32]  
 Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_
- 2) Accepting the Engineer's Report and Financial Investigation Report for Crocker Lane and Valley View Drive Local Improvement District (LID) and setting a public hearing. [Pages 33-47]  
 Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_

e. Adoption of Consent Calendar

1) Approval of Minutes

a) December 3, 2014, City Council Regular Session. [Pages 48-53]

2) Relinquishing a 20-foot wide storm drainage and sewer easement to WR Grace and Co. Conn, Synthetech, Peltier Real Estate Co., Albany Self Storage LLC, and MTI Partners LLC. [Pages 54-59] RES. NO. \_\_\_\_\_

3) Accepting an easement from Micheal D. Newman and Roberta D. Newman. [Pages 60-65]

RES. NO. \_\_\_\_\_

4) Adopting revisions to the Public Records Request Policy, F-05-08 and the Public Records Request Form, and repealing Resolution No. 6300. [Pages 66-73]

RES. NO. \_\_\_\_\_

Action: \_\_\_\_\_

f. Reports

1) Oregon Department of Transportation Intergovernmental Agreement for maintenance of the crosswalk across Ellsworth Street at Eighth Avenue. [Pages 74-90]

Action: \_\_\_\_\_

1) 2013-2014 Audit Report. [Page 91]

Action: \_\_\_\_\_

7. BUSINESS FROM THE COUNCIL
8. RECESS TO EXECUTIVE SESSION TO DISCUSS REAL PROPERTY TRANSACTIONS IN ACCORDANCE WITH ORS 192.660 (2)(e)
9. RECONVENE
10. NEXT MEETING DATE: Work Session: February 23, 2015  
Regular Session: February 25, 2015
11. ADJOURNMENT

**PROCLAMATION**

**CONGENITAL HEART DEFECT AWARENESS MONTH**

**February 2015**

WHEREAS, congenital heart defects (CHDs) occur when a baby's heart fails to form properly during early pregnancy; and in most cases, the cause is unknown, although scientists feel both genetic and environmental factors play a role; and

WHEREAS, there are approximately 35 different types of CHDs, and they are the most common birth defect and leading cause of birth defect related deaths; and

WHEREAS, it is estimated that 40,000 babies with CHDs are born in the United States each year which equates to one in every 125 babies; and

WHEREAS, although some babies will be diagnosed at birth, newborns are not routinely screened for CHDs and pregnant women are not routinely tested for CHDs; and

WHEREAS, some CHDs may be treated with surgery, medicine, and/or devices such as artificial valves and pacemakers; and in the last 25 years, advances in the treatment of heart defects have enabled half a million U.S. children with serious CHDs to survive into adulthood; and

WHEREAS, many cases of sudden cardiac death in young athletes are caused by undiagnosed CHDs and childhood-onset heart disease.

NOW, THEREFORE, I, Sharon Konopa, Mayor of the City of Albany, hereby proclaim February 2015 to be

**CONGENITAL HEART DEFECT AWARENESS MONTH**

in Albany and encourage all citizens to recognize that early detection is critical to the successful treatment of congenital heart defects.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Albany to be affixed this 11<sup>th</sup> day of February 2015.

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



TO: Albany City Council

VIA: Wes Hare, City Manager  
Mark Shepard, Director of Public Works and Community Development

FROM: Bob Richardson, Planning Manager *RRR*  
Mike Leopold, Infrastructure Analyst *M*

DATE: February 4, 2015, for the February 11, 2015, City Council Meeting

SUBJECT: Proposed Street Renaming

RELATES TO STRATEGIC PLAN THEME:

- Effective Government
- A Safe City

Action Requested: Staff recommends the City Council consider a proposal to rename Wilt Court SE to Wilt Avenue SE, and to rename the portion of Bartley Place SE on the east side of Bartley Drive SE as Bartley Street SE.

Discussion:

The renaming of streets is regulated by Oregon Revised Statute 227.120 (Attachment C). This statute states that a street may be renamed if the City Council determines it is in the City's best interest. The statute also requires the Planning Commission to consider the proposal first, and if the Commission supports it, to recommend approval to the City Council for a final decision.

On February 2, 2015, the Planning Commission held a legislative public hearing to consider the request to rename Wilt Court SE to Wilt Avenue SE and Bartley Place SE to Bartley Street SE. The Planning Commission deliberated and unanimously recommended that the City Council approve renaming the subject streets as proposed. A full explanation of the proposal is provided in the January 26, 2015, staff memorandum to the Planning Commission (Attachment C). In summary, streets in the recently approved and abutting Vreeland Estates subdivision will connect to the subject streets, which currently have no outlets. The existing street suffixes, Court and Place, do not conform to the City's street naming convention for connecting, non dead-end streets, which may lead to navigational difficulty for emergency service providers, mail carriers, and residents and visitors.

Enclosed with this memorandum are draft ordinances and exhibits to implement a decision to approve renaming the streets as proposed (Attachments A and B).

*Written Testimony*

On January 23, 2015, notices were mailed to affected property owners informing them of the proposed street name changes and opportunities to comment. A notice was also published in the Democrat Herald on January 26, 2015, and February 4, 2015. One piece of written testimony was received prior to the completion of the City Council packet on February 4, 2015, at 5:00 PM (Attachment D).

Budget Impact: None

ML:RR:rk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE DECLARING A STREET NAME CHANGE FOR A PUBLIC STREET DEDICATED AND NAMED ON THE EDGEWOOD ESTATES SUBDIVISION PLAT, IN LINN COUNTY; AND DECLARING AN EMERGENCY.

WHEREAS, public street right-of-way was dedicated as a result of Linn County Survey No. 14535; and

WHEREAS, this Subdivision Plat identified the right-of-way as Wilt Court; and

WHEREAS, notices of public hearings were mailed on January 22, 2015; and published in the *Albany Democrat-Herald* on January 26, 2015 and February 4, 2015; as required by ORS 227.120; and

WHEREAS, the Albany Planning Commission held a public hearing on February 2, 2015, to hear testimony regarding the street name change; and

WHEREAS, the Albany Planning Commission voted to recommend that the City Council approve the proposed street name change; and

WHEREAS, the Albany City Council held a public hearing on February 11, 2015, to hear testimony regarding the street name change; and,

WHEREAS, the Albany City Council has determined that the changing of this street name is in the best interest of the City of Albany, as required by ORS 227.120.

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

The section of Wilt Court SE dedicated on the above mentioned subdivision plat, and shown on Ordinance Exhibit A, is hereby changed to Wilt Avenue SE.

Emergency Declared. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of this city of Albany, Oregon, an emergency is hereby declared to exist; this ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: \_\_\_\_\_

Approved by the Mayor: \_\_\_\_\_

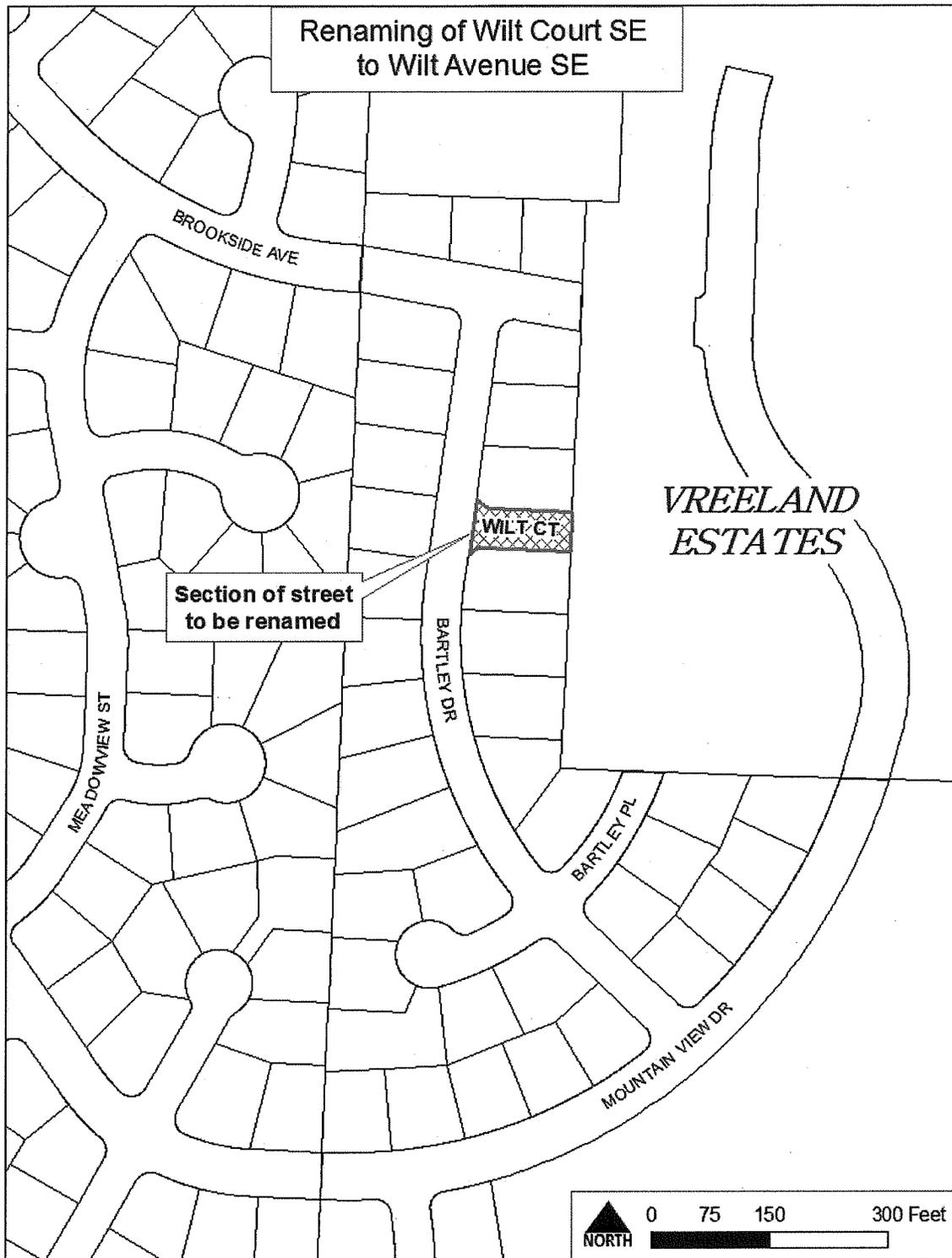
Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

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

ORDINANCE EXHIBIT A



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE DECLARING A STREET NAME CHANGE FOR A PUBLIC STREET DEDICATED AND NAMED ON THE EDGEWOOD ESTATES SUBDIVISION PLAT, IN LINN COUNTY; AND DECLARING AN EMERGENCY.

WHEREAS, public street right-of-way was dedicated as a result of Linn County Survey No. 14535; and

WHEREAS, this Subdivision Plat identified the right-of-way as Bartley Place; and

WHEREAS, notices of public hearings were mailed on January 22, 2015; and published in the *Albany Democrat-Herald* on January 26, 2015 and February 4, 2015; as required by ORS 227.120; and

WHEREAS, the Albany Planning Commission held a public hearing on February 2, 2015, to hear testimony regarding the street name change; and

WHEREAS, the Albany Planning Commission voted to recommend that the City Council approve the proposed street name change; and

WHEREAS, the Albany City Council held a public hearing on February 11, 2015, to hear testimony regarding the street name change; and,

WHEREAS, the Albany City Council has determined that the changing of this street name is in the best interest of the City of Albany, as required by ORS 227.120.

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

The section of Bartley Place SE dedicated on the above mentioned subdivision plat, and shown on Ordinance Exhibit A, is hereby changed to Bartley Street SE.

Emergency Declared. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of this city of Albany, Oregon, an emergency is hereby declared to exist; this ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: \_\_\_\_\_

Approved by the Mayor: \_\_\_\_\_

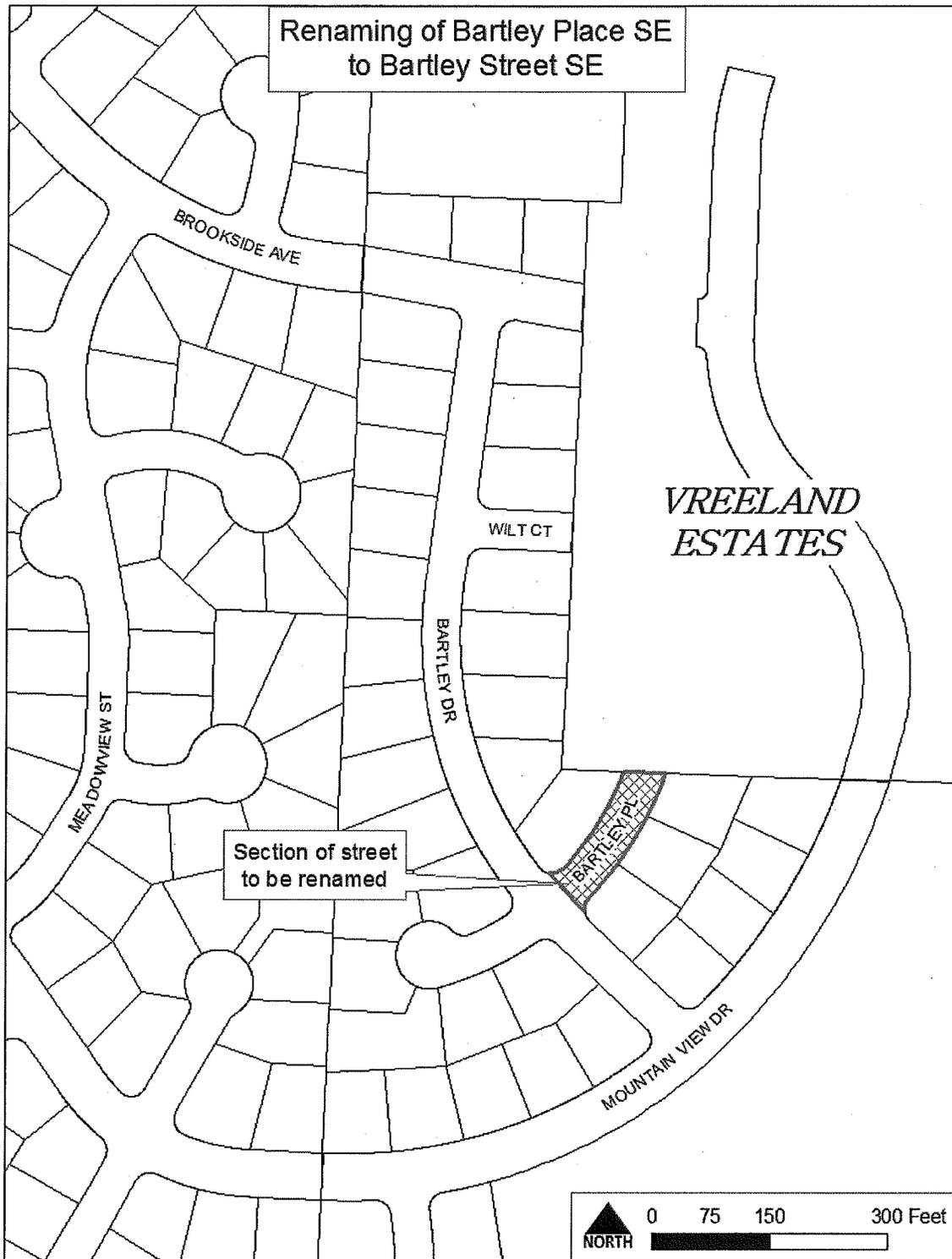
Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

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

ORDINANCE EXHIBIT A





TO: Planning Commission

VIA: Mark W. Shepard, P.E. Assistant City Manager/Public Works and Community Development Director *MWS*

FROM: Bob Richardson, Planning Manager *BR*  
Mike Leopard, Infrastructure Analyst *M*

DATE: January 26, 2015, for the February 4, 2015, Planning Commission Meeting

SUBJECT: Proposed Street Renaming

Action Requested:

Staff recommends that Wilt Court SE be renamed to Wilt Avenue SE, and the portion of Bartley Place SE on the east side of Bartley Drive SE be renamed as Bartley Street SE.

Discussion:

*Background*

Wilt Court SE and Bartley Place SE are streets in the Edgewood Estates subdivision and are located on the east side of Bartley Drive SE, in the Edgewood Estates subdivision. This subdivision was platted in 1975, and the subdivision is generally east of Waverly Drive, and south of Grand Prairie Road (Map #1). These streets are currently dead-end streets. The recently approved Vreeland Estates subdivision will connect and continue these streets (Maps #2 and #3). The street suffixes "Court" and "Place" are inconsistent with the City's naming convention for connected, non-dead end streets.

The subject streets were not constructed with cul-de-sacs or turn-around areas because they were planned to be extended when the abutting property to the east and north was developed. As these streets were to be extended, their names should have used the suffixes "avenue" and "street", not "court" and "place." This is because the City's naming convention is to only describe streets as "court" or "place" if they are dead-end or cul-de-sac streets. Connecting, non-dead-end streets are commonly described as "avenue" or "street."

The Planning Commission recently approved the Vreeland Estates subdivision for the property adjacent to the east and north of the Edgewood Estates subdivision. The Vreeland Estates subdivision plat includes streets that connect to the subject streets (Maps #2 and #3). This recent plat has used the proper naming convention for streets that do not dead-end (i.e., "avenue" and "street"), creating a situation where not only are the subject streets in the Edgewood Estates subdivision improperly named, but if they were to connect to the Vreeland Estates subdivision streets as proposed, each street would have two names. Renaming the streets from Wilt Court SE to Wilt Avenue SE, and Bartley Place SE to Bartley Street SE, would result in continuity with the City's established street naming convention and would create a single name for each street. This would, in-turn, facilitate navigation and prevent confusion among residents and visitors, mail delivery services, and importantly, emergency service providers.

*Review Process and Criteria*

Renaming of streets is regulated by Oregon Revised Statute 227.120 (see page 6 of this memo). This statute requires that the issue be brought to the Planning Commission for recommendation to the City Council. The ORS language also states that a street may be renamed if the City Council determines that such renaming is in the best interest of the city. If the Planning Commission determines that it is in the best interest of the city to rename a street, and recommends approval of the proposed street name change, then a public hearing is set before the City Council to make a final determination on whether to approve the name change.

The Planning Commission has two options with respect to the subject proposal:

Option 1: Recommend that the City Council approve the proposal; or,

Option 2: Decide against the proposal, in which case the Council would not consider the request.

Based on analysis in this memorandum, staff believes renaming the streets is in the best interest of the City, and recommends that the Planning Commission pursue Option 1, above. If the Planning Commission accepts the staff recommendation, the following motion is suggested:

Recommended Motion:

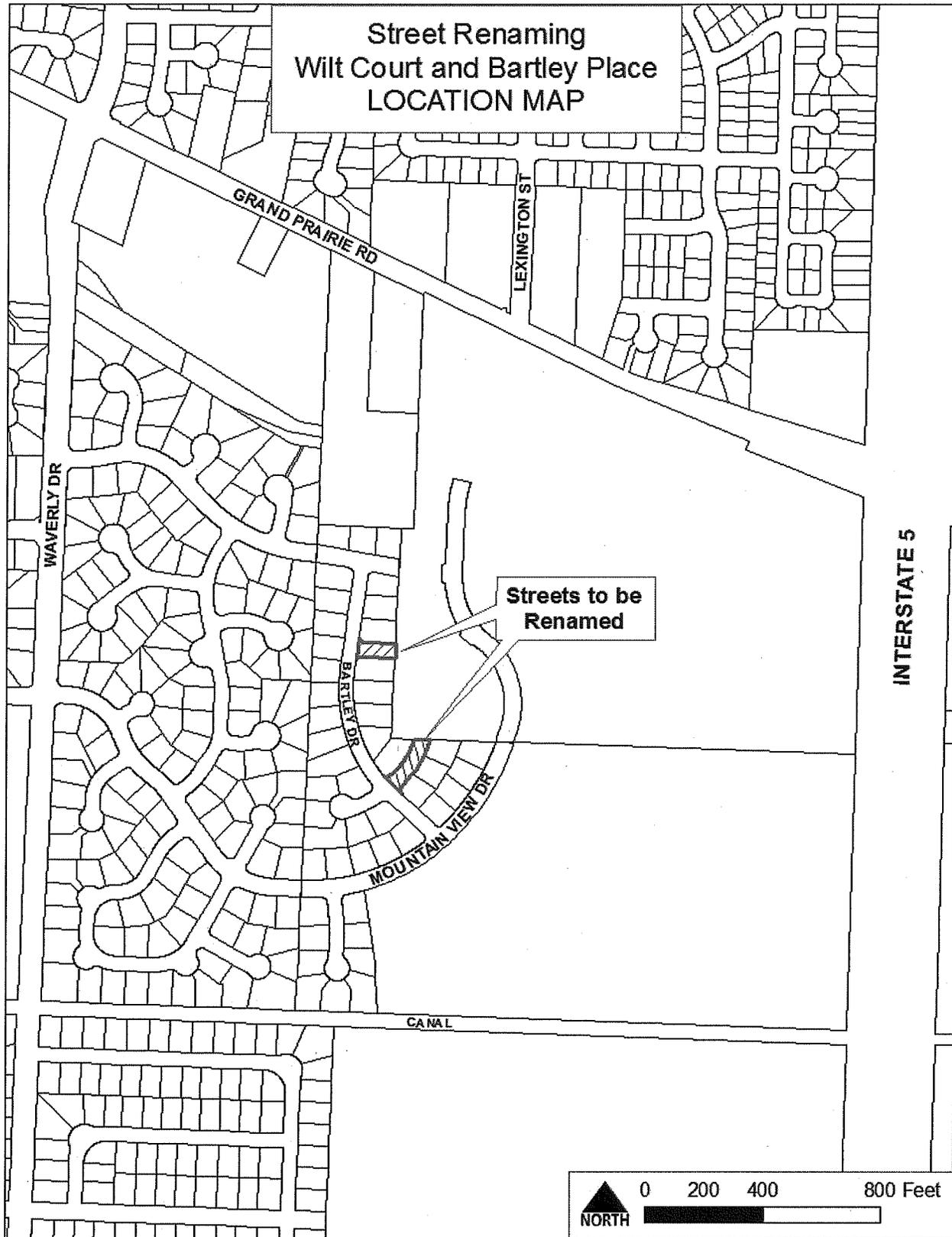
*I move to recommend that the City Council rename Wilt Court SE to Wilt Avenue SE, and to rename the portion of Bartley Place SE on the east side of Bartley Drive SE, as Bartley Street SE.*

Renaming these streets will change the addresses of six properties. If the Planning Commission recommends that the City Council approves the renaming of these streets, and the City Council supports the renaming, then ordinances declaring the renaming would be sent to Linn County for recording and modification of maps. The Community Development Department will also send a report to affected property owners, utility companies, City Utility Building, and the Fire Department to inform them of the changes.

