



Revised

NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
Council Chambers
333 Broadalbin Street SW
Wednesday, April 8, 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. SCHEDULED BUSINESS

a. Communications

- 1) Accepting Kelley Guilliot's resignation from the Library Board. [Page 3]

Action: _____

- 2) 2014 Human Relations Commission annual report. [Pages 4-11]

Action: _____

b. Business from the Public

c. First Reading of Ordinance

- 1) Levying assessments against property specially benefited by sewer connections and the assessment of Sewer, Parks, and Transportation System Development Charges for property described as Tax Lot 3401, parcel 11S-03W-03A, and site address 331 Charlotte Street NE, and declaring an emergency. [Pages 12-14]

Action: _____ ORD. NO. _____

d. Adoption of Resolutions

- 1) Adopting the Limited English Proficiency (LEP) Plan. [Pages 15-26]

Action: _____ RES. NO. _____

- 2) Authorizing the expenditure of economic development funds for the workforce development partnership with industries and Linn-Benton Community College [item available at the meeting].

Action: _____ RES. NO. _____

e. Adoption of Consent Calendar

1) Approval of Minutes

- a) February 9, 2015, City Council Work Session. [Pages 27-32]

- b) February 11, 2015, City Council Regular Session. [Pages 33-40]

- 2) Accepting the Benton County Victim Impact Panel Grant. [Pages 41-42] RES. NO. _____

- 3) Accepting a dedication deed from Lowe's Home Centers, LLC. [Pages 43-48] RES. NO. _____

Action: _____

f. Award of Bid

- 1) SS-13-04-B, Wetlands Integration with Albany-Millersburg Water Reclamation Facility Outfalls, Control Valve Installation. [Pages 49-52]

Action: _____

g. Report

- 1) ST-09-03, Oak Street Local Improvement District (LID), accepting the Engineer's and Financial Investigation Reports and setting a public hearing. [Pages 53-60]

Action: _____ RES. NO. _____

h. Appointment

- 1) Appointing Tim McCloud to the Bicycle & Pedestrian Advisory Commission. [Pages 61-63]

Action: _____

5. BUSINESS FROM THE COUNCIL

6. NEXT MEETING DATE: Work Session: April 20, 2015
Regular Session: April 22, 2015

7. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net

The location of the meeting/hearing is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-917-7508, 541-704-2307, or 541-917-7519.

March 27, 2015

To Ed Gallagher and The Albany Public Library Board members:

I regretfully need to resign my position as a board member. Unfortunately, one of my daughters has been ill and the focus on her health has not allowed me to continue in my role as Board member. Luckily after many specialist and scary tests, she has started medication today that will hopefully help her to feel better. Fingers crossed. I enjoyed my time with the board and wish you luck in the future.

My apologies for the delay in my formal resignation.

Kelley M. Guilliot

**Albany Human Relations Commission
Annual Report (January – December 2014)**

The Human Relations Commission was established in 2007 “to promote harmonious relations among the citizens of Albany” through recommendations of “programs, activities, ordinances, expenditures and other appropriate governmental activities which will serve the goal of maintaining respectful interactions within our community.” (Ord. 5671 § 1, 2007; Ord. 5665 § 1, 2007).

A brief review of Commission activities during 2014 is set forth below. A history of Commission membership and attendance is attached to this report.

January 2014

- Chris Equinoa joined the Commission, replacing Michael Thomson.
- Members hosted and participated in reading Martin Luther King, Jr.’s “I Have a Dream” speech at City Hall on January 15, 2014.
- Members Nancy Greenman, Kim Whitley, and former member Michael Thomson presented the Human Relations Awards at the January 22, 2014, City Council meeting. Annette Hobbs and Christmas Storybook Land received the awards.
- Tonja Everest and Lisa Shogren from Greater Albany Public Schools spoke to the Commission about prekindergarten outreach and readiness.
- Tony Howell with Linn County Mental Health told the Commission that the county would be focusing on children during Mental Health Month in May 2014. The Commission discussed recognizing local youth who are helping their peers.