ML:BR:rk

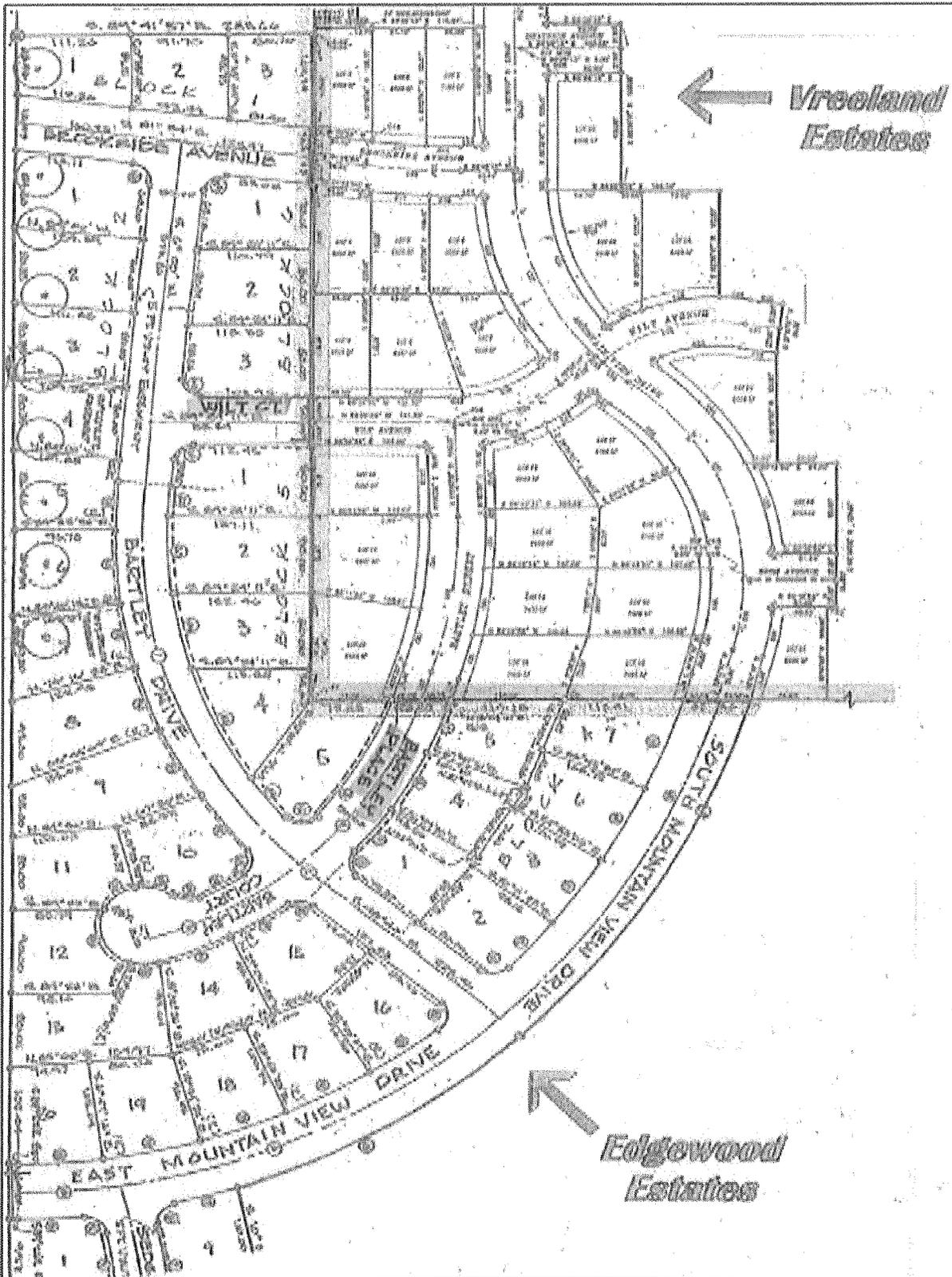
- c: Mike Trabue, Fire Marshall
- Jeff Blaine, City Engineer
- Ron Irish, Transportation Analyst

Map #1





Map #3

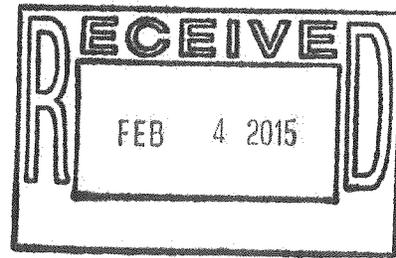


**Oregon Revised Statute describing the procedure for renaming streets.**

**227.120 Procedure and approval for renaming streets.** Within six miles of the limits of any city, the commission, if there is one, or if no such commission legally exists, then the city engineer, shall recommend to the city council the renaming of any existing street, highway or road, other than a county road or state highway, if in the judgment of the commission, or if no such commission legally exists, then in the judgment of the city engineer, such renaming is in the best interest of the city and the six mile area. Upon receiving such recommendation the council shall afford persons particularly interested, and the general public, an opportunity to be heard, at a time and place to be specified in a notice of hearing published in a newspaper of general circulation within the municipality and the six mile area not less than once within the week prior to the week within which the hearing is to be held. After such opportunity for hearing has been afforded, the city council by ordinance shall rename the street or highway in accordance with the recommendation or by resolution shall reject the recommendation. A certified copy of each such ordinance shall be filed for record with the county clerk or recorder, and a like copy shall be filed with the county assessor and county surveyor. The county surveyor shall enter the new names of such streets and roads in red ink on the county surveyor's copy of any filed plat and tracing thereof which may be affected, together with appropriate notations concerning the same. The original plat may not be corrected or changed after it is recorded with the county clerk. [Amended by 2001 c.173 §4]

Dr. Kyle and Haley Rutledge  
3026 Bartley Place SE  
Albany, OR 97322

February 2, 2015



Albany Planning Division  
P.O. Box 490  
Albany, OR 97321

Dear Albany Planning Division:

In Regards to the Street Renaming Project in the Vreeland Estates Subdivision:

We live on Bartley Place SE in Albany, Oregon and respectfully request that you **do not** change the name of our beloved street.

Unfortunately we cannot attend the public hearing tonight at 5:15pm due to work; therefore, we are sending this letter instead. Our neighbors and ourselves are frustrated that a new development could change the name of our street. We know there are not many houses on the street but that does not mean our voices should not be heard. As with our neighbors, we would be forced to call every insurance agency, credit card, magazine subscription, family member, bank, employer, school, loan officers etc. to inform them of our street change. This is unacceptable because we should in no way be inconvenienced thusly without compensation. In addition, "Bartley Place" connotes a higher and more marketable standard than "Bartley Street." If we ever sell our home I believe calling it a "street" may in fact devalue it.

Furthermore, you have mentioned that street suffixes such as "Place" indicate cul-de-sacs or dead ends and in another letter it was mentioned that emergency crews may not be able to find the street as quickly because the name no longer fits. We talked to Mrs. Rutledge's brother who is a fire fighter and asked him to tell us the difference between a place and a street. He could not do it. We also asked him if he ever missed a house because the street had a less than perfect suffix and he said "no." We understand this depends on which city comes up with the definition of street suffixes: for instance in our research we found that "Place" means "a curved or diagonal road that does not fit in with the traditional grid system." Under this definition, our short road fits the classification perfectly.

In summary, we believe it is insensitive for the city to change the name of the street we call home, when it is for no other reason than to make the city's street naming more in line with an arbitrary standard without regard for the citizens who live in the most perfect place in Albany: Bartley Place SE.

Sincerely,

*Kyle Rutledge Ph.D.*  
*Haley Rutledge*  
Dr. Kyle and Haley Rutledge



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Mario Lattanzio, Chief of Police *ml*  
DATE: February 2, 2015 for February 11, 2015, Council Meeting  
SUBJECT: Amend Albany Municipal Code Title 7, Chapter 7.90 Secondhand Dealers and Transient Merchants

RELATES TO STRATEGIC PLAN THEME: 

- An Effective Government
- A Safe City

Action Requested:

Amend Albany Municipal Code Title 7, Chapter 7.90 Secondhand Dealers and Transient Merchants.

Discussion:

On July 23, 2014, the City Council approved Ordinance No. 5837 to amend Albany Municipal Code, Chapter 7.90 Secondhand Dealers and Transient Merchants. Over the past six months of experience, we recommend the following amendments to provide clarification.

The attached Ordinance has all recommended changes marked in gray highlight and strikethrough. In Section 7.90.020, Subsection 6, we are updating the definition of "Dealer" or "Secondhand Dealer" to exclude scrap metal recycling businesses as defined in ORS 165, in which regulated property is returned to base component and not resold as regulated property.

In Section 7.90.160, Subsection 1, we are updating the List of Regulated Property to include ammunition.

Budget Impact:

None

AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE TITLE 7.90 SECONDHAND DEALERS AND TRANSIENT MERCHANTS; REPEALING ORDINANCE NO. 5837; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Albany is amending Albany Municipal Code Section 7.90, to update Section 7.90.020 Definitions, and Section 7.90.160 List of Regulated Property and repealing Ordinance 5837; and

WHEREAS, by adopting the requirement for an electronic property management reporting system, operations will be improved; and

WHEREAS, electronic reporting will ensure quality investigations and will identify repeat offenders; and

WHEREAS, it is in the best interest of public safety to identify regulated properties and prohibit activities that promote increased property crimes.

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

Section 1. Amending Albany Municipal Code Title 7. The Albany Municipal Code Title 7, Chapter 7.9, Section 7.90.020 Definitions, and Section 7.90.160 List of Regulated Property is hereby amended as follows:

Sections:

- 7.90.010 Purpose.
- 7.90.020 Definitions.
- 7.90.030 Special License Required.
- 7.90.035 Minimum Standards.
- 7.90.040 Application for Special License.
- 7.90.045 Transient Merchants-Surety Bond Required.
- 7.90.050 Issuance and Renewal of Special License.
- 7.90.070 Subsequent Locations.
- 7.90.080 Reporting of Secondhand Dealer Transactions.
- 7.90.090 Regulated Property Sale Limitations.
- 7.90.100 Tagging Regulated Property for Identification.
- 7.90.110 Inspection of Property and Records.
- 7.90.120 Prohibited Acts.
- 7.90.130 Penalties.
- 7.90.140 Revocation or Suspension of License.
- 7.90.150 Appeals.
- 7.90.155 Administrative Policies and Procedures.
- 7.90.160 2014 List of Regulated Property.

**7.90.010 Purpose.**

The purpose of adopting this Chapter is to regulate certain business activities that present an extraordinary risk of being used by criminals to dispose of stolen property. Despite the best efforts of legitimate secondhand dealer businesses, this risk is present because these businesses process large volumes of goods and materials that can be the subject of theft. This Chapter is intended to reduce this type of criminal activity by providing timely police awareness of such property transactions and by regulating the conduct of persons engaged in this business activity. These regulations are necessary and the need for the regulations outweighs the regulatory effect that may result from their adoption.

**7.90.020 Definitions.**

As used in this Chapter, unless the context requires otherwise:

1. "Acceptable identification" means either a current driver's license, a State of Oregon Identification Card issued by the Department of Motor Vehicles, an Oregon Concealed Handgun License, or two current United States, state- or local government-issued identification cards, one of which has a photograph of the seller.
2. "Acquire" means to take or transfer any interest in personal property in a voluntary transaction, including but not limited to: sales; consignments; memoranda between a Dealer and a private party seller; leases; trade-ins; loans; and abandonments. Any acquisition of regulated property by a Dealer will be presumed to be an acquisition on behalf of the Secondhand Dealer business. Notwithstanding the foregoing, "acquire" does not include:
  - a. Any loans made in compliance with state laws by persons licensed as pawnbrokers by the State of Oregon; or
  - b. Memoranda between a Secondhand Dealer and a person engaged in the business of selling regulated property; or
  - c. Acquisition of property for consignment sale wherein payment is not made to the owner within 14 days of consignment.
3. "Business Location" means any physical location where the Dealer conducts business.
4. "Chief of Police" means the Chief of the Albany Police Department or his/her designee.
5. "Criminal conviction" refers to any offense defined by the statutes of the State of Oregon or ordinances of the City of Albany, unless otherwise specified. Any conviction for conduct other than that denoted by the statutes of the State of Oregon or ordinances of the City of Albany, as specified herein, will be considered to be equivalent to one of such offenses if the elements of such offense for which the person convicted would have constituted one of the above offenses under the applicable Oregon statutes or City of Albany ordinance provisions.
6. "Dealer" or "Secondhand Dealer:"
  - a. Means any:
    - (1) Sole Proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership, or any other form of organization for doing business and that either:
      - (i) Acquires regulated property at or from business locations within the City of Albany, or on behalf of such a business regardless of where the acquisition occurs, or
      - (ii) Offers for sale regulated property.
    - (2) Pawnbroker licensed under the Oregon Pawnbroker's Act, ORS 726.020, 726.990.
  - b. Dealers that acquire or offer for sale not more than 50 items of regulated property in any one-year period will be categorized as an "Occasional Secondhand Dealer." The term "Dealer" in this Chapter and all regulations herein refer to Secondhand Dealers,

Occasional Secondhand Dealers, and Pawnbrokers unless specifically stated otherwise.

- c. "Dealer" does not include:
- (1) A business whose acquisitions of regulated property consist exclusively of donated items and/or purchases from 501(c)3 organizations; or
  - (2) A person whose only business transactions with regulated property in the city of Albany consist of the sale of personal property acquired for household or other personal use; or
  - (3) A person whose only business transactions with regulated property in the city of Albany consist of a display space, booth, or table maintained for displaying or selling merchandise at any trade show, convention, festival, fair, circus, market, flea market, swap meet, or similar event for less than 14 days in any calendar year.
  - (4) A scrap metal recycling business as defined in ORS 165, in which regulated property is returned to base component and not resold as regulated property.
7. "Held Property" means any regulated property that cannot be sold, dismantled, or otherwise disposed of for a prescribed period of time as more specifically enumerated in Section 7.90.090.
8. "Investment purposes" means the purchase of personal property by businesses and the retention of that property in the same form as purchased, for resale to persons who are purchasing the property primarily as an investment.
9. "Medication" means any substance or preparation, prescription, or over-the-counter, used in treating or caring for ailments and/or conditions in humans or animals.
10. "New" means anything conspicuously not used.
11. "Pawnbroker" means any business required by ORS 726.040 to hold an Oregon pawnbroker's license. Pawnbrokers are required by Chapter 7.90 to have a Secondhand Dealer License. As a Dealer, all transactions occurring within their business (loans, buys, or consignments) are subject to all requirements within this Chapter unless otherwise stated.
12. "Person" means a natural person.
13. "Precious Metals" means an item that consists of or incorporates gold in eight karat or greater purity, silver, platinum, or palladium. Item of precious metal does not include dental gold, unrefined metal ore, an electronic product, any part of a mechanical system on a motor vehicle, gold or silver coins or bullion in any form. Refer to ORS 646A.064.
14. "Principal" means any person who will be directly engaged or employed in the management of the Secondhand Dealer business, including any owners and any shareholders with a five percent or greater interest in the company.
15. "Receive" means to take property into the inventory, possession, or control of a Dealer.
16. "Regulated property" means property of a type that has been defined in this Chapter that is frequently the subject of theft, including new items as defined in this section as well as used items such as precious metals, precious gems, watches, sterling silver, electronic equipment, photography equipment, tools, musical instruments and cases, firearms, sporting equipment, and household appliances. In order to enhance the Police Department's ability to reduce property crimes and recover stolen goods, a list of regulated property has been established and may be updated by June 30th of each year by the Chief of Police or designee. A copy will be kept on file

in the Police Department.

17. "Remanufactured" means that an item has been altered to the degree that the main components are no longer identifiable as the original item.
18. "Seller" means any person who:
  - a. Offers items of regulated property in exchange for money or other property; or as collateral for a loan; or
  - b. Donates or abandons items of regulated property.
19. "Trade Show" means an event open to the public, held in a venue other than a Dealer's business location, at which vendors of a specific type of merchandise may exhibit, buy, sell, or trade items that may include regulated property.

Events commonly known as flea markets or swap meets, in which goods of many types are exhibited, sold, or traded, are not considered trade shows for the purpose of this Chapter.
20. "Transaction Report" means the record of the information required by Section 7.90.080, transmitted to the Albany Police Department by the means required in Section 7.90.080.
21. "Transient Merchant" means any person:
  - a. Engaged in the business of purchasing or acquiring regulated property from business locations within the City of Albany; and
  - b. Engaged as an itinerant or temporary business under the provisions of the Albany Municipal Code, Chapter 5.10.
22. "Used" means anything that has been put into action or service.
23. "Electronic database" means the computerized record keeping system the Albany Police Department utilizes to manage data, including but not limited to, Secondhand Dealers' transaction reports.

**7.90.030 Special License Required.**

1. No person or business shall engage in, conduct, or carry on a secondhand dealer business in the city of Albany without a valid Secondhand Dealer Special License issued by the City of Albany.
2. Upon acquiring or offering for sale more than 50 items, or a total value of over \$500.00 of regulated property during any one-year period, an occasional secondhand dealer shall apply for and obtain a Secondhand Dealer Special License before acquiring any more items of regulated property.
3. Any person or business that advertises or otherwise holds him/her out to be acquiring or offering for sale regulated property within the City of Albany will be presumed to be operating as a Dealer subject to the terms of Chapter 7.90.
4. The sale and/or purchase of regulated property at events commonly known as "garage sales," "yard sales," or "estate sales," and online purchases are exempt from these regulations if all of the following are present:
  - a. No sale exceeds a period of 72 consecutive hours; and
  - b. No more than three sales are held at the same location in any 12-month period.

**7.90.035 Minimum Standards.**

1. No person or business may operate as a Dealer within the city of Albany unless the person or business maintains a fixed physical business location.
2. Dealers shall comply with all applicable federal, state, and local regulations.

**7.90.040 Application for Special License.**

1. An applicant for a Secondhand Dealer Special License shall complete and submit an application that sets forth the following information:
  - a. The name, address, telephone number, birth date, and principal occupation of all principals that will be directly engaged or employed in the management or operation of the business or the proposed business;
  - b. The name, address, and telephone number of the business or proposed business and a description of the exact nature of the business to be operated;
  - c. Written proof that all principals are at least 18 years of age;
  - d. A brief summary of the applicant's business history in any jurisdiction including:
    - (1) The license history of the applicant, and
    - (2) Whether the applicant or any principal has ever had any business-related license or permit revoked or suspended, the reasons therefore, and the business activity or occupation of the applicant or principal subsequent to the suspension or revocation;
  - e. Whether the applicant will be a sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership, or any other form of organization for doing business.
    - (1) If a partnership, the application must set forth the names, birth dates, addresses, telephone numbers, and occupations, along with all other information required of any individual applicant, of each partner, whether general, limited, or silent, and the respective ownership shares owned by each.
    - (2) If a corporation, or limited liability company, the application must set forth the corporate or company name, copies of the articles of incorporation or organization, and the corporate by-laws or operating agreement, and the names, addresses, birth dates, telephone numbers, and occupations, along with all other information required of any individual applicant, of every officer, director, member or manager, and shareholder (owning more than five percent of the outstanding shares) and the number of shares held by each;
  - f. If the applicant does not own the business premises, a true and complete copy of the executed lease (and the legal description of the premises to be permitted) must be attached to the application.
2. The Secondhand Dealer shall notify the Chief of Police or designee of any changes in the information required in Subsection 1 of this Section within 10 business days.

3. The personal and business information contained in the application forms required pursuant to Section 7.90.040 are subject to the requirements of the Oregon Public Records Law, ORS 192.410 et seq.

**7.90.045 Transient Merchants-Surety Bond Required.**

No person shall engage in business as a transient merchant until such merchant has filed with the City Recorder of the City a \$25,000 bond, with a surety company licensed to do business in the State of Oregon as surety, for the benefit of any person damaged by false, fraudulent, or misleading representations of the transient merchant in the conduct of his/her business.

Any person, business, or corporation operating as a transient merchant in the city of Albany shall maintain any purchases within the city of Albany for a period of 14 days and have it available for inspection during regular business hours.

**7.90.050 Issuance and Renewal of Special License.**

1. Upon the filing of an application for a Secondhand Dealer Special License, the Chief of Police or designee shall conduct an investigation of the applicant and all principals according to the requirements in Section 7.90.040. The Chief of Police or designee shall issue the license within 30 days of receiving the application if no cause for denial exists.
2. Except as provided in Section 7.90.050 the Chief of Police shall deny an application for a Secondhand Dealer Special License if any of the following apply:
  - a. The applicant, or any person who will be directly engaged in the management or operation of the business, or any person who owns a five percent or more interest in the business, has previously owned or operated a business regulated by Chapter 7.90, and
    - (1) The license or permit for the business has been revoked and not reinstated for cause that would be grounds for revocation pursuant to Chapter 7.90, or
    - (2) The business has been found to constitute a public nuisance and abatement has been ordered;
  - b. Any person listed on the initial application or renewal application has been convicted of one or more crimes involving either bribery, deception, dishonesty, forgery, fraud, theft, or any attempt or conspiracy to commit any of the listed offenses;
  - c. Any statement in the application is false or any required information is withheld.
3. Notwithstanding Section 7.90.050, the Chief of Police may grant a permit after consulting with the City Council despite the presence of one or more of the enumerated factors if the applicant establishes to the Chief of Police's reasonable satisfaction that:
  - a. The behavior evidenced by such factor is not likely to recur; or
  - b. The behavior evidenced by such factor is remote in time; or
  - c. The behavior evidenced by such factor occurred under circumstances that diminish the seriousness of the factor as it relates to the purpose of Chapter 7.90.
4. Secondhand Dealer Special Licenses are valid yearly and will automatically renew at 12:00 a.m. on January 15th of each year unless the Special License is revoked or surrendered. The licenses are nontransferable and are valid only for a single business location. When the business location

is to be changed, the license holder shall provide the address of the new location in writing to the Chief of Police or designee for approval at least 14 days prior to the change.

5. Secondhand Dealer Special Licenses must be displayed at the business location in a manner readily visible to patrons.
6. Upon denial of an application for a Secondhand Dealers Special License, the Chief of Police or designee shall give the applicant written notice of the denial.
  - a. Service of the notice will be accomplished by mailing the notice to the applicant by certified mail, return receipt requested.
  - b. Mailing of the notice will be prima facie evidence of receipt of the notice.
  - c. The denial will be effective three days after the notice is sent.
7. Denial of a license may be appealed to the Albany Municipal Court by filing written notice of an appeal within 10 days of the date of denial in accordance with Section 7.90.150.

**7.90.070 Subsequent Locations.**

1. Dealers must file an application for a permit for a subsequent or additional business location with the Albany Police Department; provided the information required for the subsequent or additional business location is identical to that provided in the application for the prior location with the exception of that required by Section 7.90.040.
2. Secondhand Dealer Special Licenses issued for subsequent or additional business locations will be subject to all the requirements of this Chapter, and the term of the permit issued for a subsequent or additional location will expire on the same date as the initial permit.

**7.90.080 Reporting of Secondhand Dealer Transactions.**

1. Dealers shall provide to the Albany Police Department all required information as set forth by the Albany Police Department for each regulated property transaction (not including sales). The Chief of Police may designate the format for the transfer of this information and may direct that it be communicated to the Criminal Investigations Unit by means of mail, the Internet, or other computer media.
  - a. In any such case that the Chief directs that the information be transmitted via computer media, the Chief may also direct the system that will be utilized in order to ensure conformity among all Secondhand Dealers.
  - b. If, after establishing the format and requirements for the transmission of computerized reports of transactions, the Chief of Police alters the required format, Dealers will be given at least 60 days to comply with the new format requirements. If unable to implement the reporting system before the deadline, a Dealer must submit a written request for additional time to the Chief of Police before the deadline.
  - c. Secondhand Dealers are required to report only new transactions with a dollar amount of \$20.00 or more. Multiple transactions by an individual in a single day will be aggregated for overall dollar amount. Loan renewals do not need to be reported.
  - d. Within three days of a purchase, a secondhand dealer shall report the transaction to the Police Department.
2. The Chief of Police may specify the format of the transaction report form. The Chief of Police may require that the transaction report form include any information relating to the regulations of this Chapter. Dealers may utilize their own forms, in lieu of those supplied by the Albany Police Department, if the Chief of Police has approved such forms. The Declaration of Proof of

Ownership will be considered to be included in references in this Chapter to the transaction report form, as appropriate.

**7.90.090 Regulated Property Sale Limitations.**

1. Regulated property is subject to the following limitations:
  - a. **Holding Period.** Regulated property acquired by any Secondhand Dealer must be held for a period of 14 full days from the date of acquisition. Firearm transactions conducted by Federal Firearm Licensed dealers are exempt from the 14-day hold. Pawnbroker loan transactions are exempt from the 14-day hold requirements of Section 7.90.090 because of the redeemable nature of the loans and the holding requirements in ORS 726. However, if the loan is converted to a buy by the pawnbroker within 14 days from the date of the pawn transaction, the difference between the original date of the pawn and the buy will count toward the 14-day hold requirement. All other provisions of Section 7.90.090 remain in effect.
  - b. **Requirements of Held Property.** All held property must remain in the same form as when **received, must not be sold, dismantled, or otherwise disposed of to allow for identification and examination by the Albany Police Department.** Held property must be kept at the business location during this holding period so that it can be inspected during normal business hours (as provided in Section 7.90.110). Held property, other than property on Police Hold, may be held in a place within public view, as long as the other requirements of Section 7.90.090, Subsection 1.b, are met.
  - c. **Consignment Sales.** Items consigned to a Secondhand Dealer must be reported as purchases when accepted.
  - d. **Held property requirements do not apply if:**
    - (1) The property is received from a Secondhand Dealer regulated by the City of Albany who has already satisfied the holding requirements of this Chapter and the Dealer records the original transaction report number on the transaction report completed for the new transaction; or
    - (2) If a customer, who originally purchased property from a Secondhand Dealer, returns it to that Dealer with the original receipt.
2. Notwithstanding Section 7.90.090, the Chief of Police may determine that certain types of transactions pose a reduced risk of being an outlet for the sale of stolen property and therefore may modify the hold period and/or reporting requirements for those types of transactions. Those transactions and the modified requirements are described in Section 7.90.120.
3. Upon reasonable belief that an item of regulated property is the subject of a crime, any peace officer may provide notice to any Dealer that a specifically described item of regulated property must be held in a separate Police Hold area for a period not to exceed 30 days from the date of notification, and is subject to the requirements of Section 7.90.090, Subsection 1.b, above. The hold may be extended an additional 30 days upon notice provided to the Dealer that additional time is needed to determine whether a specific item of regulated property is the subject of a crime. The Dealer shall comply with the hold notice and notify the Albany Police Department Detective Unit of the hold notice no later than five calendar days from the day the notice was received, either by telephone, fax, email, or in person. A Dealer must notify the Detective Unit of his/her intent to dispose of any item of regulated property under Police Hold at least 10 days prior to doing so.

- a. A Police Hold area must meet the following criteria:
    - (1) Located out of public view and access, and
    - (2) Marked "Police Hold," and
    - (3) Contain only items that have been put on Police Hold.
  - b. If it is not possible or practical to move an item to or store an item in the Police Hold area, a Dealer may submit a written request to the Chief of Police or his/her designee for approval to keep the item with other held property. Approval may be granted with the understanding that the item will be clearly marked as being on Police Hold and kept from public view and access.
4. Upon probable cause that an item of property is the subject of a crime, the Chief of Police or his/her designee may take physical custody of the item or provide written notice to any Dealer to hold such property for a period of time as determined by the Chief of Police, not to exceed the statute of limitations for the crime being investigated. Any property placed on hold pursuant to this subsection is subject to the requirements found in Section 7.90.090, Subsection 1.b, and will be maintained in the Police Hold area unless seized or released by the Police. Seizure of property will be carried out in accordance with Oregon Revised Statutes.
  5. If a Dealer acquires regulated property with serial numbers, personalized inscriptions or initials, or other identifying marks which have been destroyed or are illegible due to obvious normal use, the Dealer shall continue to hold the property at the business location for a period of 90 full days after acquisition. The Dealer must notify the Albany Police Department by writing "90 day hold" next to the item on the transaction report or by an electronic means approved by the Albany Police Department. The held property must conform to all the requirements found in Section 7.90.090, Subsection 1.b.
  6. If a Dealer receives information that leads to an objectively reasonable basis to believe that any property already at his/her business location has been previously lost or stolen, he/she must report that belief to the Albany Police Department by day's end. The notice must include the transaction report number and any additional information regarding the name of the owner, if known.
  7. If a peace officer seizes any property from a Dealer, the Dealer must notify the Albany Police Department of the seizure no later than five calendar days from the day the seizure occurs. The Dealer must provide the name of the agency, the name of the peace officer, the number of the receipt left for the seizure, and the seized property information. Notification to the Albany Police Department may be given by telephone, fax, email, or in person.