No meetings in February or March – lack of quorum

April 2014

- Danette Killinger, Linn County Health Services Prevention Officer, spoke to the Commission about activities planned for Mental Health Month.
- Dan Stone, theater director at LBCC, told the Commission about Sanctuary Stage, a community art project that, this spring, involved local veterans of Afghanistan and Iraq and their families.

May 2014

- Mayor Konopa signed and read a Mental Health Awareness Month proclamation on May 14, 2014. A news story about the observance also appeared in the May 2014 issue of *City Bridges*.
- Member Equinoa was appointed to the City Community Development Commission, replacing member Cervantes.

June 2014

- Sandy Roberts, Community Education Specialist with Albany Police Department, spoke to the Commission about National Night Out and police efforts to communicate effectively and positively with Albany residents whose native language is Spanish.
- The Commission’s annual report was received by the Albany City Council on June 11.

July 2014

- Debbie Berg joined the Commission, replacing Rob Duncan, who resigned.
- Ed Hodney, Director of Parks & Recreation, presented information about plans for redesigning and renovating Sunrise Park. Members attended a community meeting there; residents of the neighborhood have been encouraged to be part of the planning.
- Albany Police Lt. Casey Dorland gave a presentation on community policing, data-driven policing, community education efforts and the duties of staff in the Community Resource Unit.
- Members volunteered at River Rhythms concerts on July 24 and July 31.

August 2014

- The monthly meeting was devoted to planning for activities coming up in the fall.

September 2014

- The Commission cosponsored and participated in the Rural Organizing Project's presentation, "Why Aren't There More Black People in Oregon?," at Albany Public Library on September 7, lead by Walidah Imarisha, a professor at Portland State and Oregon State Universities.
- Members participated in Festival Latino on September 21.
- Member Cervantes participated in Welcome Day at LBCC on September 25 and reported to the Commission about the achievements and concerns of Hispanic students on campus there.
- Todd Noble, Kathryn Henderson, and Danette Killinger spoke to the Commission about Mental Illness Awareness Week, October 5-11. They viewed a video for physicians and health care providers that was intended to increase awareness of mental illness and get people talking and thinking about its prevalence.

October 2014

- The Commission held its annual joint meeting with the Hispanic Advisory Committee of Linn and Benton Counties. The groups discussed how City services and programs are accessed by the Latino community and suggested how that access might be improved. Discussion focused on transit and language services and addressed how City staff accommodates residents or clients who do not speak or read English well.

November 2014

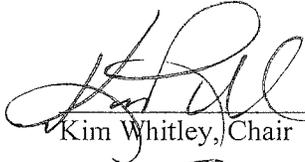
- Representatives of Community Action for Racial Equality (CARE) and Corvallis Raging Grannies asked the Commission to support a resolution denouncing hate speech after racist literature was found on vehicles in downtown Albany after the Veterans' Day parade.
- Jasper Smith, head of the Martin Luther King Commission for the City of Corvallis, met with the Commission regarding MLK Day events in Corvallis and offered collaboration with the HRC on future events. The Commission made plans to host a public reading of Dr. King's "I've Been to the Mountaintop" speech at City Hall on January 15, 2015.
- City Manager Wes Hare and Information Technology Director Jorge Salinas presented a draft Limited English Proficiency Plan for the Commission's review.

December 2014

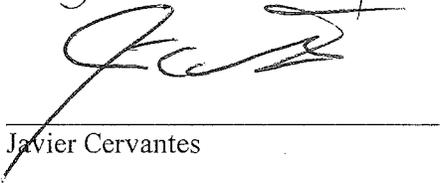
- The Commission requested and the City Council adopted the CARE resolution at the December 3, 2014, City Council meeting.

Conclusion: As members of the Human Relations Commission, it is a pleasure to continue to promote harmonious relations among the citizens of Albany through our recommendations and support for activities that serve the goal of maintaining respectful interactions within our community. We have met that goal to the best of our ability and feel our output is commendable, considering limited resources. The Commission members believe the commission is still needed and valued and there is still a lot of work to do. We thank the City Council for your support.