**7.90.100 Tagging Regulated Property for Identification.**

Dealers shall affix a tag to every item of regulated property, which must contain a unique, legible number. That unique number must either be the same as the transaction report number for that item or be referenced to the transaction report required by the Albany Police Department. After the holding period has expired, the transaction number must remain identifiable on the property until the sale of the property.

1. After the applicable holding period has expired, hand tools, or items that are sold with other like items and have no identifiable numbers or markings need not remain tagged.
2. After the applicable holding period has expired, items that are remanufactured need not remain tagged.

**7.90.110 Inspection of Property and Records.**

Upon presentation of official identification, a Dealer shall allow any representative of the Albany Police Department to enter the business location to ensure compliance with the provisions of Chapter 7.90. The inspection will be for the limited purpose of inspecting the business location, regulated property, and related records as provided in this Chapter. Except by mutual agreement with the Dealer or by court order, any inspection under this Section may occur only during the Dealer's normal business hours.

#### **7.90.120 Prohibited Acts.**

1. It is unlawful for any person regulated by Chapter 7.90:
  - a. To receive any property from any person or other act:
    - (1) Known to the principal, employee, or Dealer to be prohibited from selling by a court order,
    - (2) Under the age of 18 years unless the person's parent or guardian completes the applicable information on the Declaration of Proof of Ownership,
    - (3) Consignment sales: to consign an item, provide customer with a cash advance and agree or contract to have the customer buy back the item with a fee after a specified time. This is a loan transaction falling under the Oregon Pawnbroker Act, ORS 726.
  - b. To receive property prohibited by this Chapter, including:
    - (1) Medications,
    - (2) Gift cards, in-store credit cards, or activated phone cards,
    - (3) Property with serial numbers, personalized inscriptions or initials or other identifying marks that appear to have been intentionally altered or rendered illegible;
2. Any violation of Chapter 7.90 is punishable, upon conviction, by a fine of not more than \$2,500.00 and a jail sentence of up to one year.

#### **7.90.130 General Penalties**

Any violation of Chapter 7.90 shall be deemed a misdemeanor as provided under Chapter 1.04, Subsection 010 through 020, unless the City requests it to be treated as a violation.

1. Violation- a civil penalty of not more than \$1,000.00 or such sum as may be provided in the ordinance defining the offense.
2. Misdemeanor- a fine of not more than \$2,500.00 or imprisonment not to exceed one year, or both such fine and imprisonment.

#### **7.90.140 Revocation or Suspension of License.**

1. Along with the other regulatory enforcement authority granted under this Chapter, the Chief of Police may, after consulting with the City Council, revoke or suspend any license issued pursuant to this Chapter:
  - a. For any cause that would be grounds for denial of a license; or
  - b. Upon finding that any violation of the provisions of this Chapter, federal, state, or other local law has been committed and the violation is connected with the operation of the permitted business location so that the person in charge of the business location knew, or

- should reasonably have known, that violations or offenses were permitted to occur at the location by the Dealer or any principal or employee engaged or employed in the management or operation of the business location; or
  - c. A lawful inspection has been refused; or
  - d. If payment of civil penalties has not been received by the City of Albany within 10 business days after the penalty becomes final; or
  - e. If any statement contained in the application for the License is false.
- 2. The Chief of Police, upon revocation or suspension of any License issued pursuant to this Chapter, shall give the Dealer written notice of the revocation or suspension.
  - a. Service of the notice will be accomplished by mailing the notice by regular and certified mail, return receipt requested.
  - b. Mailing of the notice by regular mail will be prima facie evidence of receipt of the notice.
- 3. Revocation will be effective and final 15 days after the giving of notice unless the revocation is appealed in accordance with Section 7.90.150.
- 4. Suspension will be effective immediately upon the giving of notice, for the period of time set in the notice not to exceed 30 days.

**7.90.150 Appeals.**

- 1. Any Dealer or person whose initial application or renewal application for a Secondhand Dealer Special License has been denied, or whose license has been revoked or suspended, may appeal the action of the Chief of Police or his designee to the Albany Municipal Court.
- 2. The filing of a notice of appeal of revocation or suspension of a permit, or of a civil penalty imposed by the Chief of Police under this Chapter, will stay the effective date of the action until the Albany Municipal Court Judge has issued an opinion.

**7.90.155 Administrative Policies and Procedures.**

- 1. Any proposed amendments or changes to the Secondhand Dealer Ordinance will be approved by the City Council.
- 2. The Chief of Police may make available and publish a new Regulated Property List by June 30th of each year. If no modifications are made, the previous year's Regulated Property list will remain in effect.

**7.90.160 ~~2014~~ List of Regulated Property**

- 1. Used Items-only transactions greater than \$20.00 in a single or aggregate transaction are required to be reported.
  - a. Precious metals, refer to definition under Section 7.90.020;
  - b. Precious gems;
  - c. Watches of any type and jewelry containing precious metals or precious gems;
  - d. Sterling Silver, including but not limited to, flatware, candleholders, salt and pepper shakers, coffee and tea sets, or ornamental objects;
  - e. Audio equipment;
  - f. Video equipment;
  - g. Other electronic equipment, including but not limited to: global positioning systems (GPS), electronic navigation devices, or radar detectors;

- h. Photographic and optical equipment;
- i. Electrical office equipment;
- j. Power equipment and tools;
- k. Automotive and hand tools;
- l. Telephones, telephone equipment, or cellular telephones;
- m. Power yard and garden tools;
- n. Musical instrument and related equipment;
- o. Firearms, including but not limited to: rifles, handguns, shotguns, pellet guns, or BB guns. Firearm transactions conducted by a Federal Firearm Licensed dealer are exempt from the 14-day hold;
- p. Sporting equipment: e.g. bicycles, kayaks, golf clubs;
- q. Outboard motors, and boating accessories;
- r. Household appliances, valued over \$50.00 retail value;
- s. Entertainment media such as DVD boxed sets, video game cartridges, etc;
- t. Computers and computer-related software and equipment;
- u. **Ammunition.**

2. New items

- a. New items purchased from a licensed business shall be exempt from regulation under Chapter 7.90 if the Dealer has a bill of lading, receipt, invoice, or the equivalent for the new items.
- b. Items acquired from a manufacturer, manufacturer's representative, or distributor that are discontinued or have been used for display or demonstration but not previously sold are new and exempt from regulation under Chapter 7.90.

Section 2. Emergency Clause. In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by Council: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

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

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

**A RESOLUTION CALLING A MEASURE ELECTION TO SUBMIT TO THE ELECTORS OF THE CITY THE QUESTION OF AMENDING THE CITY CHARTER TO AUTHORIZE UP TO 18 MILLION DOLLARS OF GENERAL OBLIGATION BONDS TO FINANCE PUBLIC SAFETY PROJECTS; DECLARING INTENT TO REIMBURSE EXPENDITURES; AND PROVIDING FOR RELATED MATTERS**

WHEREAS, the City Council of the City of Albany, Linn and Benton Counties, Oregon, (the "City"), determines that it will benefit the City to obtain the authority to issue up to 18 million dollars of general obligation bonds to finance capital costs of public safety facilities as more fully described in the Summary section of the attached Exhibit A (the "Purposes"); and,

WHEREAS, the Oregon Constitution and Oregon Revised Statutes Chapter 287A allow the voters of the City to authorize the City to issue general obligation bonds to provide funds to finance the costs of the Purposes, including costs of issuing the Bonds; and,

WHEREAS, ORS 287A.050 limits the amount of general obligation bonds in certain cases to three percent of the real market value of taxable property in the City, and issuing the bonds described in this resolution (the "Bonds") will not cause the City to exceed this limit; and,

WHEREAS, the Bonds are expected to pay "tax-exempt" interest (interest that is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended) and the rules of the United States Internal Revenue Service require the City to declare its official intent to reimburse itself for amounts that the City will spend before the tax-exempt Bonds are issued;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALBANY, OREGON, AS FOLLOWS:

Section 1. A special measure election is hereby called for the purpose of submitting to the electors of the City the question of amending the City Charter to authorize the issuance of up to 18 million dollars of general obligation bonds to finance capital costs of public safety facilities.

These capital costs may include costs related to the general obligation bonds. Pursuant to ORS 250.285, the City Council approves the ballot title that is attached as Exhibit A and directs that this ballot title be filed with the City Elections Officer.

Section 2. The measure election hereby called shall be held in the City on the 19<sup>th</sup> day of May, 2015.

Section 3. The City authorizes the City Manager or Finance Director to act on behalf of the City, to prepare and file an explanatory statement for this special measure election, and to take such further action as is necessary to carry out the intent and purposes herein in compliance with the applicable provisions of law.

Section 4. The City Elections Officer shall give at least ten (10) days notice of the election called by this resolution by posting notice thereof at a conspicuous place in the City Hall and by publication in a newspaper of general circulation published in the City, as required by Section 27 of the City Charter.

Section 5. Pursuant to ORS 250.275(5) and 250.285 the City Elections Officer shall publish in the next available edition of the Albany Democrat-Herald, a notice of receipt of the ballot title including notice that an elector may file a petition for review of the ballot title pursuant to ORS 250.296 not later than the seventh business day after the title is filed with the City Elections Officer. The notice shall be in substantially the form attached to this resolution as Exhibit B.

Section 6. Pursuant to ORS 254.095(2) the City directs the City Elections Officer to file a Notice of City Measure Election, on Oregon Secretary of State form SEL 802 or any replacement form, with the Linn County Elections Office. If no petition is filed pursuant to ORS 250.296 to change the ballot title, the Notice of City Measure Election shall be filed in substantially the form of Exhibit A with the Linn County Elections Office no later than March 19, 2015, (sixty-one (61) days prior to the election date), and no earlier than the ninth business day after the date on which Exhibit A is filed with the City Elections Officer. If a petition is filed pursuant to ORS 250.296 to challenge the ballot title, the Notice of Measure Election, in substantially the form of Exhibit A but with any changes required by the circuit court, and the explanatory statement shall be filed as soon as the circuit court certifies the ballot title to the City Elections Officer and not later than March 19, 2015.

Section 7. The City hereby declares its official intent to reimburse itself with the proceeds of the Bonds for any amounts the City spends on the Purposes before the Bonds are issued.

DATED AND EFFECTIVE THIS \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

**EXHIBIT A**

**NOTICE OF CITY MEASURE ELECTION**

**NOTICE IS HEREBY GIVEN THAT ON** May 19, 2015, a measure election will be held in the City of Albany, Linn and Benton Counties, Oregon. The election shall be conducted by mail. The following shall be the ballot title of the measure to be submitted to the city's voters:

**CAPTION**

CITY OF ALBANY

GENERAL OBLIGATION BOND AUTHORIZATION

**QUESTION**

Shall Albany issue up to \$18 million in general obligation bonds for public safety facilities? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

**SUMMARY**

This measure amends the city charter to authorize up to 18 million dollars in principal amount of city general obligation bonds to finance capital costs related to new, seismically sound public safety facilities, including a police station and a main fire station. The city estimates that the levy for these bonds will be approximately 29 cents per \$1,000 of assessed value.

A copy of the charter amendment is available from the City's Elections Officer.

**EXHIBIT B**

**NOTICE OF RECEIPT OF BALLOT TITLE**

Notice is hereby given that a ballot title for a measure referred by the City of Albany has been filed with the City Elections Officer on \_\_\_\_\_, 2015. The ballot title caption is CITY OF ALBANY GENERAL OBLIGATION BOND AUTHORIZATION. A copy of the ballot title is available from the City's Elections Officer and is also available at [www.cityofalbany.net](http://www.cityofalbany.net). An elector may file a petition for review of this ballot title in the Linn County Circuit Court no later than 5:00 p.m. \_\_\_\_\_, 2015 [insert the date that is seven business days after resolution date, i.e., date ballot title is filed with Elections Officer] under ORS 250.296.

\_\_\_\_\_  
Signature of City Elections Officer

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Printed name of City Elections Officer

\_\_\_\_\_  
Title

This legal notice is to be published by the City Elections Officer in the Albany Democrat Herald, Albany, Oregon, or in another newspaper of general distribution within the City.



TO: Albany City Council

VIA: Wes Hare, City Manager  
Mark W. Shepard, P.E., Assistant City Manager/Public Works and Community Development Director *MWS*

FROM: Jeff Blaine, PE, Assistant Public Works Director/City Engineer *JB*  
Gordon Steffensmeier, PE, PLS, Civil Engineer III *GS*

DATE: February 4, 2015, for the February 11, 2015, City Council Meeting

SUBJECT: Crocker Lane and Valley View Drive LID  
Initial Engineer's Reports and Financial Investigations

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods  
● Effective Government

Action Requested:

Staff recommends that Council accept this Engineer's Report and the accompanying Financial Investigation and adopt the attached Resolution setting a public hearing for March 11, 2015.

Discussion:

The following Engineer's Report reflects the direction provided by Council at the December 8, 2014, Council Work Session. A Resolution setting a public hearing for this project is included for Council's consideration for adoption as Attachment A.

*Background*

On May 28, 2014, Council authorized staff to initiate an Engineer's Report regarding the formation of a LID for the improvement of Crocker Lane, Valley View Drive, and Bloom Lane.

Staff presented preliminary cost estimates and LID boundaries for the proposed improvements at the December 8, 2014 Council Work Session. The estimates for the proposed Bloom Lane assessments were relatively high and property owners were generally opposed to the Bloom Lane improvements. Consequently, Council decided not to pursue the Bloom Lane LID and directed staff to send a letter to the Bloom Lane property owners to explain that while an LID to improve Bloom Lane will not be formed at this time, one could be formed in the future. That letter was sent on December 15, 2014.

Council directed staff to proceed with the Engineer's Report and neighborhood meeting for the Crocker Lane and Valley View Drive LID. Council also directed staff to include the two properties at 2600 and 2634 Valley View Drive in the LID boundary. Staff held a neighborhood meeting on January 13, 2015, to discuss the project and to explain the LID process to the attendees. Nine property owners, two representatives of Benton County, and two representatives of MBBH Development, LLC, (the owner of the 32 acre vacant parcel), attended the meeting. Views expressed by the attendees included:

- The west two property owners on Valley View Drive questioned the need for sidewalk improvements on Valley View and have concerns about constructability, impacts to driveway slopes, reduced parking, and decreased safety for entering and exiting their properties as they currently use the area for turning movements.
- One property owner thought Crocker Lane improvements should be completed all at once from Valley View to Gibson Hill Road, and that if there is no plan to do the rest of Crocker in the near term that this project was a waste of money.
- Property owners want the City to obligate the maximum City funding identified for potential City participation.
- One property owner stated that they didn't see the value they receive for this expense and wasn't interested in spending their money on it.
- Property owners expressed frustration with the Petition/Waiver process, but one property owner mentioned that Hayden Homes actually provided them a copy of the Petition/Waiver to make sure they were aware of the requirement before they purchased their home in the North Creek subdivision.
- Some owners expressed that the City is only doing this LID now because the 20-year limit of the Petition/Waiver is approaching and that the improvements weren't really needed.
- One property owner felt that the subdivisions on the east side of Crocker, not in the LID boundary, got off easy with inexpensive frontage improvements or fees paid.

The Crocker Lane and Valley View Drive street projects could occur separately or together in a single project. Each street project's preliminary cost, assessment estimates, and proposed assessed properties within the LID boundary, are presented separately below.

### **Crocker Lane**

Costs estimates for Crocker Lane are based on improving the street to City standards from Valley View Drive to Meadow Wood Drive as called for in the City's Transportation System Plan with an eleven-foot travel lane in each direction, six-foot bike lanes, and six-foot sidewalks. Staff has identified that utilizing a full depth reclamation process for construction will be the most cost effective. Full depth reclamation involves grinding the existing pavement and base in place, treating the material with cement and using it for a new base, and placing new asphalt pavement over the cement-treated base. This method of construction has been used successfully on other streets throughout Albany and could save as much as \$400,000 over traditional reconstruction methods. The estimated construction cost for Crocker Lane improvements is \$1,462,000.

#### *Crocker Lane Proposed Assessed Properties*

The attached map labeled (Attachment B-1) shows the staff-recommended properties to be assessed for Crocker Lane Improvements. There are some properties fronting Crocker Lane that are excluded from the LID. These properties include:

- St. James Estates – Frontage already improved with subdivision.
- Tuscany Estates – Frontage already improved with subdivision.

- Crocker Heights – Frontage improvements paid for with subdivision through North Albany Street Improvement Assurance Fees
- Four Single Family Residential Lots – No current petition and waivers for improvements or land use approvals for development. Reimbursement for frontage improvements will be made at time of future development (discussed further below).

#### Crocker Lane LID Assessments

Staff recommends an assessment methodology based on fully-developed lots. Properties that are not currently fully developed were assigned multiple lots based upon their potential to be subdivided. The 113 lots assigned to the large MBBH parcel assumed the property would be developed at the same density as the Saint James Estates subdivision. The MBBH owner is currently proposing to develop 80 to 84 lots and donating approximately 10 acres to Benton County Parks. A previously approved development on the site was approved for 121 lots. Despite the potential reduction in lots, the frontage across the potential park property must be improved and is the responsibility of the property owner. Without City participation in the LID, assessments are estimated to be \$7,615 per lot.

#### City Participation

If Council would like to contribute City funds to this project there are three sources of funds for the Crocker Lane street improvements that can be considered: North Albany Street Improvement Assurance reserves, Street and Storm Connection fee reserves, and Transportation System Development Charge Improvement Fee reserves.

North Albany Street Improvement Assurance Fees. Staff recommends that the City contribute \$29,000 of North Albany Street Improvement Fee reserves. This amount represents the inflation adjusted amount that the Crocker Heights subdivision developer paid into the North Albany Street Improvement Assurance fund for improvements to Crocker Lane.

Street and Storm Connection Fees. Staff recommends contributing \$85,000 of Street and Storm Connection Fee reserves. This amount represents the estimated street and storm connection fees that the four excluded single-family, residential properties will pay for road improvements if they decide to develop at some point in the future. This approach allows exclusion of properties from the LID for which owners have not requested improvements through petition and waivers without shifting the full burden of improving their frontages to the included properties. The City will ultimately get reimbursed for this investment if these properties develop.

Transportation System Development Charge Improvement Fee (TSDCi). Staff recommends Council consider contributing TSDCi reserves to the project. The adopted TSDCi methodology identifies that Crocker Lane improvements are eligible for funding at 30 percent. Based on the construction cost estimate, the City could contribute up to \$438,600. If Council is interested in allocating TSDCi funds to this project, a separate Council action will be required to modify the adopted TSDCi project funding list. At that time, consideration should also be given to potential impacts of funding other near-term, TSDCi-eligible projects based on the current level of TSDCi reserves.

The following table shows the estimated per lot assessments for Crocker Lane street improvements, based on different City participation levels:

City Participation	\$0	\$29,000	\$29,000+\$85,000	\$29,000+\$85,000+\$438,600
Estimated per lot assessment	\$7,615	\$7,464	\$7,020	\$4,737
Estimated monthly payment (10-yr. plan)	\$86.66	\$84.94	\$79.89	\$53.90

Potential assessments to individual properties based on these scenarios are outlined on the attached table labeled "Crocker Assessments based on \$1,462,000 project" (Attachment B-2).

### Valley View Drive

Valley View Drive from Crocker Lane to 870-feet west is subject to the same petitions and waivers as Crocker Lane. In recognition of the significant differences between Crocker Lane and Valley View Drive, staff recommended, and Council approved, considering a limited scope of improvement for this frontage. Staff has prepared a cost estimate based on adding a 10-foot-wide, multi-use path within the right-of-way on the south side of Valley View Drive. Due to the steep terrain, some of the path would need to be supported by a retaining wall, which results in a total project cost estimate for the sidewalk improvements of \$260,000.

Similar to Crocker Lane, staff recommends an assessment methodology based on fully-developed lots. There are a total of 182 assessable lots south of Valley View and west of Crocker, as shown on the map labeled "Attachment C". 180 of these lots are subject to a petition/waiver for Valley View Drive. The 2 lots just east of Hillcrest Street are not subject to petition/waivers. The resulting assessment per assessable lot is \$1,429. Assuming a typical 10-year payment plan, the monthly payment would be \$16/month/lot.

Alternatively, both the developer and the Benton County Parks Department have suggested that an all-weather path south of the right-of-way within the proposed park could substitute for the more expensive path within the right-of-way. Staff supports this alternative if the County and the developer reach an agreement with an alignment that works for the City's needs. If the path through the park were built by the developer or Benton County, the Valley View Drive portion of the LID could be abandoned prior to initiating design and construction activities. Regardless, formation of the LID, including Valley View Drive, is recommended prior to expiration of the referenced petition and waivers. Whether or not the Valley View Drive portion of the LID should be abandoned will be a future Council decision based on the progression of discussions between the developer and Benton County Parks Department. However, it is important to include Valley View Drive improvements at this time in order to retain flexibility and recognize efficiencies with the LID process.

### Crocker Lane and Valley View Drive LID Boundary and Financial Investigation

Staff is proposing to form a single LID for the two improvements with assessments for each of the improvements assigned separately as outlined above. A single LID has administrative

benefits for the City and the property owners. Attachment D provides the proposed LID boundary under a single LID and identifies which properties would be assessed for which improvements. The Financial Investigation provided as Attachment E assumes that both projects will be constructed and that the City will not participate in funding the project. While Council has indicated that they would consider having the City contribute to the cost of Crocker Lane improvements, the Financial Investigation does not reflect any City participation. In this way, property owners in the LID will see the estimated worst-case assessment scenario in the Engineer's Report.

*Proposed Project Schedule*

The proposed schedule is:

Public hearing to form the LID	March 11, 2015
Design	Summer/Fall 2015
Bidding and Award of Contract	Winter 2015/2016
Complete Construction	Summer 2016
Public Hearing on Final Assessments	Winter 2016/2017

Budget Impact:

If this LID is formed, street and storm drain costs will be funded by a combination of special assessments to the benefiting properties and any City participation in the project costs. The City could contribute a combined \$29,000 in North Albany Street Improvement Assurance Fees, \$85,000 in Street and Storm Connection Fees, and \$438,600 in Transportation System Development Charge Improvement Fees, or other funds identified by Council.

GS:kw  
Attachments

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

**A RESOLUTION ACCEPTING THE ENGINEER'S REPORT AND FINANCIAL INVESTIGATION REPORT FOR CROCKER LANE AND VALLEY VIEW DRIVE LOCAL IMPROVEMENT DISTRICT (LID) AND SETTING A PUBLIC HEARING**

WHEREAS, at the May 28, 2014, City Council meeting the Albany City Council directed by Resolution Number 6325 that an Engineer's Report and Financial Investigation Report be prepared for Street and Storm Improvements to Crocker Lane, Valley View Drive, and Bloom Lane; and

WHEREAS, at the December 8, 2014, City Council Work Session, staff received direction from the Albany City Council about the proposed boundaries of the Local Improvement District (LID) and potential assessment methodologies for the street improvement projects; and

WHEREAS, Council directed that the Bloom Lane portion of the project not proceed at this time; and

WHEREAS, Council directed that an Engineer's Report and Financial Investigation Report be prepared for Crocker Lane and Valley View Drive Local Improvement District; and

WHEREAS, Council also directed that a neighborhood meeting be held to discuss the project, explain the Local Improvement District process, and receive comments from property owners within the proposed Local Improvement District boundaries; and

WHEREAS, property owners were invited to a neighborhood meeting that was held on January 13, 2015; and

WHEREAS, comments from the property owners were received and reported to the Albany City Council within the Engineer's Report; and

WHEREAS, the Engineer's Report and Financial Investigation Report have been received by and meet with the Albany City Council's approval.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby directs that a public hearing be scheduled for March 11, 2015, at 7:15 p.m. to consider the proposed project, Crocker Lane and Valley View Drive Local Improvement District (LID), and that notices of the public hearing be mailed and posted in compliance with AMC Section 15.04.060.

DATED AND EFFECTIVE THIS 11<sup>th</sup> DAY OF FEBRUARY 2015.