Respectfully submitted,

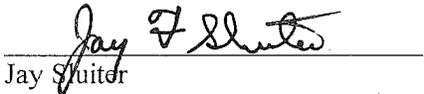


Kim Whitley, Chair

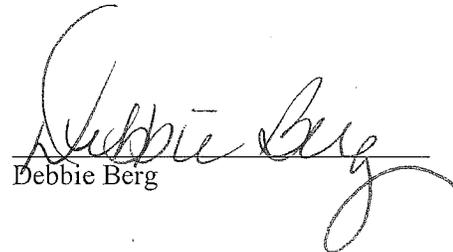


Javier Cervantes

Chris Equinoa



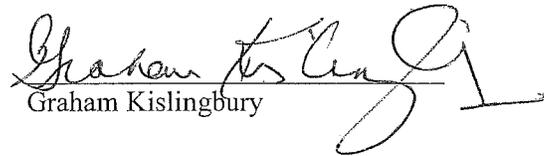
Jay Suiter



Debbie Berg



Tina Dodge Vera



Graham Kislingbury

Human Relations Commission

Commission Established

Council adopted Ordinance No. 5665, March 28, 2007, creating Albany Municipal Code Chapter 2.25, establishing the Human Relations Commission (HRC).

Council adopted Ordinance No. 5671, May 9, 2007, amending AMC 2.25.020 [*commissioners must reside within the Albany city limits*] and 2.25.030 [*initial terms to be staggered according to the appointee's surname beginning with three-year terms for those closest to the beginning of the alphabet*].

Purpose: The Human Relations Commission was established by the Albany City Council to promote harmonious relations among the citizens of Albany. It is created to recommend programs, activities, ordinances, expenditures, and other appropriate governmental activities which will serve the goal of maintaining respectful interactions within our community.

First Commissioners

Name	Appointed By	Appointment Date	Term Expiration Date	Comments
Rafael Palacios	Mayor Doug Killin	07-25-2007	12-31-2007	Resigned 08-08-2007; he relocated to California; Blanca Ruckert appointed as replacement.
Blanca Ruckert	Mayor Doug Killin	08-08-2007	12-31-2007	none
Jodi Nelson	Councilor Dan Bedore	07-25-2007	12-31-2007	none
Rick Hammel, Jr.	Councilor Dick Olsen	07-25-2007	12-31-2008	none
Delia Guillen	Councilor Ralph Reid, Jr.	07-25-2007	12-31-2008	none
C. Jeffery Evans	Councilor Sharon Konopa	07-25-2007	12-31-2009	none
Marian Anderson	Councilor Jeff Christman	07-25-2007	12-31-2009	none
Anna Anderson	Councilor Bessie Johnson	08-08-2007	12-31-2009	none

First Meeting/First Officers

HRC's first meeting was Tuesday, September 25, 2007. At the second meeting [October 23, 2007], the first Chair and Vice Chair were elected. C. Jeffery Evans was elected Chair and Blanca Ruckert as Vice Chair.