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Mayor

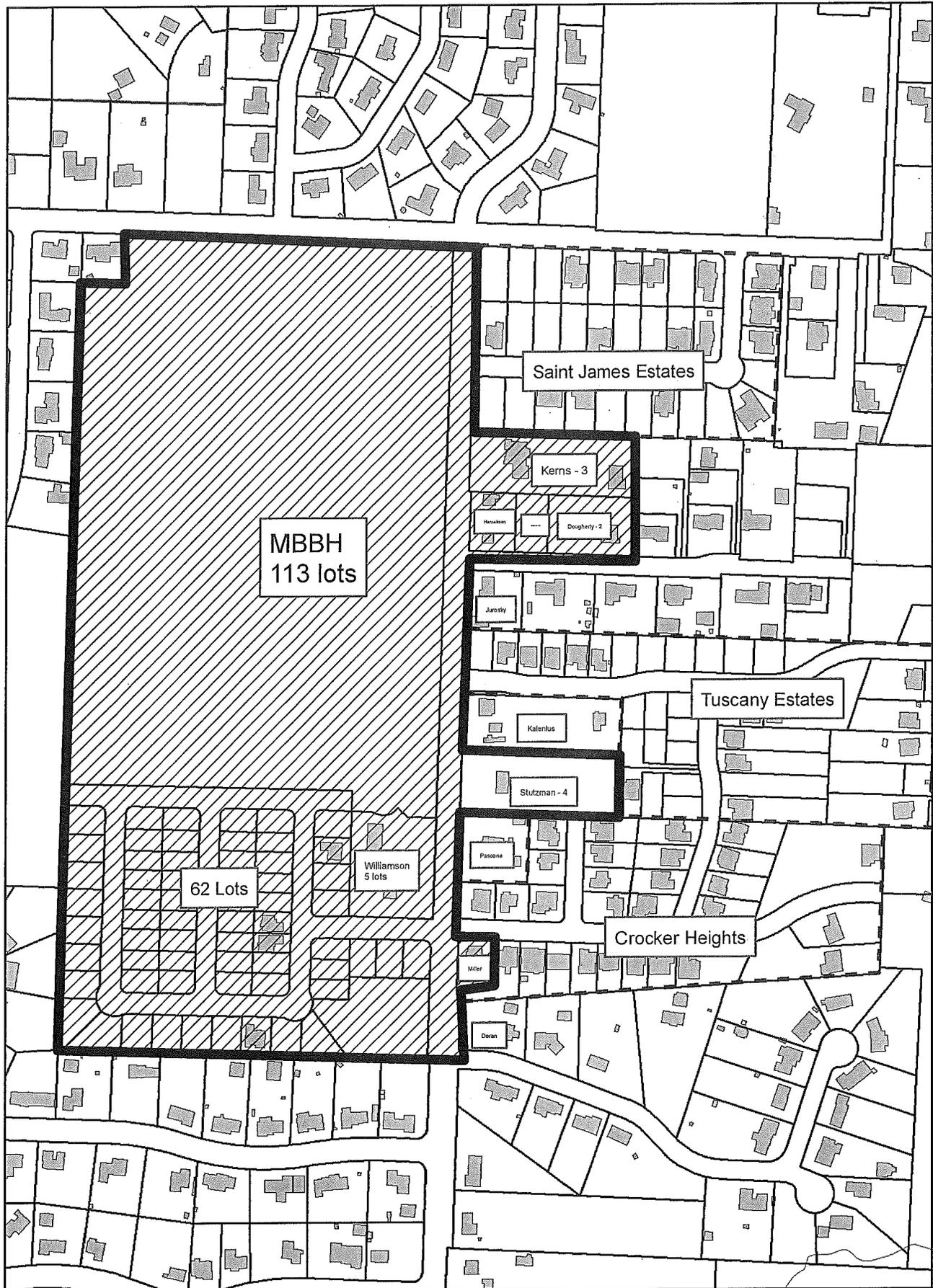
ATTEST:

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City Clerk

# Attachment B-1

**Bold Outline - Lots Assessed for Crocker Improvements**  
**Hashed Area - Subject to Petition/Waiver**



## Estimated Crocker Assessments based on \$1,462,000 project

Full Assessment		Assessment with City Participation		
	\$1,462,000	(-\$29,000 NAFF) \$1,433,000	(-\$85,000 CF) \$1,348,000	(-\$438,600 SDCi) \$909,400
MBBH (113 Lots)	\$860,495	\$843,432	\$793,260	\$535,281
Williamson (5 Lots)	\$38,075	\$37,320	\$35,100	\$23,685
North Creek Lots	\$7,615 (62)	\$7,464 (62)	\$7,020 (62)	\$4,737 (62)
Kerns (3 Lots)	\$22,845	\$22,392	\$21,060	\$14,211
Dougherty (2 Lots)	\$15,230	\$14,928	\$14,040	\$9,474
Hanselman	\$7,615	\$7,464	\$7,020	\$4,737
Manasco	\$7,615	\$7,464	\$7,020	\$4,737
Stutzman (4 Lots)	\$30,460	\$29,856	\$28,080	\$18,948
Miller	\$7,615	\$7,464	\$7,020	\$4,737
10-year monthly Payments/Lot	\$86.66	\$84.94	\$79.89	\$53.90

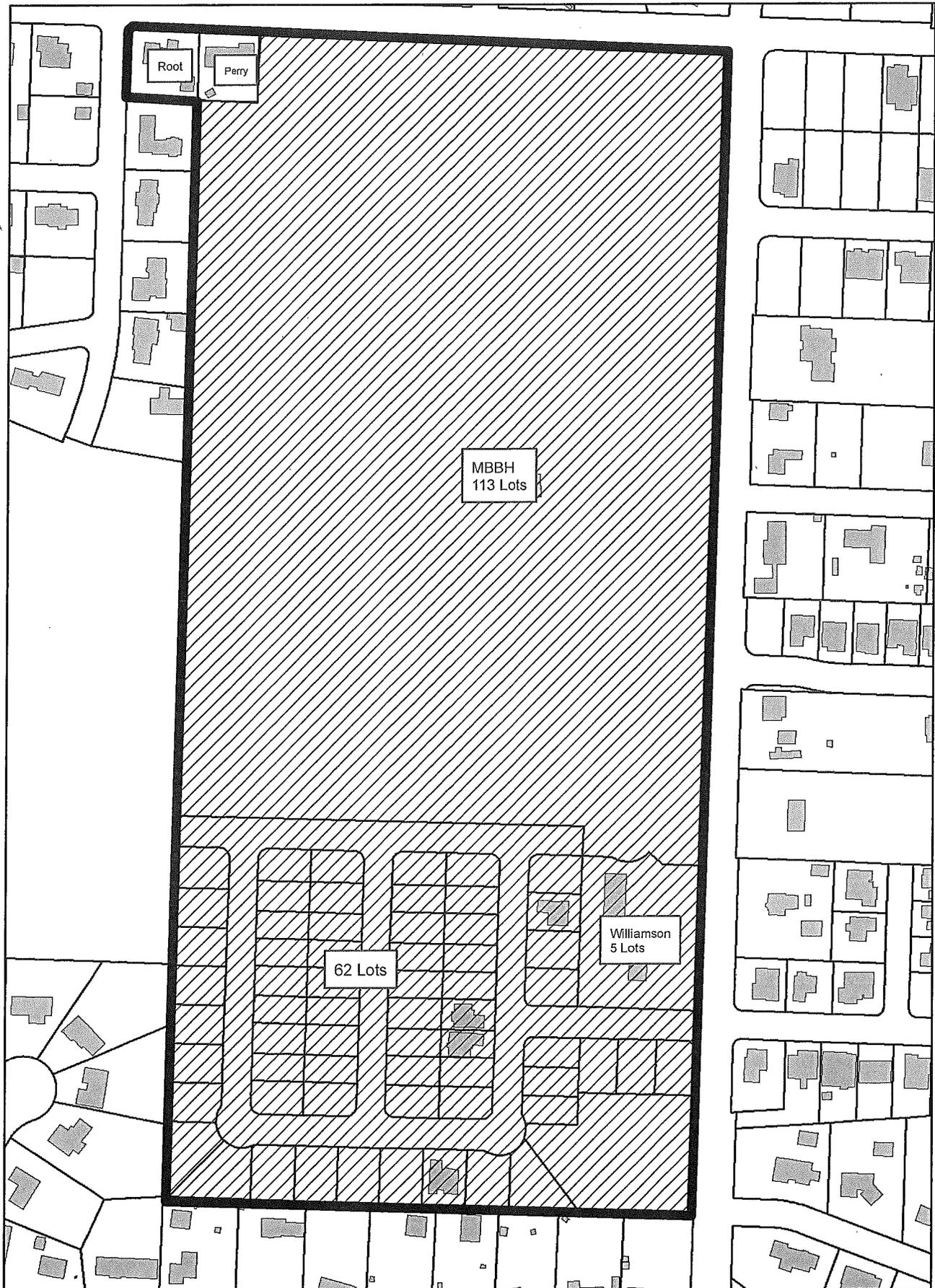
\*NAFF is a City contribution based on the fee the developer of Crocker Heights subdivision paid toward future street improvements.

\*CF is the fee that the City would contribute for those properties that have not already subdivided and are not subject to a petition/waiver. They would reimburse the City in the future if they subdivide.

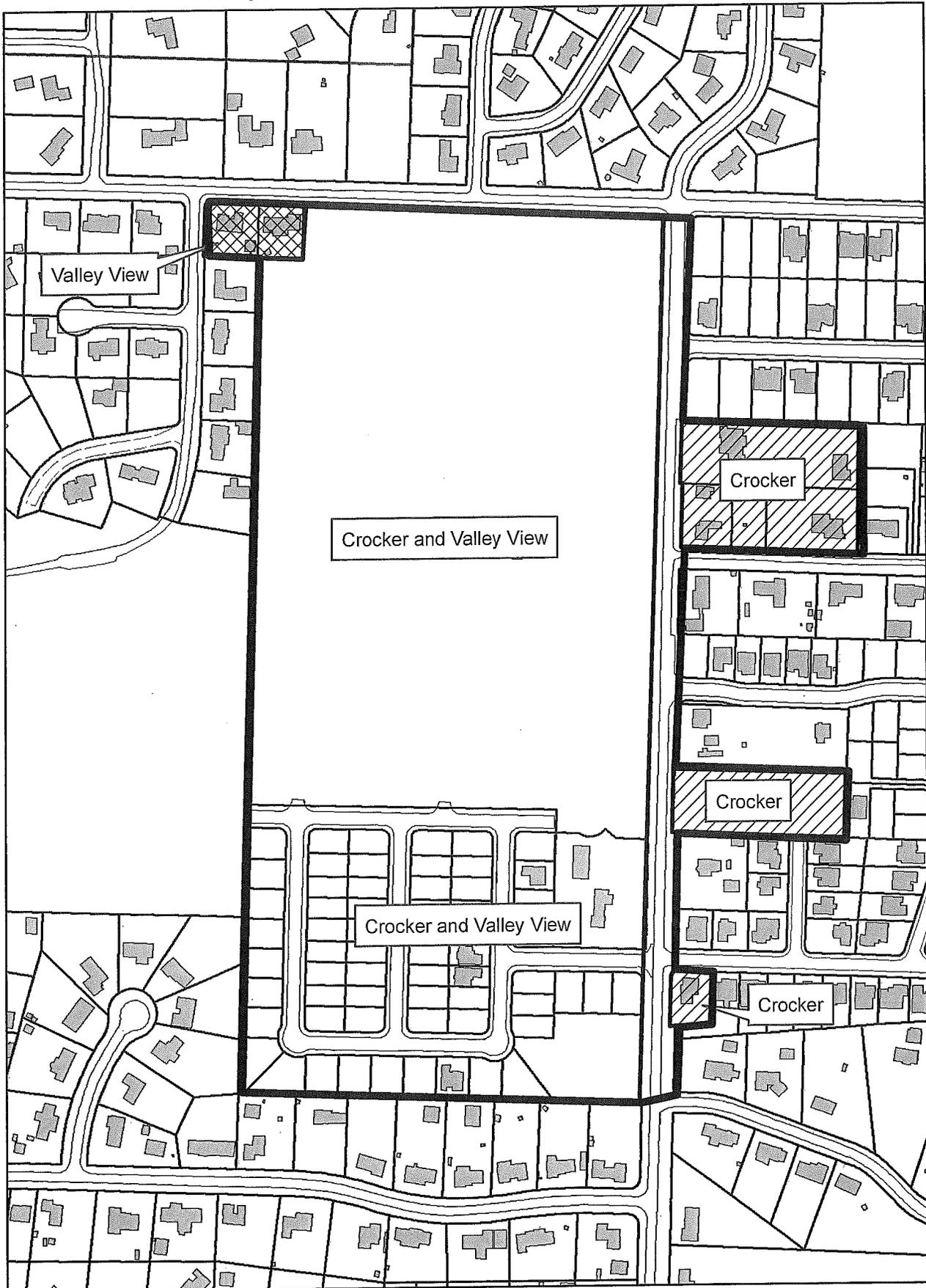
\*SDCi is the amount staff has recommended that the City contribute from System Development Charge funds towards the project in order to reduce property owners' assessments, (30% of total project cost, the maximum allowable per the SDC methodology)

# Attachment C

Bold Outline - Lots Assessed for Valley View Drive  
Hashed Area - Subject to Petition/Waiver



Attachment D  
Bold Outline - Proposed LID Boundary  
Properties Assessed for Valley View Drive  
& Properties Assessed for Crocker Lane



Methodology: Potential Lots

Name	Assessor's Map and Tax Lot	Site Address	INITIAL ENGINEER'S REPORT ASSESSMENT CALCULATION SHEET With Full City Participation				INITIAL ENGINEER'S REPORT ASSESSMENT CALCULATION SHEET Full Assessment - No City Participation			
			Potential Lots	Crocker Assm't	Valley View Assm't	Total Estimated Assm't	Potential Lots	Crocker Assm't	Valley View Assm't	Total Estimated Assm't
MBBH DEVELOPMENT LLC	10S04W25 01900	UNASSIGNED	113	\$535,281	\$161,477	\$696,758	113	\$860,495	\$161,477	\$1,021,972
WILLIAMSON DENNIS A,TR	10S04W25 01700	2660 CROCKER LN NW	5	\$23,685	\$7,145	\$30,830	5	\$38,075	\$7,145	\$45,220
BOLF ADAM & CHRISTINE	10S04W25CB00100	2674 KINGSTON WAY NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
FELDMAN HARRY A	10S04W25CB00200	2670 KINGSTON WAY NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
SAMS ROBERT A & NECTAR L	10S04W25CB00300	2662 KINGSTON WAY NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
MATTIODA MATTHEW & SABRINA	10S04W25CB00400	2658 KINGSTON WAY NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
SCHUBERT ROY L & ANN E	10S04W25CB01000	2558 WHITE OAK AVE NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
LOONEY WILLIAM DEVINEY & MELINDA MAUREEN	10S04W25CB01100	2645 KINGSTON WAY NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
YOUNG ARTHUR L & CATHY D	10S04W25CB01200	2649 KINGSTON WAY NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
JONES TODD W & FRANSON EMILY E	10S04W25CB01300	2653 KINGSTON WAY NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
MILLER BRYDON & JACQUELINE D	10S04W25CB01400	2657 KINGSTON WAY NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
HAMEL QUINTON & DANITA G	10S04W25CB01500	2661 KINGSTON WAY NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
REYNOLDS DANIEL JORDAN & CHANEY ANNE	10S04W25CB01600	2663 KINGSTON WAY NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
TRESS ERIC M & JENNIFER A	10S04W25CB01700	2669 KINGSTON WAY NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
JOHNSON FORREST R JR & DENISE R	10S04W25CB01800	2673 KINGSTON WAY NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
SIKORA AMY	10S04W25CB01900	2677 KINGSTON WAY NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
JANG AUJIN & LEE SEONAE	10S04W25CB02000	2676 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
HARBACH DAWN E	10S04W25CB02100	2672 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
WONG TAI G	10S04W25CB02200	2668 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
WONG BRITTANY M & NICHOLAS A	10S04W25CB02300	2664 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
PALMER SCOTT L & BANKS HEATHER E	10S04W25CB02400	2660 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
CUNNINGHAM JANELLE E	10S04W25CB02500	2656 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
ALEX TOMMY J	10S04W25CB02600	2652 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
CORDOVA HECTOR A	10S04W25CB02700	2648 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
LEWEY KAREN M	10S04W25CB02800	2642 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
FUNKE RAYMOND & EASTMAN CHRISTINA	10S04W25CB02900	2526 WHITE OAK AVE NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
MARTHALLER MICHAEL & JENNIFER	10S04W25CB03000	2502 WHITE OAK AVE NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
NEWBY ANN & RYAN	10S04W25CB03100	2484 WHITE OAK AVE NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
EVANOFF DANIEL L	10S04W25CB03200	2643 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
BOURKE ANNETTE M	10S04W25CB03300	2647 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
HARRIOTT OMAR	10S04W25CB03400	2651 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
HAMEL QUINTON & DANITA G	10S04W25CB03500	2655 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
HAGGERTY RACHEL & JAMES ES	10S04W25CB03600	2659 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
LARSON KEITH D	10S04W25CB03700	2661 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
BATTEN CHRISTINA R	10S04W25CB03800	2665 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
HAILE NATHAN & SARAH	10S04W25CB03900	2671 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
SCHAEFER JASON R	10S04W25CB04000	2675 BRIANNA ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
BOONE DARREN M & TAMRA R	10S04W25CB04100	2678 RED OAK ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
MOCK STEPHANIE E & CHRISTOPHER L	10S04W25CB04200	2670 RED OAK ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
HAYDEN HOMES LLC	10S04W25CB00500	2654 KINGSTON WAY NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
HARRINGTON TIM	10S04W25CB00600	2646 KINGSTON WAY NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
VAUGHN DAVID KYLE & MARCI M	10S04W25CB00700	2644 KINGSTON WAY NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
RAYMOND FRANKLIN D JR	10S04W25CB00800	2638 KINGSTON WAY NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
DELFINO CLAUDIO & ALBESIANO EMILIA	10S04W25CB00900	2596 WHITE OAK AVE NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
SLADCIK GREGORY S	10S04W25CB04300	2666 RED OAK ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
RAILEY KIMBERLY L	10S04W25CB04400	2662 RED OAK ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
STROWBRIDGE MERCEDES R & JONATHAN E	10S04W25CB04500	2658 RED OAK ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
MOSTEK MARC	10S04W25CB04600	2654 RED OAK ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044

Crocker Lane and Valley View Drive  
Local Improvement District

Methodology: Potential Lots

Name	Assessor's Map and Tax Lot	Site Address	INITIAL ENGINEER'S REPORT ASSESSMENT CALCULATION SHEET With Full City Participation				INITIAL ENGINEER'S REPORT ASSESSMENT CALCULATION SHEET Full Assessment - No City Participation			
			Potential Lots	Crocker Assm't	Valley View Assm't	Total Estimated Assm't	Potential Lots	Crocker Assm't	Valley View Assm't	Total Estimated Assm't
VERBEKE JOSEPH M & ASHLEY M	10S04W25CB04700	2650 RED OAK ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
DALESSI CHRISTOPHER E & STEELMAN AMY E	10S04W25CB04800	2646 RED OAK ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
HUBER COLIN M & PFEIFER MCKENZIE	10S04W25CB04900	2640 RED OAK ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
MORIN BRIAN & SARGENT SHAVONNE E	10S04W25CB05000	2422 WHITE OAK AVE NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
PHILIPSON LYSA L & HOWARD	10S04W25CB05100	2412 WHITE OAK AVE NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
SWANSON ERIC N	10S04W25CB05200	2400 WHITE OAK AVE NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
JOHNSON PEGGY A, TR	10S04W25CB05600	2649 RED OAK ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
HAYDEN HOMES LLC	10S04W25CB05800	2340 CLUSTER OAK AVE NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
NORTH CREEK HOMEOWNERS ASSOCIATION	10S04W25CB05300	UNASSIGNED	0	\$0	\$0	\$0	1	\$0	\$0	\$0
WILLIAMSON PAUL & PAMELA	10S04W25CB05400	2641 RED OAK ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
LEONHARDT AUDREY & FOSTER JUDY	10S04W25CB05500	2645 RED OAK ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
FJELD SHERIL & GERALD	10S04W25CB05700	2360 CLUSTER OAK AVE NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
HAYDEN HOMES LLC	10S04W25CB05900	2300 CLUSTER OAK AVE NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
BELL ERIN & ERVEN SHILOH	10S04W25CB06000	2659 RED OAK ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
HAYDEN HOMES LLC	10S04W25CB06100	2663 RED OAK ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
GENT WILLIAM F & NANNETTE R	10S04W25CB06200	2667 RED OAK ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
WYATT RODNEY K & JODIE L	10S04W25CB06300	2673 RED OAK ST NW	1	\$4,737	\$1,429	\$6,166	1	\$7,615	\$1,429	\$9,044
PERRY DAVID B & ANNETTE L	10S04W25 01200	2600 VALLEY VIEW DR NW	1	\$0	\$1,429	\$1,429	1	\$0	\$1,429	\$1,429
ROOT WILLIAM H 7 NANCY	10S04W26DA00100	2634 VALLEY VIEW DR NW	1	\$0	\$1,429	\$1,429	1	\$0	\$1,429	\$1,429
STUTZMAN BRENT M	10S04W25CA01102	2711 CROCKER LN NW	4	\$18,948	\$0	\$18,948	4	\$30,460	\$0	\$30,460
KERNS MICHAEL R & CHERYL A	10S04W25CA00300	2835 CROCKER LN NW	3	\$14,211	\$0	\$14,211	3	\$22,845	\$0	\$22,845
HANSELMAN ERIKA	10S04W25CA01300	2817 CROCKER LN NW	1	\$4,737	\$0	\$4,737	1	\$7,615	\$0	\$7,615
MILLER KENNETH R & ROSE MARIE	10S04W25CD02400	2641 CROCKER LN NW	1	\$4,737	\$0	\$4,737	1	\$7,615	\$0	\$7,615
MANASCO JOANN & DANIEL E	10S04W25CA01400	2153 BLOOM LN NW	1	\$4,737	\$0	\$4,737	1	\$7,615	\$0	\$7,615
DOUGHERTY ROSE MARIE	10S04W25CA01500	2055 BLOOM LN NW	2	\$9,474	\$0	\$9,474	2	\$15,230	\$0	\$15,230
				\$909,504	\$260,078	\$1,169,582		\$1,462,080	\$260,078	\$1,722,158

FINANCIAL INVESTIGATION REPORT  
Crocker Lane and Valley View Drive LID  
(as of February 11, 2015)

Section 2

Owner of Property	Assessor's Map and Tax Lot	Site Address	Total Market Value - Land and Improvements	Crocker Assessment	Valley View Assessment	Total Estimated Assessment	Monthly Payment		Total Monthly Payments	Bond Maximum	Asmt % to TMV	Asmt % of Project
							Crocker Lane	Valley View				
MBBH DEVELOPMENT LLC	10S04W25 01900	UNASSIGNED	1,599,000.00	\$860,495	\$161,477	\$1,021,972	\$9,793	\$1,837	\$11,630	3,198,000.00	63.91%	59.343%
WILLIAMSON, DENNIS A,TR	10S04W25 01700	2660 CROCKER LN NW	243,850.00	\$38,075	\$7,145	\$45,220	\$433	\$81	\$514	487,700.00	18.54%	2.626%
BOLF, ADAM & CHRISTINE	10S04W25CB00100	2674 KINGSTON WAY NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
FELDMAN, HARRY A	10S04W25CB00200	2670 KINGSTON WAY NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
SAMS, ROBERT A & NECTAR L	10S04W25CB00300	2662 KINGSTON WAY NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
MATTIODA, MATTHEW & SABRINA	10S04W25CB00400	2658 KINGSTON WAY NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
SCHUBERT, ROY L & ANN E	10S04W25CB01000	2558 WHITE OAK AVE NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
LOONEY, WILLIAM DEVINEY & MELINDA	10S04W25CB01100	2645 KINGSTON WAY NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
YOUNG, ARTHUR L & CATHY D	10S04W25CB01200	2649 KINGSTON WAY NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
JONES, TODD W & FRANSON EMILY E	10S04W25CB01300	2653 KINGSTON WAY NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
MILLER, BRYDON & JACQUELINE D	10S04W25CB01400	2657 KINGSTON WAY NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
HAMEL, QUINTON & DANITA G	10S04W25CB01500	2661 KINGSTON WAY NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
REYNOLDS, DANIEL JORDAN & CHANEY ANNE	10S04W25CB01600	2663 KINGSTON WAY NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
TRESS, ERIC M & JENNIFER A	10S04W25CB01700	2669 KINGSTON WAY NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
JOHNSON, FORREST R JR & DENISE R	10S04W25CB01800	2673 KINGSTON WAY NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
SIKORA, AMY	10S04W25CB01900	2677 KINGSTON WAY NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
JANG, AUJIN & LEE SEONAE	10S04W25CB02000	2676 BRIANNA ST NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
HARBACH, DAWN E	10S04W25CB02100	2672 BRIANNA ST NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
WONG, TAI G	10S04W25CB02200	2668 BRIANNA ST NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
WONG, BRITTANY M & NICHOLAS A	10S04W25CB02300	2664 BRIANNA ST NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
PALMER, SCOTT L & BANKS HEATHER E	10S04W25CB02400	2660 BRIANNA ST NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
CUNNINGHAM, JANELLE E	10S04W25CB02500	2656 BRIANNA ST NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
ALEX, TOMMY J	10S04W25CB02600	2652 BRIANNA ST NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
CORDOVA, HECTOR A	10S04W25CB02700	2648 BRIANNA ST NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
LEWEY, KAREN M	10S04W25CB02800	2642 BRIANNA ST NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
FUNKE, RAYMOND & EASTMAN CHRISTINA	10S04W25CB02900	2526 WHITE OAK AVE NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
MARTHALLER, MICHAEL & JENNIFER	10S04W25CB03000	2502 WHITE OAK AVE NW	222,520.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	445,040.00	4.06%	0.525%
NEWBY, ANN & RYAN	10S04W25CB03100	2484 WHITE OAK AVE NW	242,830.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	485,660.00	3.72%	0.525%
EVANOFF, DANIEL L	10S04W25CB03200	2643 BRIANNA ST NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
BOURKE, ANNETTE M	10S04W25CB03300	2647 BRIANNA ST NW	176,890.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	353,780.00	5.11%	0.525%
HARRIOTT, OMAR	10S04W25CB03400	2651 BRIANNA ST NW	196,260.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	392,520.00	4.61%	0.525%
HAMEL, QUINTON & DANITA G	10S04W25CB03500	2655 BRIANNA ST NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
HAGGERTY, RACHEL & JAMES ES	10S04W25CB03600	2659 BRIANNA ST NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
LARSON, KEITH D	10S04W25CB03700	2661 BRIANNA ST NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
BATTEN, CHRISTINA R	10S04W25CB03800	2665 BRIANNA ST NW	211,370.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	422,740.00	4.28%	0.525%
HAILE, NATHAN & SARAH	10S04W25CB03900	2671 BRIANNA ST NW	183,740.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	367,480.00	4.92%	0.525%
SCHEAFER, JASON R	10S04W25CB04000	2675 BRIANNA ST NW	194,970.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	389,940.00	4.64%	0.525%
BOONE, DARREN M & TAMRA R	10S04W25CB04100	2678 RED OAK ST NW	206,810.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	413,620.00	4.37%	0.525%
MOCK, STEPHANIE E & CHRISTOPHER L	10S04W25CB04200	2670 RED OAK ST NW	176,230.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	352,460.00	5.13%	0.525%
HAYDEN HOMES LLC	10S04W25CB00500	2654 KINGSTON WAY NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
HARRINGTON, TIM	10S04W25CB00600	2646 KINGSTON WAY NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
VAUGHN, DAVID KYLE & MARCI M	10S04W25CB00700	2644 KINGSTON WAY NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
RAYMOND, FRANKLIN D JR	10S04W25CB00800	2638 KINGSTON WAY NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
DELFINO, CLAUDIO & ALBESIANO EMILIA	10S04W25CB00900	2596 WHITE OAK AVE NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
SLADCIK, GREGORY S	10S04W25CB04300	2666 RED OAK ST NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%
RATLEY, KIMBERLY L	10S04W25CB04400	2662 RED OAK ST NW	176,790.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	353,580.00	5.12%	0.525%

FINANCIAL INVESTIGATION REPORT  
Crocker Lane and Valley View Drive LID  
(as of February 11, 2015)

			Total Market										
Owner of Property	Assessor's Map and Tax Lot	Site Address	Value - Land and Improvements	Crocker Assessment	Valley View Assessment	Total Estimated Assessment	Monthly Payment Crocker Lane	Monthly Payment Valley View	Total Monthly Payments	Bond Maximum	Asmt % to TMV	Asmt % of Project	
STROWBRIDGE, MERCEDES R & JONATHAN E	10S04W25CB04500	2658 RED OAK ST NW	198,610.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	397,220.00	4.55%	0.525%	
MOSTEK, MARC	10S04W25CB04600	2654 RED OAK ST NW	224,430.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	448,860.00	4.03%	0.525%	
VERBEKE, JOSEPH M & ASHLEY M	10S04W25CB04700	2650 RED OAK ST NW	163,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	326,000.00	5.55%	0.525%	
DALESSI, CHRISTOPHER E & STEELMAN AMY I	10S04W25CB04800	2646 RED OAK ST NW	192,970.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	385,940.00	4.69%	0.525%	
HUBER, COLIN M & PFEIFER MCKENZIE	10S04W25CB04900	2640 RED OAK ST NW	199,520.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	399,040.00	4.53%	0.525%	
MORIN, BRIAN & SARGENT SHAVONNE E	10S04W25CB05000	2422 WHITE OAK AVE NW	223,300.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	446,600.00	4.05%	0.525%	
PHILIPSON, LYSA L & HOWARD	10S04W25CB05100	2412 WHITE OAK AVE NW	241,660.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	483,320.00	3.74%	0.525%	
SWANSON, ERIC N	10S04W25CB05200	2400 WHITE OAK AVE NW	291,240.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	582,480.00	3.11%	0.525%	
JOHNSON, PEGGY A, TR	10S04W25CB05600	2649 RED OAK ST NW	178,060.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	356,120.00	5.08%	0.525%	
HAYDEN HOMES LLC	10S04W25CB05800	2340 CLUSTER OAK AVE NW	279,630.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	559,260.00	3.23%	0.525%	
NORTH CREEK HOMEOWNERS ASSOCIATION	10S04W25CB05300	UNASSIGNED	116,250.00	\$0	\$0	\$0	\$0	\$0	\$0	232,500.00	0.00%	0.000%	
WILLIAMSON, PAUL & PAMELA	10S04W25CB05400	2641 RED OAK ST NW	229,800.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	459,600.00	3.94%	0.525%	
LEONHARDT, AUDREY & FOSTER JUDY	10S04W25CB05500	2645 RED OAK ST NW	192,300.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	384,600.00	4.70%	0.525%	
FJELD, SHERIL & GERALD	10S04W25CB05700	2360 CLUSTER OAK AVE NW	225,050.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	450,100.00	4.02%	0.525%	
HAYDEN HOMES LLC	10S04W25CB05900	2300 CLUSTER OAK AVE NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%	
BELL, ERIN & ERVEN SHILOH	10S04W25CB06000	2659 RED OAK ST NW	256,100.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	512,200.00	3.53%	0.525%	
HAYDEN HOMES LLC	10S04W25CB06100	2663 RED OAK ST NW	40,000.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	80,000.00	22.61%	0.525%	
GENT, WILLIAM F & NANNETTE R	10S04W25CB06200	2667 RED OAK ST NW	237,300.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	474,600.00	3.81%	0.525%	
WYATT, RODNEY K & JODIE L	10S04W25CB06300	2673 RED OAK ST NW	291,900.00	\$7,615	\$1,429	\$9,044	\$87	\$16	\$103	583,800.00	3.10%	0.525%	
PERRY, DAVID B & ANNETTE L	10S04W25 01200	2600 VALLEY VIEW DR NW	254,640.00	\$0	\$1,429	\$1,429	\$0	\$16	\$16	509,280.00	0.56%	0.083%	
ROOT, WILLIAM H 7 NANCY	10S04W26DA00100	2634 VALLEY VIEW DR NW	217,580.00	\$0	\$1,429	\$1,429	\$0	\$16	\$16	435,160.00	0.66%	0.083%	
STUTZMAN, BRENT M	10S04W25CA01102	2711 CROCKER LN NW	311,320.00	\$30,460	\$0	\$30,460	\$347	\$0	\$347	622,640.00	9.78%	1.769%	
KERNS, MICHAEL R & CHERYL A	10S04W25CA00300	2835 CROCKER LN NW	397,310.00	\$22,845	\$0	\$22,845	\$260	\$0	\$260	794,620.00	5.75%	1.327%	
HANSELMAN, ERIKA	10S04W25CA01300	2817 CROCKER LN NW	196,840.00	\$7,615	\$0	\$7,615	\$87	\$0	\$87	393,680.00	3.87%	0.442%	
MILLER, KENNETH R & ROSE MARIE	10S04W25CD02400	2641 CROCKER LN NW	205,730.00	\$7,615	\$0	\$7,615	\$87	\$0	\$87	411,460.00	3.70%	0.442%	
MANASCO, JOANN & DANIEL E	10S04W25CA01400	2153 BLOOM LN NW	55,000.00	\$7,615	\$0	\$7,615	\$87	\$0	\$87	110,000.00	13.85%	0.442%	
DOUGHERTY, ROSE MARIE	10S04W25CA01500	2055 BLOOM LN NW	390,460.00	\$15,230	\$0	\$15,230	\$173	\$0	\$173	780,920.00	3.90%	0.884%	
<b>Totals</b>			<b>\$11,041,260</b>	<b>\$1,462,080</b>	<b>\$260,078</b>	<b>\$1,722,158</b>	<b>\$16,639</b>	<b>\$2,942</b>	<b>\$19,581</b>	<b>\$22,082,520</b>	<b>16%</b>	<b>100.0%</b>	

FINANCIAL INVESTIGATION REPORT (Cont.)  
Crocker Lane and Valley View Drive - Local Improvement District  
(as of February 11, 2015)

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

The City is holding two properties obtained through foreclosure. Fourteen properties are delinquent more than one year.

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

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

*Section 5. Real estate value trends in the area.*

Real estate values within the City remain stable. Residential and commercial construction fell slightly last year but interest in both has increased dramatically this year. Several new subdivisions are in the process of building in the near future; therefore, building activity is expected to remain high for the next year.

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

Property tax revenues for 2014 increased by 1.25% after a decline the previous year. The 2015 estimates are that the rate of growth will be about the same as 2014.

*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 pay 6.55 percent interest.

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

The estimated total assessments range from \$1,429 to \$1,021,972. The monthly payments for the proposed assessments are projected to range from \$16 to \$11,630 for a ten year term @ 6.55%.

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

CITY OF ALBANY  
 CITY COUNCIL  
 Council Chambers  
 Wednesday, December 3, 2014  
 7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon 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: Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Ray Kopczynski, and Dick Olsen.

Councilors absent: Councilor Floyd Collins was excused.

PROCLAMATION

World AIDS Awareness Month.

Konopa read the proclamation in the agenda packet. She said it was brought to the City Council by C.H.A.N.C.E., a local organization.

SCHEDULED BUSINESS

Communications

Recommendation from Human Relations Commission for Council resolution regarding the rights of all Albany residents.

A flyer titled "Diversity is a code word for white genocide" (see agenda file) was on the dais. These flyers were left on vehicles by an unknown person(s) during the Veterans Day Parade on November 11, 2014.

Javier Cervantes, representing the Human Relations Commission, said he is deeply troubled by the flyers. He opposes this bigoted speech. Many veterans were subjected to this type of language as well as people who have stood in harm's way for the freedom of speech. He said, it is important to realize that and to keep it in mind. The fact that there are people in our community that would use that as a weapon is deeply troubling. Just because a person has the right to espouse such vitriol does not mean that we as a community or a municipality have to condone it. No one should have to feel targeted. As a person of color living in Albany, he feels targeted by this ugliness. He wonders how a person can attack his identity, and this country's identity, knowing full well that it is diversity that creates the tapestry of our nation, and it is that diversity that this fringe group opposes. Cervantes said, many are adamant that racism is a thing of the past and that those who raise the issue are the problem. This flyer is evidence that, sadly, racism still exists, and is alive and well. We have seen it all over the country. Calling out racism is not just his problem; it is a collective problem. Passing the resolution is a step in the right direction and sends a clear message that Albany is a city for everyone. As a representative of the community who asked that the HRC to support this resolution and put it before the Council, he urged the Council to pass it.

Franz Schneider, 4780 Becker Circle SE, Albany, lives at the Mennonite Village. He supports Cervantes' request to have the HRC submit the resolution to the City Council to condemn the actions of the racists. In the process of talking to people, he kept hearing the notion that this is just a little thing that can be ignored. He said, history began to kick in: he has lived a long time and knows that if you ignore it, you have to repeat it. He read a story about his life (see agenda file). As a child, Schneider recalled family friends who were Jewish making the move to America. His own father was aware the Nazi regime was becoming stronger and should be taken seriously as the violence against Jews increased. As a young adult, Schneider was among the first group of exchange students to come to America. During a layover on his trip, he reconnected with his family friends, and experienced a poignant reunion with an elderly survivor of the Nazi regime.

Sue Goodman, 2660 NW 18<sup>th</sup> Avenue, represents Community Action for Racial Equity (CARE). Goodman said she realizes it is uncomfortable to think about race relations and that no one wants to venture far from their comfort zone. People in the mid-Willamette Valley are comfortable with the way things have always been and change can be challenging. The world itself is becoming more polarized. She said, we are all looking for the same thing in Albany: peace, compassion, opportunity, and the ability to have a purposeful life in our chosen community. CARE wants to take it one step further, and create a community that understands the value of opening the doors to more inclusivity, in which people of color

are actively welcomed for the contributions they bring. She said, the group here tonight is not asking for anything outside the realm of possibility. They are asking for the City Council to endorse, as the HRC has done already, a resolution in which the City of Albany will pledge to be diligent in the defense of the rights of all our citizens; to be proactive as we move forward in our attempts to be a welcoming community for all people looking for a better life; and to be steadfast and vigorous in condemning all forms of hate and bigotry. She said, by addressing Oregon's history on race relations, we open ourselves up to the very real potential for truly being welcoming and inclusive communities, ones which honor the contributions that everyone, regardless of their racial identity can bring.

Denise Hughes-Tafen, 2922 NW SW Squire Street, is here as a member of CARE, a member of the community, and as a mother; particularly as a mother of two boys of African descent. She chose to move here four years ago because they felt that Albany could be a place to call home. After hearing about the flyer passed out on Veterans Day, she was scared. While she realizes that it is the process of free speech, it took her back because it wasn't that long ago in this country that such words also were connected to racial violence. That is not something just in the past. She was scared for her family because she knows the product of such hate, but more so she was terrified for her two boys who are only 3 and 7 years old. The 7 year old was especially excited that day because they always attend the Veterans Day Parade and made sure to be at this one. She can't imagine how he would have felt if they had found a flyer on their car. She and her husband's hopes for their children are the same as any other parents; to live in a community where they feel safe, welcome, and embraced. Such hateful words as these create division and exclusion. She appealed to the City Council, as a voice for Albany, to take action because silence gives consent. She said, when we allow these things to happen, we create room for more things to happen. Now is the time to stamp it out at its root instead of allowing it to propagate.

Ron Green, 955 5<sup>th</sup> Avenue SW, grew up in the south, in a small town that was 40% African American yet completely separated from him as a white boy. They had two separate water fountains, restrooms, etc. He recalled that in 1957, he was walking downtown in east Texas, and an elderly black gentlemen stepped off the sidewalk into the gutter to let Green pass. That particular incident struck him and has stayed with him. It was an example of white privilege. It is something that all white people have experienced whether or not they have processed it or understood it. It still does exist. He suggested to the Council that they should act on this resolution with the strongest possible language and terms, to commit our City to go through what each white person ought to do in their own life, which is to process what it means to experience membership in a ruling class. He said, we can't possibly know what a member of a minority experiences in his or her life; we can, however, develop and examine ourselves to try to overcome our own sense of prejudice or bias and understand our own sense of white privilege. The work we need to do as individuals and as a municipality is not comfortable or easy work.

Councilor Rich Kellum read a quote from Evelyn Beatrice Hall: *I disapprove of what you say but I will defend to the death your right to say it.* Kellum asked, are those just words, or do we mean them? He said, society is replete with examples of people doing bad things to each other. He gave an example of how every story has two sides, but eventually the truth comes out. Kellum talked about names he was called when running for office. He said, it is not a one dimensional problem; it is a problem they all face. Even though it is not perfect they should give themselves credit for how far they have come. It is not always one side or one color; he gave examples. Kellum asked the Council to revise the resolution so that it includes the entire problem.

Councilor Ray Kopczynski said, he thinks Schneider nailed it when he said if we don't do something about it then we are bound to repeat it. He said, several folks have mentioned the right to free speech, though it is not absolute and it has been validly denied. In this particular case, and as a veteran, it is unconscionable that the perpetrators put the flyers on vehicles during the parade. Just like they have the right to spew hate, he has just as much right to speak against it.

MOTION: Councilor Bill Coburn moved to adopt the resolution as presented and Kopczynski seconded it. The motion passed 4-1, with Kellum voting no, and was designated Resolution No. 6369.

Kellum said he will be voting no, only because it does not go far enough.

Konopa said she got a couple of phone messages that stated that Albany is not a welcoming community. She said that is not true; she is proud of what Albany has accomplished as a caring and welcoming community. She said, we can't control the actions of a few citizens but if we all stand together, we can get the message out that we are a caring community.

Accepting Cortney Hall's resignation from the Community Development Commission.

MOTION: Councilor Bessie Johnson moved to accept the resignation of Cortney Hall and send a thank you letter. Kopczynski seconded the motion and it passed 5-0.

Quasi-Judicial Public Hearing

ZC-01-14, ATI-Pacific Cast Technologies, amending Ordinance No. 4441, which adopted the City of Albany zoning map; adopting findings; and declaring an emergency for property located at 2435 and 2445 Ferry Street SW.

Konopa said, the next agenda item is a consolidated quasi-judicial public hearing regarding planning file ZC-01-14. This is a quasi-judicial public hearing regarding the rezoning of two parcels from Industrial Park (IP) to Light Industrial (LI). The reason for the zone change request is to accommodate the expansion of a casting metals foundry. The location of the property is 2435 and 2445 Ferry Street SW. The application is Chris Turner, with ATI Pacific Cast Products, represented by Jeff Schott, with Pillar Consulting.

Open: Konopa opened the consolidated quasi-judicial public hearing at 7:52 p.m.

Konopa asked if any Councilors wished to declare a conflict of interest. No one did.

Konopa asked if any Councilors wished to report any ex parte contact. No one did.

Konopa asked if any Councilors wished to report a site visit. Kellum said he went and looked at the property.

Konopa asked if any Councilors wished to abstain from participating in the proceedings. No one did.

Konopa asked if anyone wishes to challenge the City Council's right to determine this matter or the participation of any Councilor in this hearing and decision. No one did.

Konopa said for those wishing to testify, there is a sign-up sheet at the table.

Konopa said, for 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 Land Use Board of Appeals (LUBA). Testimony and evidence must be directed towards the approval standards staff will describe or other criteria in the Comprehensive Plan or Development Code which you believe to 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 the proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.

Staff Report.

Lead Current Planner David Martineau said ATI Pacific Cast Products, represented by Chris Turner, is applying to rezone two parcels totaling 12.84 acres from IP to Light Industrial LI. These parcels are located directly south of their existing plant. The applicant is seeking this change for both properties because there are several advantages in the LI district over the IP district, such as outdoor storage allowances, maximum building height, and maximum lot coverage. The existing ATI-owned property north of these two subject lots is zoned LI, so having all their lots zoned LI makes land use provisions more consistent.

Martineau said the Comprehensive Plan designation for both properties is LI; therefore this request does not require an amendment to the Comprehensive Plan. Manufacturing and production uses are allowed through Site Plan Review or Conditional Use in both zones.

The proposal was reviewed for conformance with criteria for zoning map amendments found in the Development Code. Staff and the Planning Commission found that:

- The proposed zoning is consistent with the Transportation System Plan;
- Existing public utilities adjacent to the subject property are capable of serving development that would be allowed in the proposed zone;
- On balance, the LI zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan; and
- The proposed amendment will not affect implementation of the Statewide Planning Goals.

Therefore, Martineau said, staff and the Planning Commission recommend approval of the proposed zoning map amendment.

Konopa said, if anyone wishes to enter an exhibit into the record as part of your testimony, please briefly describe the exhibit and present it to the City Clerk.

Applicant

Konopa asked the applicant to come forward to state their name and address, and make any statements.

Jeff Schott, 52788 Ramsey Road, Condon, Oregon, represents ATI. He works for Pillar Consulting, an engineering group in Corvallis. This zone change is part of the first step in process ATI will take in anticipation of building another casting facility, or foundry, adjacent to the existing one. The timeframe is 1-5 years out and it will create 100-200 more jobs. The lot coverage, height, and storage are the main motivations for the zone change.

Kellum asked if there has there been a site plan for the building and transportation system on and off the site. Schott said no, but they are developing it now.

There was as signup sheet (see agenda file).

Konopa asked, does anyone wish to speak in support of the application? No one did.

Konopa asked, does anyone wish to speak in opposition to the application? No one did.

Konopa asked, does anyone wish to speak who is neither in favor nor in opposition to the application? No one did.

Councilor Dick Olsen asked if this property borders a residential zone. Martineau said yes, to the east and to the northwest. Notification was sent to those properties 300 feet around the perimeter of both lots. There were no written comments received; there were some comments at the Planning Commission hearing though they did not speak directly to the zoning map amendment. The comments ranged for support of the project to concerns that the future plant would cause impact to the adjacent residential areas. There is no maximum height in the LI zone but there is an advantage to the LI zone over the IP zone; the IP only provides for a 30 foot buffer or screening between the use and the property line, and the buffer in the LI zone is 40 feet.

Close: Konopa closed the public hearing at 8:00 p.m.

City Attorney Jim Delapoer read the ordinance for the first time in title only: AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY FOR PROPERTY LOCATED AT 2435 AND 2445 FERRY STREET SW.

MOTION: Kopczynski moved to have the ordinance read for a second time in title only and Johnson seconded it. The motion passed 6-0.

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

MOTION: Johnson moved to adopt the ordinance and Kopczynski seconded it. The motion passed 6-0 and was designated Ordinance No. 5846.

Konopa said, within five days of the decision the Community Development Director provides written notice of the decision to the applicant and any other parties entitled to notice. A decision of the City Council may be appealed to LUBA by filing a Notice of Intent to Appeal not later than 21 days after the decision becomes final.

Business from the Public

There was no business from the public.

Adoption of Consent Calendar

There was a revised Resolution for the Abstract of Votes on the dais (see agenda file).

- 1) Approval of Minutes
  - a) September 10, 2014, City Council Regular Session.
- 2) Accepting the abstract of votes regarding the ballots cast in the state of Oregon General Election held Tuesday, November 4, 2014, regarding candidates for City of Albany offices. RES. NO. 6370
- 3) Accepting Federal Byrne/JAG Wrongful Convictions Demonstration Project grant funds. RES. NO. 6371
- 4) Declaring the Fire Department's live-fire mobile training unit as surplus property and authorizing the disposal of the asset.
- 5) Applying for the U.S. Department of Homeland Security Fiscal Year 2014 Assistance to Firefighters Grant for regional fire incident command training and certification. RES. NO. 6372

Johnson asked for items 3) and 4) to be removed for discussion. Later she made note that she meant to remove items 4) and 5).

MOTION: Kopczynski moved to adopt the Consent Calendar, including the revised Resolution on the dais for item 2), and with items 3), 4), and 5) removed for discussion. Coburn seconded the motion and it passed 5-0.

Regarding Item 3), Kopczynski asked if the proceeds would be used towards the required match and if it would be enough to cover it. Fire Chief John Bradner said the required match is ten percent, and the City's portion is \$12,240. They would get \$10,000 from the sale so there would be an additional \$2,240 that would most likely be included in next year's budget process.

Regarding Item 3), Johnson noted that they got the vehicle in 2003 and it cost a lot of money. She asked what caused it to lose its value over eleven years. Bradner said when they got it they had very few options for doing live-fire training which is something the firefighters need on a regular basis. They used to acquire donated structures and do training by burning down the old, vacant houses. Over the years the restrictions have increased; so at the time they needed a way to do live-fire training. He explained the changes in fire training technology and how the training has evolved to become much better than it was in 2003. They stopped putting money into maintaining this training tool since they were no longer getting the value from it and wanted to move to container-based training. Most other agencies have also moved to container-based training also, which is why the live-fire training mobile unit has gone down in value.

Regarding Item 5), Johnson asked if that involves other agencies coming to Albany to train. Bradner said explained how the training would unfold and would result in the agencies talking the same language and running their incident command structures in the same way.

MOTION: Johnson moved to adopt items 3), 4), and 5) as presented. Kellum seconded the motion and it passed 5-0.

#### Appointment

##### Appointing Nathan Brown to the Community Development Commission.

MOTION: Kopczynski moved to approve the appointment of Nathan Brown to the Community Development Commission. Johnson seconded the motion and it passed 6-0.

#### BUSINESS FROM THE COUNCIL

The Council congratulated *Democrat-Herald* Reporter Steve Lundeberg on his new job. They said he will be missed.

Olsen spoke about moving to Albany from Corvallis as a student. It was refreshing. He spoke to the Resolution No. 6369 and invited people to talk to him about discrimination they have encountered in Albany.

Assistant City Manager/Public Works and Community Development Director Mark Shepard noted that several weeks ago the Council, by motion, approved a contract increase to work on the canal. At that time Shepard said he would come back with an update. He passed out a Summary Table and two pictures (see agenda file), which includes the final numbers. There were unanticipated issues such as soil anchors. Ultimately the change order cost was just over 20 percent. The work is almost complete; all the subsurface work is done and he does not anticipate other changes.

City Manager Wes Hare said that he and Public Information Officer/Management Assistant Marilyn Smith met with the Lebanon City Manager and other Lebanon staff to discuss the canal. They discussed their potential future use of the canal and made some progress towards an agreement as to what the terms and conditions would look like. One issue they need to resolve is what the City of Albany should charge. The historic agreement was 2/3 of the cost to be paid by Albany and 1/3 by Lebanon. There was a process in place for increasing the cost. An agreement was reached between two Public Works Directors in about 2007 to increase the amount of payment, so it went from \$55,000 to \$77,000; however, the City of Albany does not think that covers the costs. Hare said the discussion today was more cordial than discussions in the past and they acknowledged that they haven't yet come up with a methodology that both cities agree to for what to base the charge on, so they agreed to do study the methodology. They also agreed to move things along faster; the reason for delays is that there were some misunderstandings on what Lebanon was proposing to do.

Hare concluded that the good news is Albany has been supplying water to Lebanon for 30 years and we are likely to continue to do that for a long time without too much problem.

Kopczynski asked if they are hiring an outside consultant for the methodology study. Hare said yes.

Konopa noted that the Downtown Christmas Parade will be on Sunday at 5:00 p.m., followed by a tree lighting ceremony.

Albany City Council Regular Session  
December 3, 2014

RECESS TO EXECUTIVE SESSION TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY  
THE GOVERNING BODY TO CARRY ON LABOR NEGOTIATIONS IN ACCORDANCE WITH ORS 192.660  
(2)(d)

The Regular Session recessed to Executive Session at 8:21 p.m.  
RECONVENE

The Regular Session reconvened at 8:42 p.m.