Subsequent Commissioners

Resignations/Reappointments/New Appointments

- Blanca Ruckert was reappointed 01-07-2008 by Mayor Killin; new term expires 12-31-2010.
- Jodi Nelson was reappointed 01-09-2008 by Councilor Bedore; new term expires 12-31-2010.
- Anna Anderson resigned 08-13-2008; Councilor Johnson appointed Kim Whitley on 08-27-2008, as her replacement for the term expiring 12-31-2009.
- Delia Guillen resigned 09-09-2008; Councilor Reid appointed John Hartman on 10-22-2008, as her replacement for the term expiring 12-31-2008.
- Margaret Martinez was appointed 01-14-2009 by Councilor Reid replacing John Hartman, whose term expired 12-31-2008. Margaret's three-year term expires 12-31-2011.
- Nancy Greenman was appointed 01-14-2009 by Councilor Olsen replacing Rick Hammel, Jr., whose term expired 12-31-2008. Nancy's three-year term expires 12-31-2011.
- Blanca Ruckert resigned 04-22-2009; Mayor Konopa appointed Michael Thomson on 06-24-2009, as her replacement for the term expiring 12-31-2010.
- C. Jeffery Evans resigned 06-24-2009; vacant term expired 12-31-2009. Councilor Coburn appointed Linda Hart on 06-23-10, for a new three-year expiring 12-31-2012.
- Marian Anderson resigned 09-09-2009; vacant term expired 12-31-2009. Councilor Christman appointed Tina Dodge Vera on 02-10-2010, for a new three-year expiring 12-31-2012.
- Kim Whitley was reappointed 01-13-2010 by Councilor Johnson; new term expires 12-31-2012.
- Jodi Nelson resigned 06-10-10; vacant term expires 12-31-2010. Councilor Collins appointed Julie Jones on 07-14-2010, as her replacement for the term expiring 12-31-2010.
- Julie Jones was reappointed 01-12-2011 by Councilor Collins; new term expires 12-31-2013.
- Michael Thomson was reappointed 01-12-2011 by Mayor Konopa; new term expires 12-31-2013.
- Margaret Martinez completed her three-year term that expired 12-31-2011. Councilor Kopczynski appointed Leonor Rodriguez on 01-11-2012 for a new three-year expiring 12-31-2014.
- Nancy Greenman was reappointed 01-11-2012 by Councilor Olsen; new term expires 12-31-2014.
- Julie Jones resigned 7-11-2012; vacant term expires 12-31-2013. Councilor Collins appointed Javier Cervantes on 8-22-2012 as his replacement for the term expiring 12-31-2013.
- Kim Whitley was reappointed 01-09-2013 by Councilor Johnson; new term expires 12-31-2015.
- Tina Dodge Vera was reappointed 02-13-13 by Councilor Coburn; new term expires 12-31-2015.
- Jay Sluiter was appointed 02-13-13 by Councilor Kellum; new term expires 12-31-2015.
- Leonor Rodriguez resigned 09-10-13; vacant term expires 12-31-2014. Councilor Kopczynski appointed Rob Duncan on 09-25-2013 as her replacement for the term expiring 12-31-2014.
- Javier Cervantes was reappointed 1-08-2014 by Councilor Collins; new term expires 12-31-2016.
- Chris Equinoa was appointed 1-08-2014 by Mayor Konopa replacing Michael Thomson, whose term expired 12-31-2013. Chris' three-year term expires 12-31-2016.
- Rob Duncan resigned 6-11-2014; vacant term expires 12-31-2014. Councilor Kopczynski appointed Debbie Berg 6-25-2014 as his replacement for the term expiring 12-31-2014.
- Debbie Berg was reappointed 1-14-2015 by Councilor Kopczynski; Debbie's three-year expires 12-31-2017.
- Graham Kislingbury was appointed 1-14-2015 by Councilor Olsen replacing Nancy Greenman, whose term expired 12-31-2014; Graham's three-year term expires 12-31-2017.

Current HRC Roster (as of February 20, 2015)

Name	Appointment By	Term Expiration Date
Tina Dodge Vera	Councilor Bill Coburn	12-31-2015
Jay Sluiter	Councilor Rich Kellum	12-31-2015
Kim Whitley	Councilor Bessie Johnson	12-31-2015
Javier Cervantes	Councilor Floyd Collins	12-31-2016
Chris Equinoa	Mayor Sharon Konopa	12-31-2016
Debbie Berg	Councilor Ray Kopczynski	12-31-2017
Graham Kislingbury	Councilor Dick Olsen	12-31-2017

Visitors who attended an HRC meeting in 2009

Sharon Gisler
Michael Thomson
Mayor Sharon Konopa
Gerald Gisler
John Phillips
Margo Coleman
Alice Fitzpatrick
Donna Copeland
Bill Root
June Hemmingson
Larry Eby
Penny Miltenberger
Dan Miltenberger
Phillipa Meehan
Dick Owen
Rosa Plascencia
Tina Dodge Vera