Kopczynski complimented City staff regarding their work on a tree that lost its bark and had become a safety concern.

NEXT MEETING DATE:     Work Session December 8, 2014  
                              Regular Session December 10, 2014

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:43 p.m.

Respectfully submitted,

Mary A. Dibble, MMC  
City Clerk

Reviewed by,

Wes Hare  
City Manager



TO: Albany City Council

VIA: Wes Hare, City Manager  
Mark W. Shepard, P.E., Assistant City Manager/Public Works and Community Development Director *MWS*

FROM: Jeff Blaine, PE, Assistant Public Works Director/City Engineer *JB*  
Gordon Steffensmeier, PE, PLS, Civil Engineer III *G.S.*

DATE: February 3, 2015, for the February 11, 2015, City Council Meeting

SUBJECT: Relinquishing a Storm Drainage Easement

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods  
● Effective Government

Action Requested:

Staff recommends that Council adopt the attached Resolution, which will release an unneeded storm drainage easement.

Discussion:

In 1956 the City of Albany obtained a drainage easement north of Queen Avenue and south of the railroad tracks across an undeveloped area of Albany. A drainage ditch was installed in that easement from Queen Avenue to a mill pond just south of the railroad tracks. Today the area of the easement is fully developed with industrial businesses and a City street. The ditch and the mill pond were filled in decades ago.

The language in the easement (see Attachment A) states, "It is understood that this is not a permanent easement, but that it is to be granted for use until a storm sewer is put in...." In 1984 City project SD-84-01 replaced the ditch with a 54-inch storm drainage pipe. That storm drainage pipe was installed within a new 30-foot-wide sewer and storm drainage easement (see Attachment B).

It might be argued that the 1956 easement has already "sunsetting" since a storm sewer pipe replacing the ditch has been installed. The 1956 easement, however, still appears as an encumbrance on the underlying properties. In order to remove the encumbrance that this unneeded City easement entails, staff recommends that Council adopt the attached Resolution (Attachment C) approving the Relinquishment of Easement document.

Budget Impact:

None.

GS:kw  
Attachments

CITY OF ALBANY, OREGON

EASEMENT FILE NO. 79

DRAINAGE & SEWER EASEMENT

BOOK 254 PAGE 199

IN CONSIDERATION OF One Dollar, (\$1.00), receipt of which is hereby acknowledged,

J. F. Howard and Mary E. Howard

grantors,

bargain, sell and convey unto the City of Albany, Oregon, hereafter designated the City, a permanent easement for the purpose of constructing and maintaining a sewer line on the property described as follows:

7or drainage

See attached Sheet No. 2

It is understood and agreed that this is not a permanent easement but that it is to be granted for use until a storm sewer is put in or if this ditch interferes with the sale of a portion of the property that it can be moved either east or west far enough to permit property sale.

The easement granted over the above property is a strip of land 10 feet on either side of the following line for purposes of construction and 10 feet on either side of the following line for purposes of maintenance, said line described as follows:

Beginning at a point on the North margin of Queen Avenue, North 7°16' West a distance of 170.56 feet from the Southeast corner of the Thomas Monteith D.L.C. Number 84, thence North 0°30' West a distance of 164.07 feet, thence North 24°52' West a distance of 846 feet to a point in an old existing mill pond.

Insofar as said easement lies within the property above described.

The City shall have the right to enter upon the property described as the easement, to excavate, to remove trees, bushes, undergrowth and other obstructions interfering with the location, construction and maintenance of said sewer.

The grantors covenant they are lawfully seized and possessed of the property and have the right to convey any part thereof.

As part of the construction, the City agrees to restore the property, as near as practicable, to its prior condition before construction or maintenance.

As part of the consideration the grantors hereby release all claims for damages whatsoever incidental to the exercise of the rights herein granted.

IN WITNESS WHEREOF, said grantors have hereunto subscribed their signatures and seals this 25th day of September, 1956.

\_\_\_\_\_(SEAL) J. F. Howard (SEAL)
\_\_\_\_\_(SEAL) Mary E. Howard (SEAL)

STATE OF OREGON, ss.
County of

The above grantors, personally known to me to be the identical persons subscribing their names above, personally appeared before me and acknowledged that they executed the same freely for the uses and purposes therein named on the 25th day of September, 1956

Witness my hand and notarial seal this date;

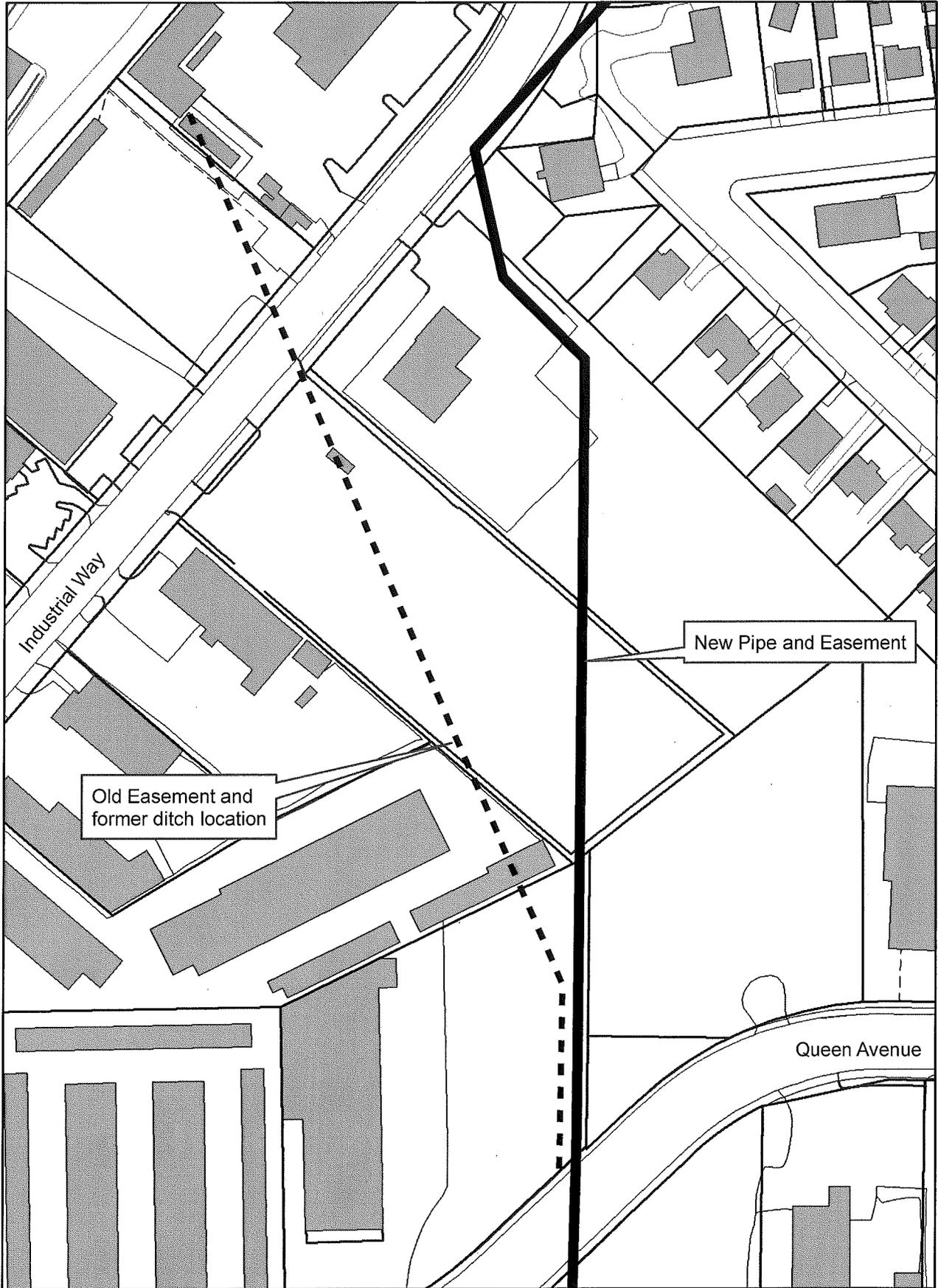
September 25, 1956



William D. Bollman
Notary Public for Oregon

My Commission Expires: My commission expires November 2, 1958

# Attachment B



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

A RESOLUTION DIRECTING STAFF TO EXECUTE THE ATTACHED RELINQUISHMENT OF DRAINAGE AND SEWER EASEMENT DOCUMENT:

Grantor: City of Albany

Purpose

Grantees: WR Grace and Co Conn, Synthetech,  
Peltier Real Estate Co, Albany Self Storage LLC,  
MTI Partners LLC,

A 20-foot wide Storm Drainage Easement  
Released/Terminated at the request of a property  
owner.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby direct staff to execute the attached Relinquishment of Drainage and Sewer Easement document.

DATED AND EFFECTIVE THIS 11TH DAY OF FEBRUARY 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

After Recording Return to:

City of Albany, Oregon  
P.O. Box 490  
Albany, OR 97321

**RELINQUISHMENT OF DRAINAGE AND SEWER EASEMENT**

The City of Albany, a municipal corporation duly organized and existing under the laws of the state of Oregon (the "City") hereby terminates and releases any and all interest of the City in that certain Drainage and Sewer Easement, dated September 24, 1956, recorded May 6, 1957, in Book 254 Page 199, Linn County, Oregon, deed records. As shown on attached map labeled Exhibit A.

The City no longer has any need for the Drainage and Sewer Easement due to the replacement of the ditch within the easement by a pipe and a replacement easement.

IN WITNESS WHEREOF, the City of Albany has executed this Relinquishment of Easement this \_\_\_ day of \_\_\_\_\_, 2015.

City of Albany, a municipal corporation  
of the State of Oregon

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

STATE OF OREGON     )  
                                  ) ss.  
County of \_\_\_\_\_)

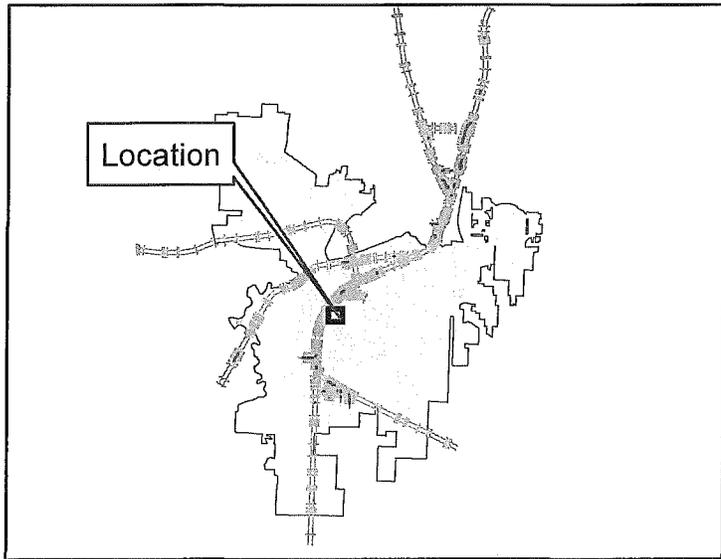
On \_\_\_\_\_, 2015, personally appeared before me, Wes Hare, who being duly sworn, did say that he is the City Manager of the City of Albany, Oregon, and that this instrument was signed on behalf of the City by authority of its Council, per Resolution Number \_\_\_\_\_ and he acknowledged said instrument to be the City's voluntary act and deed.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

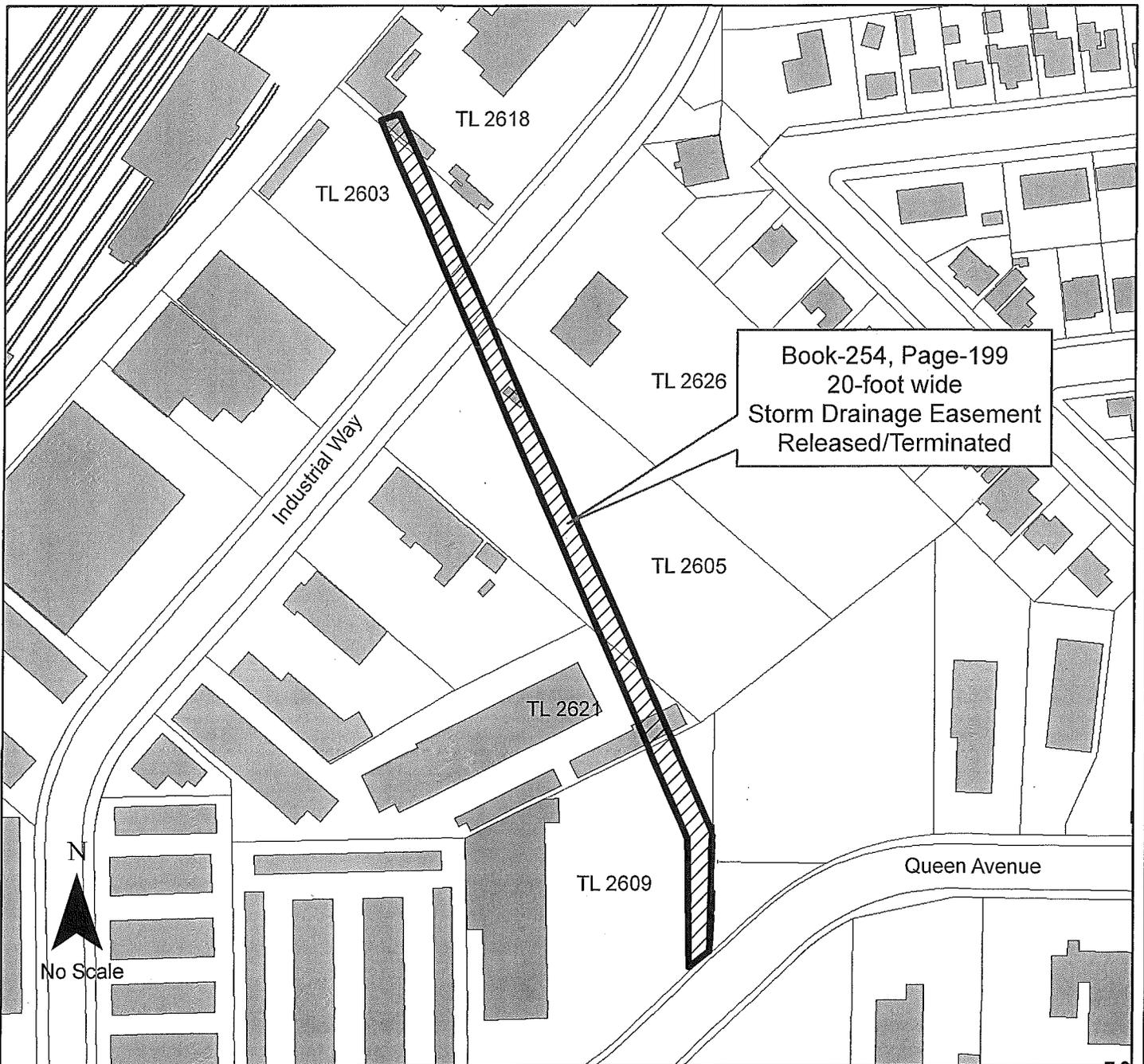
# EXHIBIT A

11S03W07CB - 2603, 2605,  
2609, 2618, 2621, 2626

A 20 foot wide Storm Drainage Easement  
Released/Terminated at the request of a  
property owner



Geographic Information Services



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

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

<u>Grantor</u>	<u>Purpose</u>
Micheal D. Newman and Roberta D. Newman	A 15.0 foot wide easement for a public water line as part of the Grace Point Church development project.

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

DATED AND EFFECTIVE THIS 11TH DAY OF FEBRUARY 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 13 day of January, 2015, by and between Micheal D. and Roberta D. Newman, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

### WITNESSETH:

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

This agreement is subject to the following terms and conditions:

1. The easement hereby granted consists of:  
  
A 15.0 foot wide easement for a public water line. See legal description on attached Exhibit A and easement maps on attached Exhibits B and C.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

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

**GRANTOR:**

**Micheal D. and Roberta D. Newman**

*Micheal D. Newman*

Micheal D. Newman

*Roberta D. Newman*

Roberta D. Newman

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

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

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of January, 2015, by Micheal D. Newmann as his voluntary act and deed.

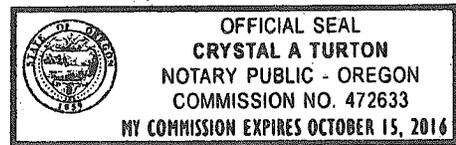
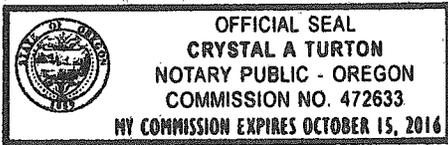
The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of January, 2015, by Roberta D. Newman as her voluntary act and deed.

*Crystal A. Turton*

Notary Public for OR  
My Commission Expires: Oct. 15, 2016

*Crystal A. Turton*

Notary Public for OR  
My Commission Expires: Oct. 15, 2016



**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 \_\_\_\_\_ 2015.

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

ATTEST:

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

# EXHIBIT A

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

## Legal Description

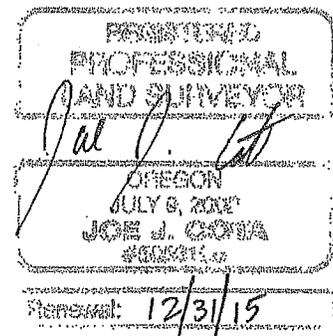
### City of Albany Waterline Easement

A tract of land for easement purposes located over the properties conveyed to Michael and Roberta Newman described by deeds recorded in MF Volume 345, Page 899 and MF Volume 1539, Page 256 in the Linn County, Oregon Deed Records (herein after referred to as the "Newman Properties") which tract being more particularly described as follows:

Beginning at a point on the easterly right-of-way line of Clover Ridge Road that is South 88°00'28" East 124.70 feet from a 2 inch aluminum cap at City of Albany GPS Point Number 94043; thence South 00°25'46" East, along said easterly right-of-way line, 15.00 feet; thence North 89°41'23" West 142.13 feet; thence South 00°18'37" West 2.50 feet to a point on the south line of said Newman Properties; thence North 89°41'23" West, along the south line of said Newman Properties, 15.00 feet; thence North 00°18'37" East 2.50 feet; thence North 89°41'23" West 7.99 feet; thence South 00°18'37" West 2.50 feet to a point on the south line of said Newman Properties; thence North 89°41'23" West, along the south line of said Newman Properties, 15.00 feet; thence North 00°18'37" East 2.50 feet; thence North 89°41'23" West 302.89 feet; thence North 00°18'37" East 15.00 feet; thence South 89°41'23" East 1.70 feet; thence North 00°10'02" West 5.43 feet; thence North 89°49'58" East 15.00 feet; thence South 00°10'02" East 5.55 feet; thence South 89°41'23" East 466.13 feet to the Point of Beginning.

January 6, 2015  
COA WATERLINE EASEMENT  
(08-129-C) JJC:ls

File Ref: z:/projects/2008/08-129/surveying/documents/legals/water easement.doc



# EXHIBIT B

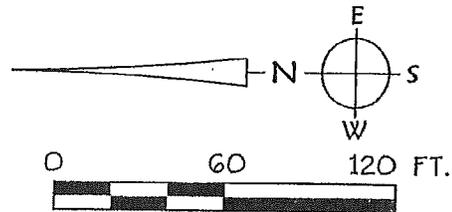
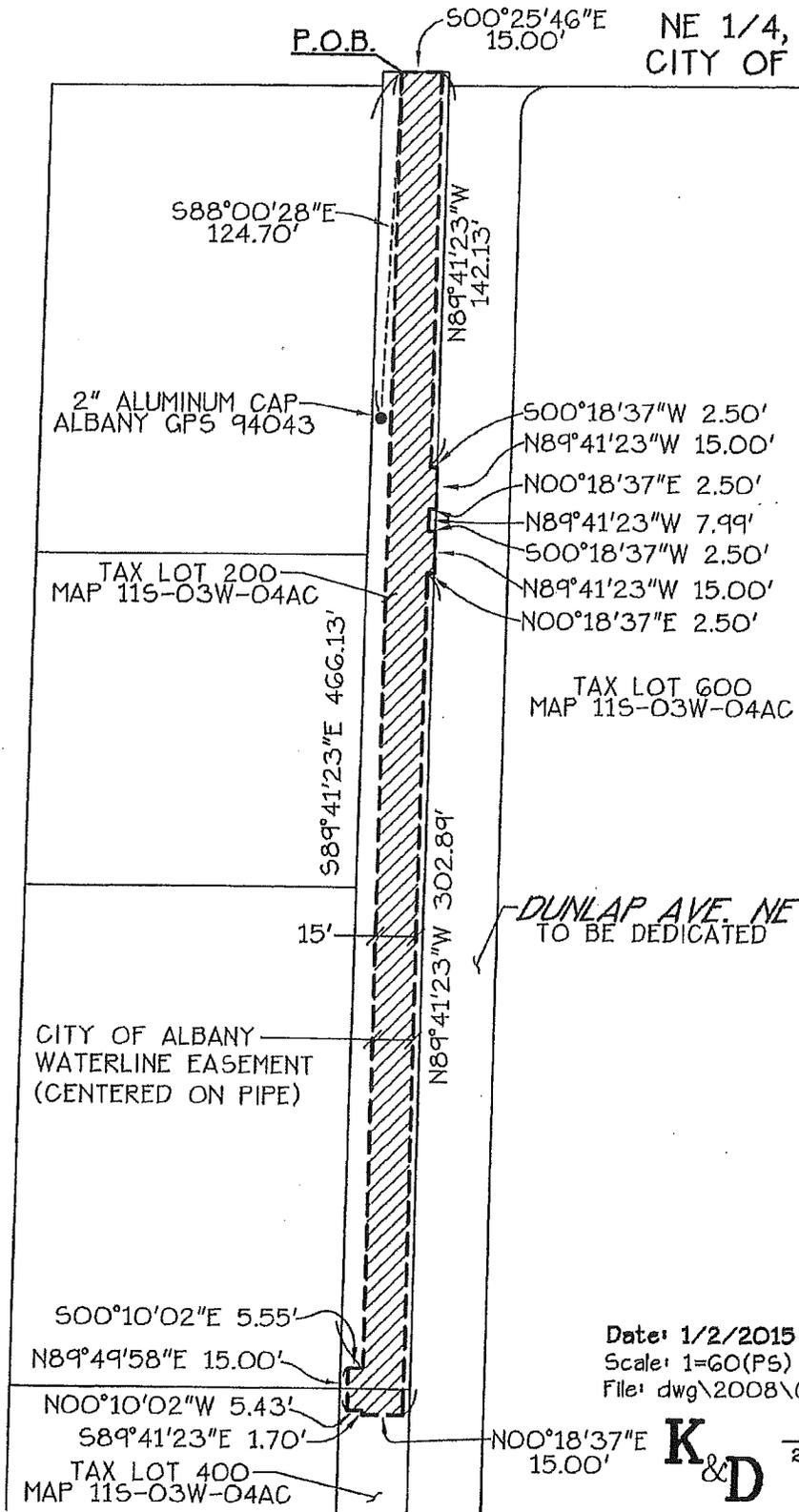
EXHIBIT MAP  
FOR

CLOVER RIDGE RD NE

CITY OF ALBANY WATERLINE EASEMENT  
LOCATED IN

NE 1/4, SEC. 4, T. 11 S., R. 3 W., W.M.  
CITY OF ALBANY, LINN COUNTY, OREGON

JANUARY 2, 2015



SCALE: 1" = 60'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Joe J. Coia*  
OREGON  
JULY 8, 2012  
JOE J. COIA  
65816

Renewal: 12/31/15

Date: 1/2/2015

Time: 14:52

Scale: 1=60(P5)

File: dwg\2008\08-129-c\Phase1a\08-129c-exht.dwg (lan)

**K & D**

**K & D ENGINEERING, Inc.**

276 N.W. Hickory Street P.O. Box 725  
Albany, Oregon 97321  
(541) 928-2583





TO: Albany City Council  
VIA: Wes Hare, City Manager  
Stewart Taylor, Finance Director  
FROM: Mary Dibble, City Clerk  
DATE: February 3, 2015, for the February 11, 2015, Regular Session  
SUBJECT: Annual Records Information Management (RIM) Policy Updates  
RELATES TO STRATEGIC PLAN THEME: ● Effective Government, Transparency

Action Requested:

By resolution, adopt the Public Records Request Policy as Exhibit A and the City of Albany Public Records Request Form as Exhibit B.

Background

The City of Albany's Records Information Management (RIM) Program includes four policies which were reviewed by the Council at the February 9, 2015, Work Session. The Public Records Request Form requires Council action to revise fees. The proposed resolution adopts the revised Public Records Request Policy and the forms.

Budget Impact:

None.

MD

Attachments

c: Stewart Taylor, Finance Director

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

**A RESOLUTION ADOPTING REVISIONS TO THE PUBLIC RECORDS REQUEST POLICY,  
F-05-08 AND THE PUBLIC RECORDS REQUEST FORM; AND REPEALING  
RESOLUTION NO. 6300.**

WHEREAS, Oregon public records laws allow agencies to establish fees reasonably calculated to reimburse the public body for the public body's actual cost of making public records available; and

WHEREAS, the Public Records Request Policy was adopted by the City Council by Resolution No. 6300; and

WHEREAS, the fees for public records requests are on the City of Albany Public Records Request Forms; and

WHEREAS, the fee for USB flash drives have dropped in price in the general market place and the fee schedule should be revised accordingly; and

WHEREAS, the Information Technology department has a stock of USB flash drives for use in response to a public records request for which the City will charge \$5.00 each.

NOW, THEREFORE, BE IT RESOLVED that the City of Albany City Council hereby adopts the Public Records Request Policy as Exhibit A and the standard Public Records Request Form as Exhibit B; and

BE IT FURTHER RESOLVED that Resolution No. 6300 is hereby repealed.

DATED AND EFFECTIVE THIS 11<sup>th</sup> DAY OF FEBRUARY 2015.

ATTEST:

\_\_\_\_\_  
Mayor

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

	<p><b>City of Albany</b>                  Finance/City Clerk's Office                  Policy #: F-05-08-006                  Title: Public Records Requests</p>	
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**Purpose** To outline procedures for public records requests in order to comply with ORS guidelines.

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**Scope** This policy applies to all City employees.

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**Policy** The City strives to provide timely and open access to public records and information not specifically exempted from access set forth in ORS 192.501 and 192.502.

Each department shall be responsible for implementing this policy with oversight by the department's Records Information Management (RIM) Coordinator.

Policy F-05-08 sets public records fees and outlines the internal procedures to meet public records requests.

This policy does not apply to City employees seeking records from other City employees for use in performance of their duties.

The Police Department and the Fire Department use their own Public Records Request Forms.

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- Guidelines**
1. **Documentation.** All public records requests must be documented. The three acceptable forms of documentation are:
    - a. Completion of the Public Records Request Form. This is the preferred method for efficiency in tracking the City's compliance with public records laws and compiling statistical data.
    - b. A request made via e-mail that contains the following: date of request, requestor's name and contact information, and information regarding the document(s) requested.
    - c. A letter that contains the following: date of request, requestor's name and contact information, and information regarding the document(s) requested.

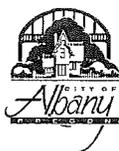
All requests must be specific enough for the City to determine the nature, content, and department where the records may be located.



2. **Responsible Department.** RIM Coordinators should coordinate public records requests. If the records requested are in a different department, the RIM Coordinator is responsible to forward the request to the appropriate RIM Coordinator promptly. If the request was made using the Public Records Request Form, write the date the request was received on the Form in the "For Staff Use" section and then forward.
3. **Mandatory Notification.** ORS 192.440 requires that for written public records requests, the public body must respond in writing as soon as practicable and without unreasonable delay. Mandatory notification is a formal acknowledgement of the receipt of the request and includes a specific statement (ORS 192.440)(2)(a-f). The mandatory statements are listed in the "For Staff Use" section on the Public Records Request Form.
4. **Notification Process.** Timeliness is key to public records requests. If the request is filled promptly, then statement ORS 192.440 (2) (b) applies (the request is complete and the records are enclosed/attached.) No further notification is necessary if (b) applies.

If the request cannot be filled promptly, provide the notification promptly using the appropriate statement from ORS 192.440 (2) (a)(c-f). The City provides three mechanisms for written mandatory notification:

- a. Form: Provide a copy of the form via mail, e-mail, fax, or in person with the appropriate box checked in the "For Staff Use" section to the requestor.
  - b. Letter: Use the letter with the appropriate statement included when a formal letter is more appropriate than a copy of the form. Contact the City Clerk for an example of a formal letter
  - c. E-mail: Reply to the sender using the appropriate statement.
5. **Exempt Records.** Certain public records are exempt from disclosure per ORS 192.501 and 192.502. **The RIM Coordinator completing the request is responsible for verifying that the records being released are not exempt.** If there is question about whether or not a record can be disclosed, please contact the City Clerk's Office or the City Attorney.
  6. **Fees.** ORS 192.440 authorizes the public body to charge fees associated with requests, including requesting a portion of the fees in advance as a condition of receiving the public records. Additionally, public bodies are required to publish the fees. City of Albany records request fees are listed on the back of the Public Records Request Form.



**City of Albany**  
Finance/City Clerk's Office  
Policy #: F-05-08-006  
Title: Public Records Requests

- a. Requests with fees that are estimated to exceed \$25 require written notification of the estimated amount followed by confirmation from the requestor to proceed with the public records request.
- b. Prepayment will be required for requests that are estimated to exceed \$25.

Directors may designate the revenue account for public records request fees.

7. **Personal External Sources Used for Copies of Public Records.** Personal CDs, DVDs, or USB flash drives presented by the public for the copying of City records are prohibited. The City will provide a CD, DVD, or a USB flash drive for the fee designated in the Fee Schedule.
  - a. Any other type of personal equipment or external source presented by the requestor in order to copy a public record must be approved by the IT Director or his/her designee.
  - b. In all scenarios where public records are prepared for copying, Research and Inspection fees apply.
8. **Billing.** The department responding to the request is responsible for collecting and processing the payment through their cashing system. For payments that exceed \$1.00, departments may choose to have the Finance Department bill the requestor by completing a Request for A/R Billing Form.
9. **Archiving.** Once the request is satisfied, RIM Coordinators should send documentation of the original request and the mandatory notification to the City Clerk's Office for archival (except for Police, Municipal Court, and Fire who keep their requests at their location). Three dates should be written on the documentation:
  - a. The date the request was received
  - b. The date of the notification
  - c. The date the request was completed
10. **Identity Theft Protection.** Records released as part of a public records request must be in compliance with F-04-08, Identity Theft Protection.



**City of Albany**  
Finance/City Clerk's Office  
Policy #: F-05-08-006  
Title: Public Records Requests

Supercedes: F-05-08-005	Created/Amended by/date: June 9, 2010/November 28, 2011/March 26, 2012/March 13, 2013/February 1, 2015	Effective Date: February 11, 2015
Finance Director:	City Manager:	



**PUBLIC RECORDS REQUEST FORM**

Exhibit B

City of Albany  
City Clerk's Office

**For Police Dept. public records contact: 541.917.7680. For Fire Dept. public records contact 541.917.7700.**

**Notice:** Public Records laws are addressed in ORS Sections 192.420, 192.440, and 192.501. City of Albany Policy F-05-08, Public Record Requests, outlines the City's procedures. Fees are listed on the back of this form. Prepayment and confirmation to proceed will be required for requests that exceed \$25.

*Your signature below acknowledges that you have read, understand, and accept financial responsibility for the fees associated with this public records request.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Requestor Information:**

_____		_____	
Name	Mailing Address		
_____		_____	
City	State	Zip Code	
_____		_____	
Daytime Phone Number	Fax Number	E-mail address	

**Document Information:**

Describe the information/records you are requesting. Be specific enough for the City to determine the nature, content, and department where the records you are requesting may be located. Provide specific dates whenever possible. Use additional sheets of paper if necessary.

\_\_\_\_\_

\_\_\_\_\_

**Return Form To:** Mail or drop off: City Hall, Finance Dept, 333 Broadalbin Street SW, Albany, OR 97321  
Fax: 541.917.7511 E-mail: [cityclerk@cityofalbany.net](mailto:cityclerk@cityofalbany.net)

**For Staff Use**

Send copy of this form to City Clerk when request is complete.

Date received: _____	Date Notification Provided: _____	Date completed: _____
RIM Coordinator: _____	Notification Method: <input type="checkbox"/> Copy of Form	Completed by: _____
Dept: _____	<input type="checkbox"/> E-mail <input type="checkbox"/> Mail <input type="checkbox"/> Fax	Total Fees: _____

Staff Notes:

**Mandatory Notification Statement per ORS 192.440 (2)(a-f)**

Dear Requestor, thank you for your public records request. Your request:

- (a) was unable to be completed because the City does not possess or is not the custodian of the records.
- (b) is attached/enclosed.
- (c) will require more time to process (estimated date) \_\_\_\_\_ and will require a deposit of \$ \_\_\_\_\_.
- (d) will require more time to process. An estimate will be provided within a reasonable time.
- (e) has been forwarded to the \_\_\_\_\_ Dept to determine if the record exists; you will be contacted shortly.
- (f) was unable to be completed because the records are exempt under state or federal law: \_\_\_\_\_
- Other: requires additional or more specific information: \_\_\_\_\_

## PUBLIC RECORDS FEE SCHEDULE

City of Albany  
City Clerk's Office

1. Copies of Public Records: For 8.5 x 11 black and white, copies will be .25 cents per page; and .50 cents per page for duplexed copies. For 11 x 17 black and white, copies will be .50 cents per page; and \$1.00 per page for duplexed. For 8.5 x 11 color, copies will be .50 cents per page; and \$1.00 per page for duplexed. For 11x17 color, copies will be \$1.00 per page; and \$2.00 per page for duplexed. Photo quality paper will be an additional charge. For the Fire Department, a \$7.00 research fee includes up to ten single-sided copies. To certify as a true copy the fee is \$5.00 in addition to the copy charges.
2. Personal External Sources Used for Copies of Public Records. CDs, DVDs, or USB flash drives presented by the public are prohibited. The City will provide the following items for a fee:
  - a. CD, DVD, or USB flash drive: \$5.00
  - b. Audio tape: \$15.00 for the first tape and \$5.00 for each tape thereafter.
  - c. Video tape: actual cost to reproduce the video tape.
  - d. Any other type of personal equipment or external source presented by the requestor in order to copy a public record must be approved by the IT Director or his/her designee.

In all scenarios where public records are prepared for copying, Research and Inspection fees apply.

3. Copies of Maps and other Nonstandard Documents: Charges for maps, large documents, or other nonstandard size documents shall be charged in accordance with the actual costs incurred by the City to reproduce them.
4. Inspection Fees and Research Fees: Inspection means official records that are inspected by the public while in the presence of a staff member. Research includes locating, collating, and copying public records. Staff may waive inspection or research fees for not more than five Level 1 public records requests from the same requestor in a calendar year.
 

Level 1: Up to 30 minutes	Copy cost plus \$10 (flat fee)
Level 2: 30 minutes to 2 hours	Copy cost plus \$25 per hour (prorated)
Level 3: Over 2 hours	Employee costs (wages plus benefits)(prorated)
5. Written Notification: Requests with fees that are estimated to exceed \$25 require written notification of the estimated amount followed by confirmation from the requestor to proceed with the public records request. Prepayment in full is required for requests that are estimated to exceed \$25. If the actual time and cost are less than estimated, the excess money shall be refunded to the requestor. If the actual cost and time are in excess of the estimated cost, the difference shall be paid at the time the records are produced.
6. Archived Scanned Copies: Scanned copies archived in the City of Albany Laserfiche system or other electronic records which are readily available to the RIM Coordinator may be sent to an e-mail address provided by the requestor for the cost of inspection or Research fees.
7. Electronic Searches: For non-exempt public record requests including e-mails or other electronic records stored on any City network and not readily available to the RIM Coordinator, the fee is \$100 per hour for inspection, research, and copying time with a minimum one-hour charge. The information will be provided on a CD, DVD, or USB flash drive for the designated fee.
8. Additional Charges: If a request is of such magnitude and nature that compliance would disrupt the City's normal operation, the City may impose such additional charges as necessary to reimburse the City for its actual costs of producing the records, including but not limited to excessive postage fees.
9. Reduced Fee or Free Copies: Whenever the City determines that providing copies of public records at a reduced fee or without costs would be in the public interest, the City may so authorize per ORS 192.440(5).

Copies per page		Electronic Formats	
.25 (.50 for duplexed)	8.5 x 11 black & white	5.00	Each DVD, CD, or USB flash drive
.50 (1.00 for duplexed)	11 x 17 black & white	15.00	First audio tape
.50 (1.00 for duplexed)	8.5 x 11 color	5.00	Each add'l audio tape
1.00 (2.00 for duplexed)	11 x 17 color	Actual cost to reproduce	Video tape
Additional charge	Photo quality paper	Additional charge	See 8.
<b>Inspection Fees and Research Fees</b>		<b>Maps &amp; Nonstandard</b>	<b>To Certify as a True Copy</b>
Up to 30 minutes	Copy costs plus \$10	Actual cost for reproduction	\$5.00 in addition to copy charges
30 minutes to 2 hours	Copy cost plus \$25 an hr	<b>Electronic Searches</b>	
Over 2 hours	Employee cost (wages plus benefits)	\$100 per hour	One hour minimum
<b>Police Department</b>		<b>Fire Department</b>	
Refer to Police Department Records Request Form		\$7.00 research fee includes up to 10 single-sided copies	



TO: Albany City Council

VIA: Wes Hare, City Manager  
Mark W. Shepard, P.E., Assistant City Manager/Public Works and Community Development Director *MWS*

FROM: Jeff Blaine, P.E., Assistant Public Works Director/City Engineer *JB*  
Ron Irish, Transportation Systems Analyst *R.I.*

DATE: January 27, 2015, for the February 11, 2015, City Council Meeting

SUBJECT: ODOT IGA – Ellsworth Street Crosswalk at 8<sup>th</sup> Avenue

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

Action Requested:

Staff recommends Council authorize the Mayor and City Manager to sign an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for maintenance of the crosswalk across Ellsworth Street at 8<sup>th</sup> Avenue.

Discussion:

The closure of the private school at St. Mary's Catholic Church resulted in ODOT questioning whether the crosswalk across Ellsworth at 8<sup>th</sup> Avenue should remain in place or be removed (ODOT email - Attachment 1). In response staff submitted a formal request (Attachment 2) that the crosswalk remain in place to provide access between St. Mary's Church and parking on the opposite side of the street. That request was ultimately approved by the State Traffic Engineer on October 29, 2013. While considering the school crossing issue, ODOT also discovered, despite being posted for a 25 mph limit, the statutory speed limit on both Lyon Street and Ellsworth Street was 20 mph. At the City's request, a speed zone order setting a limit of 25 mph for both streets was subsequently approved by ODOT.

ODOT's policy regarding maintenance of crosswalks is that only crosswalks located at signaled intersections are maintained. Crosswalks located at non-signalized locations need to be maintained by local road authorities under an IGA, or be subject to removal. On January 15, 2015, ODOT provided the City with an IGA (Attachment 3) for maintenance of the crosswalk and pedestrian crossing signs on Ellsworth Street at 8<sup>th</sup> Avenue.

Budget Impact:

If the IGA is approved, Albany would assume the cost of on-going maintenance responsibility for the existing crosswalk striping and pedestrian crossing signs on Ellsworth Street at 8<sup>th</sup> Avenue.

RGI:kw  
Attachments (3)

**Irish, Ron**

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**From:** UPTON Dorothy J [Dorothy.J.UPTON@odot.state.or.us]  
**Sent:** Monday, October 7, 2013 8:53 AM  
**To:** Irish, Ron  
**Cc:** RYAN Weldon J  
**Subject:** FW: Albany Speed Zone / School Zone

Based on the information below that Weldon shared with me, here is my take on the situation:

Since the speed zone orders do not cover Lyons and Ellsworth, they are operating under statutory definition. Since these are both arterials, they do not fall within the parameters for a residential district, so business district (20 MPH) operation is applicable. If the City wants something other than the statutory operation you should put in a formal speed zone request so an investigation/recommendation can be made.

Since the area is operating under a statutory 20 MPH then the existing school zone for the closed school should be removed.

The school crossing across Ellsworth at 8th was a school crossing for the private school. There is no marked crossing on Lyons at 8th to complete a "school route". Without the school I'm not sure that there is the pedestrian crossings that would support a marked pedestrian crossing at Ellsworth and 8th. The signal controlled intersections along 9th at both Ellsworth and Lyons is the better treatment for crossing Central Elementary School children. If the city wants to apply for and is willing to maintain a marked crossing at Ellsworth and 8th then a request should be made, along with supporting data, so an approval can be obtained.

Call if you wish to discuss.

**Dorothy J. Upton, P.E.**

ODOT Region 2 Traffic Engineer  
 455 Airport Road, SE Building A  
 Salem, OR 97301-5397

Office: 503-986-5761  
[dorothy.j.upton@odot.state.or.us](mailto:dorothy.j.upton@odot.state.or.us)

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**From:** RYAN Weldon J  
**Sent:** Wednesday, October 02, 2013 8:50 AM  
**To:** UPTON Dorothy J  
**Subject:** Albany Speed Zone / School Zone

Dorothy – While investigating the St. Mary's School zone several issues came to light. The existing School Speed 20 mph 7 am to 5 pm zone is no longer valid due to St. Mary's School closing. There is an existing school crossing at 8<sup>th</sup> and Ellsworth on the southern leg.

**Speed Zone** - Lyons St and Ellsworth St are both part of the Albany – Corvallis highway and they are classified as Urban Principal Arterials. The legal speed zone order shows that from roughly First Avenue to the end of the highway, intersection of 99E, is operating under statutory speeds. ORS 811.111 states that a residential statutory speed (25

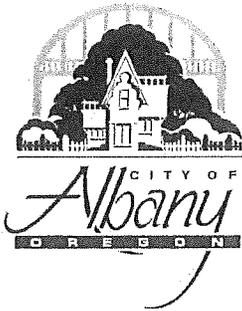
mph) cannot be set on an arterial, therefore it would be classified as a Business District (20 mph) as it meets those criteria. Therefore the legal speed on these sections of road is statutory 20 mph business district. There are two inappropriately posted 25 mph signs on Lyons Street, Ellsworth has no signs posted. I am recommending that we post both Lyons and Ellsworth at 20 mph to match the legal order.

**School Zone** – The existing School Speed Zone 20 mph from 7 am to 5 pm is no longer valid as the adjacent school is no longer in operation. With Central Elementary being nearby there is an option of School Speed 20 When Children are Present. If Ellsworth and Lyons get posted statutory 20 mph this would not be a reduction of speed. Central Elementary does not have a Safe Routes to School Plan. I recommend removing the school speed zone at this location.

**School Crossing** – There is an existing school crossing at 8<sup>th</sup> and Ellsworth on the southern leg. The city is concerned about removing the school crossing sign as Central Elementary is a block away. The city believes that students are using this crossing. There is no marked crossing on Lyons near 8<sup>th</sup>. They are asking that we leave the at crossing school crossing signs in place. This would mean that this would remain a school crossing and we would be responsible to maintain. 9<sup>th</sup> and both Lyons and Ellsworth are both signalized intersections with marked crosswalks that may be a better option for students to cross. I recommend removing the school crossing signs at 8<sup>th</sup> Ave and Ellsworth, the city is asking us to leave these in place. The city is OK with us removing the advance school crossing signs.

The city is asking us to not make any changes until they have time to review these changes they would like to consider their options and may request a speed zone investigation.

**WELDON RYAN**  
Speed Zone Investigator  
ODOT R2 Traffic Unit  
503-986-2992  
[weldon.j.ryan@odot.state.or.us](mailto:weldon.j.ryan@odot.state.or.us)



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

541-917-7500

CITY MANAGER/  
ECONOMIC DEVELOPMENT/  
URBAN RENEWAL  
541-917-7500  
FAX 541-917-7511

FINANCE  
Finance/Recorder  
541-917-7532  
FAX 541-917-7511

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

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

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

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

HUMAN RESOURCES  
541-917-7515  
FAX 541-704-2324

INFORMATION TECHNOLOGY  
223 Third Avenue SW  
541-917-7599  
FAX 541-791-0075

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

Water/Sewer Billing  
541-917-7547  
FAX 541-917-7794

Call-A-Ride  
112 Tenth Avenue SW  
Albany, OR 97321  
541-917-7770  
FAX 541-812-2571  
TDD 541-917-7762

Transit  
112 Tenth Avenue SW  
Albany, OR 97321  
541-917-7667  
FAX 541-812-2571

October 14, 2013

Dorothy Upton  
ODOT Region 2 Traffic Engineer  
455 Airport Road SE, Building A  
Salem, OR 97301-5397

Dear Ms. Upton:

### ELLSWORTH STREET CROSSWALK AT 8<sup>TH</sup> AVENUE

St. Mary's Catholic Church has recently stopped running a private school at their site at 728 Ellsworth Street. The closure of the church's school function has resulted in ODOT questioning whether the crosswalk across Ellsworth at 8<sup>th</sup> Avenue should remain posted as a school crossing, be converted to a standard pedestrian crossing, or perhaps removed altogether. Your e-mail message of October 7, 2013, suggested that a better route for students attending nearby Central Elementary School would be the signalized crossing at 9<sup>th</sup> Avenue. You also indicated that if the city "...wants to apply for and is willing to maintain a marked crossing at Ellsworth and 8<sup>th</sup> then a request should be made, along with supporting data, so an approval can be obtained."

The existing crossing is improved with a variety of features. The crossing includes curb extensions on both sides of Ellsworth, high visibility crosswalk markings, and an advance stop bar located 30 feet in advance of the crossing. The crossing is posted as a designated school crossing with both advance and crossing school signs and up until recently, a reduced speed school zone sign. Weekday traffic volumes are in the range of 16,000 ADT. Pedestrian crossing volumes are heavily dependent upon scheduled activities on adjoining lots and vary widely.

Albany believes that maintaining a crosswalk across Ellsworth at 8<sup>th</sup> is essential for pedestrian traffic directly related to the adjoining uses. It also serves as an important route for students attending Central Elementary School. While Albany is willing to make a formal request that the crosswalk remain and provide the reasons we think it should do so, we were somewhat surprised by the suggestion that the City might need to take over maintenance of the crossing from ODOT. The reasons for the surprise and our reluctance to assume maintenance responsibilities for the crossing are outlined in more detail at the end of this letter.

There are a variety of reasons Albany believes the crosswalk at 8<sup>th</sup> Avenue should remain:

- It provides a route linking designated parking areas to a church and business. Diagonal parking was constructed many years ago within 8<sup>th</sup> Avenue right of way on both side of Ellsworth Street (see attached aerial photograph). The improvements were intended to provide parking for adjoining properties, and were paid for by those properties through an assessment district. The parking on both sides of Ellsworth is used extensively by visitors to both St. Mary's church and AAsum funeral home. The crosswalk provides a link between those parking areas, the church, and the funeral home. Numerous activities at the church occur throughout the week, including the operation of a weekday soup kitchen. Many of the soup kitchen participants are homeless and based on my informal observations, tend to use the 8<sup>th</sup> Avenue crosswalk as opposed to crossing at 9<sup>th</sup> Avenue.

October 14, 2013

- It provides a route between sites during funeral events. Funeral events routinely utilize both the St. Mary's church and AAsum funeral sites for the same service. Participants use the crosswalk as a route between the two facilities and to get to and from parking areas.
- Pedestrian crossings are consistent with the STA designation on this corridor. The OTC designated the Lyon/Ellsworth corridor as a STA on July 2, 2013. The designation came at the request of the City and recognized that the corridor's design and function met the characteristics that define STAs. The OHP notes that "*While traffic moves through an STA and automobiles may play an important role in accessing an STA, convenience of movement within an STA is focused upon pedestrian, bicycle, and transit modes.*" The ODOT staff report to the OTC that recommended approval of the STA designation noted the use of curb extensions and pedestrian crossing improvements along the corridor.
- There is some potential that a school use will reoccupy the St. Mary's site. The church affiliated school use at St. Mary's was closed this year. The parish has not yet determined what the long-term use for the school facilities on the site will be. In the short term it will be used for Scouting programs and Sunday school events. One of the potential long-term uses for the site being considered by the parish is to lease the school building on the site to another private (or perhaps even public) school. If that were to occur, the crosswalk at 8<sup>th</sup> would once again need to be designated as a school crossing.
- The 9<sup>th</sup> Avenue crosswalk requires out of direction travel and is impacted by duel left turns. Elimination of the crosswalk at 8<sup>th</sup> Avenue would divert some, but not all, pedestrian crossings south to the signalized crossing at 9<sup>th</sup> Avenue. Some pedestrians would continue to cross at 8<sup>th</sup> Avenue to avoid out of direction travel. The curb extensions and ramps at 8<sup>th</sup> Avenue will attract pedestrians whether the crosswalk is marked or not. Removing the crosswalk, signs, and advance stop bar would put them at increased risk. In addition the crosswalk at 9<sup>th</sup>, while signalized, is not without its own risks to pedestrians. The intersection is striped for duel SB left turns onto a one way street (9<sup>th</sup> Avenue). Left turns on red are a legal movement and are (unlike some other similar intersections in town) the norm at this intersection. It's not uncommon for a left-turning driver stopped on red to have drivers honking horns behind them. The left turns occur during the pedestrian crossing phase. The hazard to pedestrians is increased by the sight distance constraints resulting from side-by-side cars, together with drivers paying more attention to conflicting vehicle movements than pedestrians.

For the reasons outlined above Albany's request is that the existing crosswalk across Ellsworth Street at 8<sup>th</sup> Avenue remain a designated and posted pedestrian crossing location with curb extensions, a high visibility crosswalk, an advance stop bar, and advance and pedestrian crossing signs. The City agrees that the recent closure of the St. Mary's school justifies removal of the crossing's school-crossing designation.

As to why Albany doesn't believe that the City should be responsible for maintenance of the crossing, a discussion of the crossing's history might help to provide an explanation. The curb extensions and the high visibility crosswalk across Ellsworth at 8<sup>th</sup> Avenue were installed in 2004 as part of the OTIA funded US20 & 99E Interchange Improvement

Dorothy Upton, ODOT Region 2 Traffic Engineer

Page 3

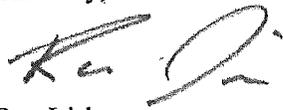
October 14, 2013

project. The design and location of the crossing improvements were the result of discussions involving DEA design engineers, ODOT and City staff, and property owners in the area, including representatives from AAsum funeral home and St. Mary's church. On Ellsworth Street the project shifted the west curb closer to St. Mary's, the road widened to provide a bike lane and third vehicle travel lane, and on-street parking was removed on the east side. Curb extensions and a high visibility crosswalk were included at 8<sup>th</sup> to help mitigate the impacts of the road widening and additional lanes on pedestrian movements to and from the adjoining sites. The OTIA project did not include an advance stop bar or pedestrian crossing signs (see attached ODOT photo dated 7/5/06). The crossing was not designated or posted as a school zone at the time. The Intergovernmental Agreement (#20357) between ODOT and the City for the project makes no mention of transferring the responsibility of maintaining the crosswalk to the City.

In 2008, four years after completion of the OTIA project, Albany City Council member Sharon Konopa raised concerns about the vehicle compliance rate at the crosswalk. Discussions concerning possible improvements to the crossing then took place and involved ODOT's Bicycle and Pedestrian Program Manager (Sheila Lyons), Region 2 Traffic Engineer (Angela Kargel), and City staff. The City staff recommendation was to install an advance stop bar and add pedestrian crossing signs. ODOT staff concurred (see attached 2/28/2008 email), and had ODOT work crews install the advance stop bar. The pedestrian crossing signs installed by ODOT ended up being for a designated school crossing (as opposed to a standard pedestrian crossing) and included a reduced speed 20 sign.

The situation the City finds itself in today is in all honesty vexing. The crosswalk at 8<sup>th</sup> was installed as a standard pedestrian crossing as part of an ODOT project that involved a substantial amount of community involvement and was later converted to a school crossing by ODOT. If the closure of St. Mary's school necessitates removal of the crossing's designation as a school crossing, it sure seems like the correct approach would be for the crossing to simply revert back to its original designation. Instead, the City has been asked to make a request that includes justification and documentation of need and if that's successful, agree to assume maintenance responsibility for improvements installed as part of an ODOT project as mitigation for that very project.

Sincerely,



Ron Irish  
Transportation Systems Analyst

RGikw

Enclosure(s)

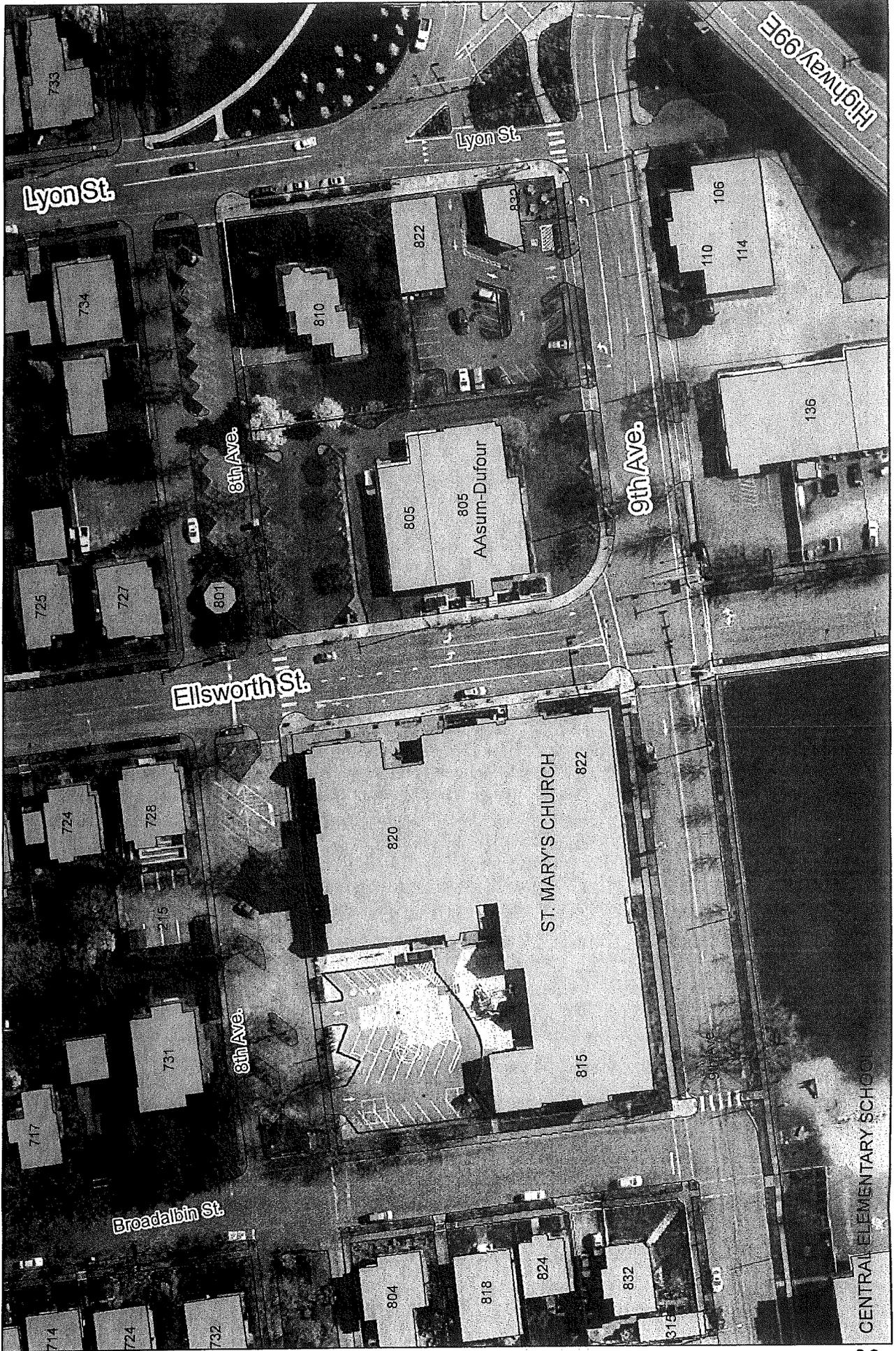
c: Sharon Konopa, Mayor

Wes Hare, City Manager

Mark W. Shepard, P.E., Public Works Director and Community Development Director



50 25 0 50 Feet



## Irish, Ron

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**From:** KARGEL Angela J [Angela.J.KARGEL@odot.state.or.us]  
**Sent:** Thursday, February 21, 2008 2:58 PM  
**To:** LYONS Sheila A  
**Cc:** Irish, Ron; DORAN Robert P  
**Subject:** RE: Emailing: 010830.jpg

I generally don't like to install advance stop bars where they may appear to be all-the-time stop bars for the intersection, but I think the need is pretty large here to add some extra features and give it a try. Shall I talk to the District and the stripin' crew to get that going?

-Angela

---

**From:** LYONS Sheila A  
**Sent:** Thursday, February 21, 2008 2:47 PM  
**To:** KARGEL Angela J  
**Cc:** 'Irish, Ron'  
**Subject:** Emailing: 010830.jpg

<< File: 010830.jpg >>

Angela - Ron Irish and I met with City Council Woman Sharron Konopa at the Hwy 20/8th street pedestrian xing in Albany yesterday. We mulled over many possible solutions to the MV yielding problem, without a lot of resolution. Ron did suggest that an advance stop bar and the requisite STOP HERE FOR PEDS sign might help educate motorists about their obligation to stop for pedestrians at this crossing. I think it's a good idea. An ASB would fall between the crosswalks at this wide intersection and you may want to remove the Northerly x-walk striping. I think you could also let it fade on it's own as no one is paying much attention to it anyway.

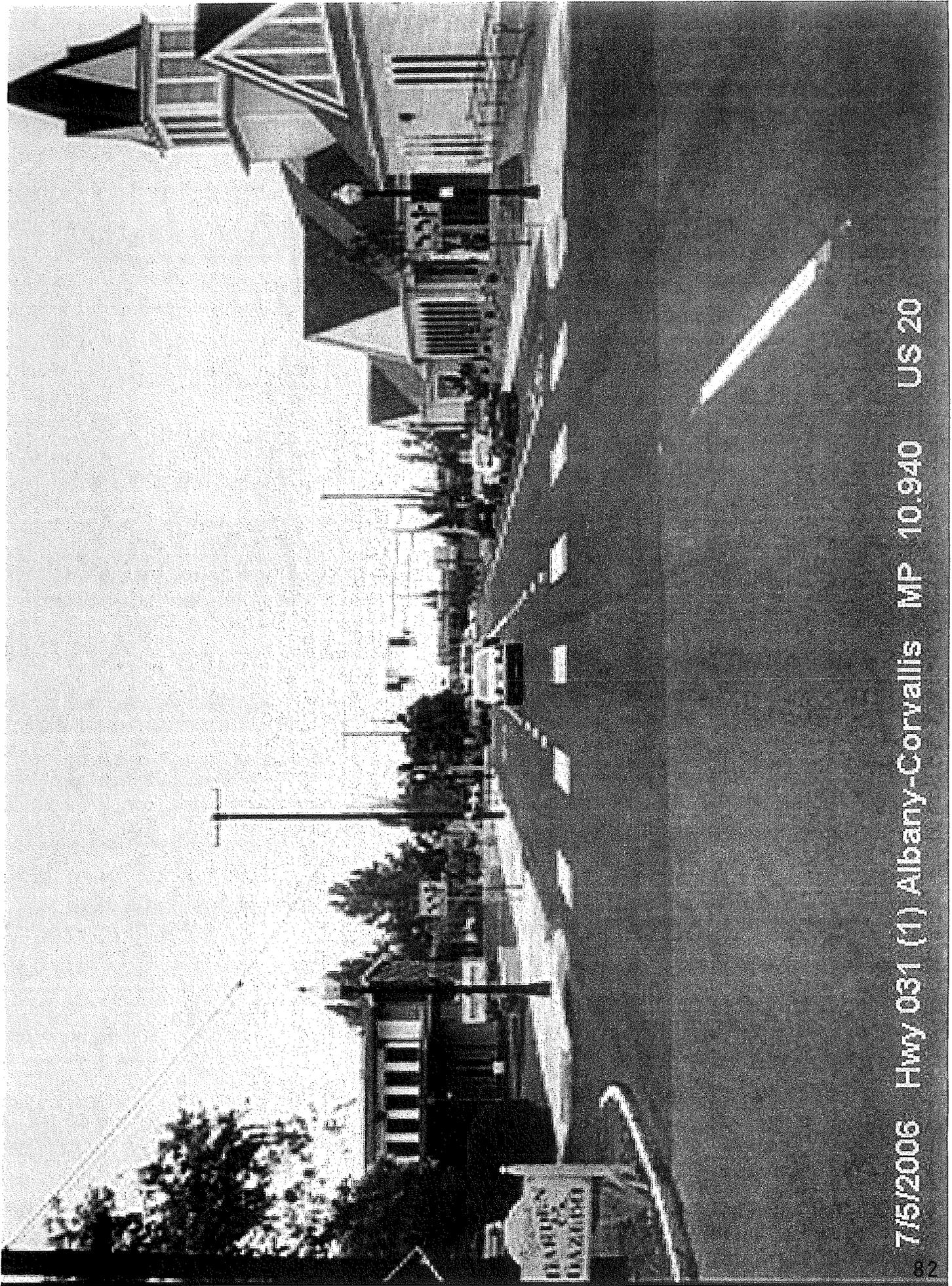
Attached is a photo to refresh your memory.

I think the Ped diamond locations could be adjusted also. I thought about advance PED XING AHEAD signs also. This ped xing location is ignored because motorists are looking ahead to the light. I think it also suffers from relatively light ped traffic, except when there are church activities. I suggested we could change driver expectation and benefit the higher volume ped xing at 6th Street with curb extensions, but the local newspaper editor wrote a scathing editorial before and after the curb extensions at 4th street, so Ron wants to wait till he retires for that option - as his newspaper borders that block. (He's close to retirement.)

I suggest a crossing guard for church services, but Sharron was not into that idea, nor a ped xing sting by the local police. She REALLY likes the idea of flags, so we may see those spring up on church property.

I think an ASB is warranted here, as there are multiple lanes of traffic and the STOP HERE FOR PEDS sign just might reinforce the message that this is a legal crossing point.

Thanks!



7/5/2006 Hwy 031 (1) Albany-Corvallis MP 10.940 US 20

Misc. Contracts & Agreements  
No. 30396

### INTERGOVERNMENTAL AGREEMENT

US Route 20 (Ellsworth Street) at 8<sup>th</sup> Street Crosswalk (Mile Point 10.94)  
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 elected officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

#### RECITALS

1. US Route 20 (Albany-Corvallis Highway) is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission (OTC) and is routed through the corporate limits of the City of Albany, known within this Project's limits as Ellsworth Street.
2. By the authority granted in Oregon Revised Statute (ORS) 190.110, 366.572, 366.574 and 366.576, State may enter into cooperative agreements with the counties, cities and units of local governments for the performance of work on certain types of maintenance or improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
3. By the authority granted in ORS 810.210, State is authorized to determine the character or type of traffic control devices to be used, and to place or erect them upon state highways at places where State deems necessary for the safe and expeditious control of traffic. No traffic control devices shall be erected, maintained, or operated upon any state highway by any authority other than State, except with its written approval. Traffic work on this Project will conform to the current State standards and specifications.
4. The existing crosswalk at US 20 and 8<sup>th</sup> Street is currently signed as a school crossing. The school served by this crosswalk is now closed. The City of Albany requested to keep the crosswalk functional as a pedestrian crosswalk which will require the removal of the school crossing signs and installation of pedestrian crossing signs. This Agreement will address the necessary requirements to keep the crosswalk functional.

**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. Under such authority, State approves of and agrees to retain the marked continental crosswalk located on US 20 (Ellsworth Street) at 8<sup>th</sup> Street (Mile Point 10.94) within the city limits of Agency, hereinafter referred to as "Project." The Project includes

removal by State of existing school crossing signs and installation of pedestrian crossing signs. The location of the Project is approximately as shown on the sketch map attached hereto, marked "Exhibit A," and by this reference made a part hereof.

2. The Parties shall each be responsible for their own costs related to their obligations defined herein.
3. This Agreement shall become effective on the date all required signatures are obtained and shall remain in effect for the purpose of ongoing maintenance responsibilities for the useful life of the crosswalk as part of the Project. The useful life is defined as twenty (20) calendar years. The Project shall be completed within one (1) calendar year following the date of final execution of this Agreement by both Parties.
4. State requested and received approval from the State Traffic/Roadway Engineer to retain the crosswalk on the southern leg of the subject intersection as described in "Exhibit B," attached hereto and by this reference made a part hereof.

#### **AGENCY OBLIGATIONS**

1. Agency understands the crosswalk shall be marked and maintained to State standards as defined in the Manual on Uniform Traffic Control Devices (MUTCD) and Oregon Supplement to the MUTCD.
2. Agency agrees to maintain, at its own expense, the crosswalk and associated signs identified herein as part of the Project.
3. Agency shall obtain a miscellaneous permit to occupy State right of way through the State's District 4 Office prior to commencement of maintenance of the crosswalk.
4. Agency shall perform the service under this Agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement including, but not limited to, retirement contributions, workers' compensation, unemployment taxes, and state and federal income tax withholdings.
5. All employers, including Agency, that employ subject workers who work under this Agreement 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 contractors complies with these requirements.
6. Agency shall require its contractor(s) and subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon, Oregon Transportation Commission and its members,

Oregon Department of Transportation and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Agency's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the Parties that State shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the State, be indemnified by the contractor and subcontractor from and against any and all Claims.

7. Any such indemnification shall also provide that neither Agency's contractor and subcontractor nor any attorney engaged by Agency's contractor and subcontractor shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that Agency's contractor is prohibited from defending the State of Oregon, or that Agency's contractor is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue claims it may have against Agency's contractor if the State of Oregon elects to assume its own defense.
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. Agency's Project Manager for this Project is Ron Irish, Transportation System Analyst, City of Albany, 333 Broadalbin Street, SW, Albany, Oregon 97321; phone: (541) 917-7656; email: [ron.irish@cityofalbany.net](mailto:ron.irish@cityofalbany.net), or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

#### **STATE OBLIGATIONS**

1. State shall, at its own expense, remove the school crossing signs associated with the crosswalk and install pedestrian crossing signs at the intersection of US 20 (Ellsworth Street) and 8<sup>th</sup> Street (Mile Point 10.94).
2. State grants authority to Agency to enter upon State right of way for the maintenance of this Project and as provided for in miscellaneous permit to be issued by State's District 4 Office.

3. 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.
4. State's Project Manager for this Project is Kendal Weeks, Assistant District Manager, ODOT, District 4, 3700 SW Philomath Boulevard, Corvallis, Oregon 97333; phone: (541) 757-4211; email: [kendal.j.weeks@odot.state.or.us](mailto:kendal.j.weeks@odot.state.or.us), or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

### GENERAL PROVISIONS

1. This Agreement may be terminated by mutual written consent of both Parties.
2. 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.
  - c. If Agency fails to provide payment of its share of the cost of the Project.
  - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
  - e. 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 State is prohibited from paying for such work from the planned funding source.
3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
4. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing.

Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.

5. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.
6. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.
7. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
8. 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.

9. 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.

**CITY OF ALBANY**, by and through its elected officials

By \_\_\_\_\_  
Mayor

Date \_\_\_\_\_

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

Date \_\_\_\_\_

**APPROVED AS TO FORM**

By \_\_\_\_\_  
City Legal Counsel

Date \_\_\_\_\_

**STATE OF OREGON**, by and through its Department of Transportation

By \_\_\_\_\_  
Region 2 Manager

Date \_\_\_\_\_

**APPROVAL RECOMMENDED**

By \_\_\_\_\_  
District 4 Manager

Date \_\_\_\_\_

By \_\_\_\_\_  
Region 2 Traffic Services Manager

Date \_\_\_\_\_

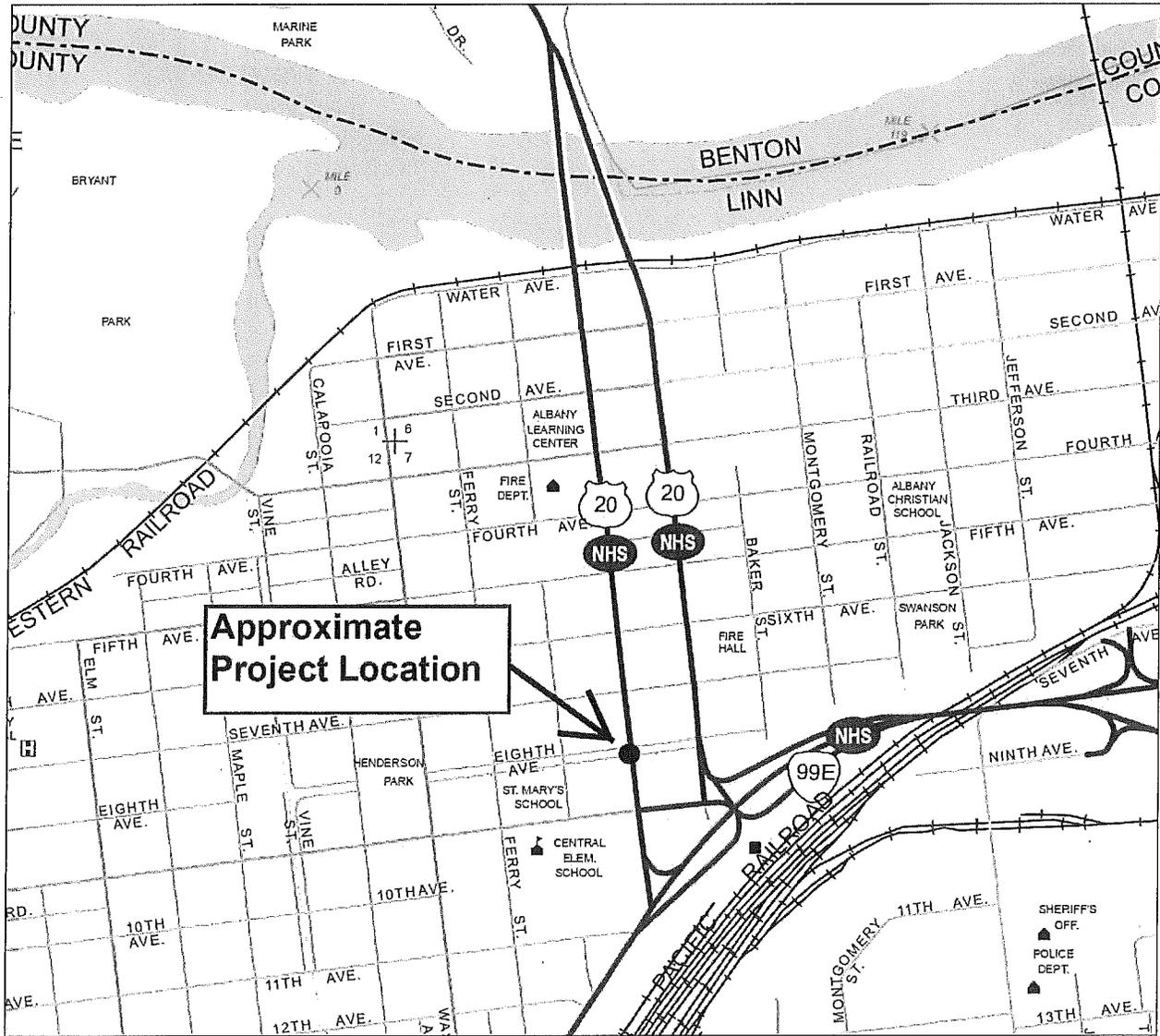
**Agency Contact:**

Ron Irish, Transportation System Analyst  
City of Albany  
333 Broadalbin Street, SW  
Albany, OR 97321  
Phone: (541) 917-7656  
Email: [ron.irish@cityofalbany.net](mailto:ron.irish@cityofalbany.net)

**State Contact:**

Kendal Weeks, Assistant District Manager  
ODOT, District 4  
3700 SW Philomath Boulevard  
Corvallis, OR 97333  
Phone: (541) 757-4211  
Email: [kendal.j.weeks@odot.state.or.us](mailto:kendal.j.weeks@odot.state.or.us)

**EXHIBIT A**  
**Project Location – US 20 (Ellsworth Street) at 8<sup>th</sup> Street**



**EXHIBIT B**  
**State Traffic/Roadway Engineer Approval Letter**



**INTEROFFICE MEMO**

TECHNICAL SERVICES  
Traffic/Roadway Section  
Office Phone: (503) 986-3568  
Fax Number: (503) 986-3749

DATE: October 29, 2013

TO: Dorothy Upton, P.E.  
Region 2 Traffic Engineer

File Code: Hwy 31 MP 10.94

FROM: Bob Pappé, P.E., P.L.S.   
State Traffic/Roadway Engineer

SUBJECT: **Crosswalk approval**  
**Albany-Corvallis Highway (US 20)**  
**Roadbed 1 (Ellsworth Street) @ 8<sup>th</sup> Street, South leg, mp 10.94**  
**City of Albany**

We have received your request to retain the marked crosswalk at the above location along Ellsworth Street (US 20) in the City of Albany. The crosswalk markings are expected to encourage pedestrians to cross at this improved location and contribute to improved driver stopping compliance. In accordance with Oregon Administrative Rule 734-20-0410, I approve your request.

We concur with the use of continental-style marking at this location. We also concur with your intent to remove the school crossing signage until such time that a school is operating nearby, that the crossing is within a school speed zone, or that the crossing is part of a Safe Routes to School plan. If you have any questions or concerns regarding this approval, please contact Gary Obery at 503-986-4062.

Electronic Courtesy Copies:

Amy Ramsdell, Area 4 Manager  
Joe Squire, Area 4 Manager  
Doug Bish, Traffic Engineering Services Mngr.  
Amanda Salyer, Region 2 Traffic Invest.

Angela Kargel, Region 2 Traffic Manager  
Kevin Haas, Traffic Investigations Engineer  
Gary Obery, Active Modes Traffic Engineer  
Ron Irish, City of Albany (ron.irish@cityofalbany.net)

GRO/tc



TO: Albany City Council

VIA: Sue Folden, Council Audit Committee Chair  
Ray Kopczynski, Council Audit Committee Vice-Chair  
Wes Hare, City Manager

FROM: Stewart Taylor, Finance Director

DATE: February 5, 2015 for the February 11, 2015 City Council Meeting

SUBJECT: 2013-2014 Audit Report

RELATES TO STRATEGIC PLAN THEME: ● An Effective Government

Action Requested:

Accept the audit report of the City's financial statements dated June 30, 2014.

Discussion:

Brad Bingenheimer from the certified public accounting firm of Boldt, Carlisle & Smith, LLC, presented the audit report to the Council Audit Committee on January 23, 2015. The report expressed the opinion that the financial statements present fairly, in all material respects, the financial position of the City of Albany as of June 30, 2014 in conformity with accounting principles generally accepted in the United States of America.

In addition, Brad discussed the independent auditor's report required by the minimum standards for audits of Oregon municipal corporations and the report on internal control over financial reporting and on compliance performed in accordance with government auditing standards. In the former report, Brad described that nothing came to the auditors' attention that caused them to believe the City was not in substantial compliance with relevant rules and regulations. In the later report, Brad described that the auditors did not identify any deficiencies in internal control over financial reporting that they consider to be material weaknesses.

This year's audit presented unique opportunities due to turnover in a Senior Accountant position. Turnover can be disruptive but it also allows greater attention to be given to process and internal controls. Brad and his staff provided a tremendous amount of effort in assisting the city through a transition to a more efficient and more stable method of drafting the financial statements.

City management would like to express appreciation to Brad and his team for their hard work in conducting the annual audit and in working with management to improve financial controls and efficiencies.

Budget Impact:

None

ST