Visitors who attended an HRC meeting in 2010

Clifford Hartman, Linn County Mental Health
Jim Bell, LBCC
Mary Zelinka, CARDV
Linda Hart
Frank Moore, Linn County Mental Health
Catherine Henderson, Mental Health Advisory

Visitors who attended an HRC meeting in 2011

Sue McGuire-Thompson, Community Services Consortium
Debbie Little, Community Services Consortium
Wawna Shepherd
Ora Mowdy
Shawn Smith
Westen Hoover
Ramos Pacheco
Andy Phillips
Jamie Lavery
Anna Benson, Linn-Benton Housing Authority
Jeanette Emerson, LBCC student
Chelsea Baker, LBCC student
Daniel Trinidad, LBCC student
Jodie Nelson, OSU

Students attending classes at Community Services Consortium.

Visitors who attended an HRC meeting in 2012

Frank Moore, Linn County Mental Health
Clifford Hartman, Linn County Mental Health
Kathryn Henderson, Linn County Mental Health Advisory Board
Jim Clausen
Doug Finegan
Dick Knowles, Linn County Mental Health Advisory Board
Dede Burns-McLay, CARDV

Visitors who attended an HRC meeting in 2013

Jennifer Sanders, Chief Operations Officer for Linn-Benton Housing Authority
Albany Mayor Sharon Konopa
Greg Roe, United Way of Linn County Executive Director
Katie Nooshazar, Recreation Programs Manager, City of Albany Parks & Recreation
Debbi Richards, Recreation Programs Supervisor, City of Albany Parks & Recreation
Rose Lacey, Recreation Programs Specialist, City of Albany Parks & Recreation
Anne Catlin, Planner III, City of Albany Community Development
Frank Moore, Linn County Mental Health
Clifford Hartman, Linn County Mental Health
Tony Howell, Linn County Alcohol & Drug Program
Cristie Lynch, Samaritan Health Marketing & Communications Manager
Tara Dixson, GAPS McKinney-Vento (homeless student) Liaison
Monica Lorence, Linn County Outreach Coordinator of Jackson Street Youth Shelter
Andrea Myhre, Grant Officer with the Jackson Street Youth Shelter

Visitors who attended an HRC meeting in 2014

Tony Howell, Linn County Mental Health
Tonja Everest, Greater Albany Public Schools
Lisa Shogren, Greater Albany Public Schools
Dan Stone, LBCC Theatre Director
Sandy Roberts, Community Education Specialist, City of Albany Police Department
Casey Dorland, Lieutenant, City of Albany Police Department
Ed Hodney, Director, City of Albany Parks & Recreation Department
Danette Killinger, Prevention Coordinator, Linn County Alcohol & Drug
Kathryn Henderson, Prevention Specialist, Linn County Alcohol & Drug
Todd Noble, Program, Manager, Linn County Mental Health
Denise Hughes-Tafen, representing Community Action for Racial Equality (CARE)
Franz Schneider, representing Community Action for Racial Equality (CARE)
Sue Goodman, representing Community Action for Racial Equality (CARE)
Zoe Kellett, representing Community Action for Racial Equality (CARE)
Peter Goodman, representing Community Action for Racial Equality (CARE)
Jasper Smith, MLK Commission Chair & Program Manager for Benton County Developmental Disabilities Program

ORDINANCE NO. _____

AN ORDINANCE TO LEVY ASSESSMENTS AGAINST PROPERTY SPECIALLY BENEFITED BY SEWER CONNECTIONS AND THE ASSESSMENT OF SEWER, PARKS, AND TRANSPORTATION SYSTEM DEVELOPMENT CHARGES FOR PROPERTY DESCRIBED AS TAX LOT 3401, OF PARCEL 11S-03W-03A, AND SITE ADDRESS 331 NE CHARLOTTE ST; AND DECLARING AN EMERGENCY.

WHEREAS, the Sewer System Development Charge, as referred to in this ordinance, is to provide sewer connections to serve the structures on this property; and

WHEREAS, the Transportation System Development Charge is intended to assess charges for future expansion or capacity increases to the system, and is aimed at providing additional levels of services to the existing road network; and

WHEREAS, the Parks System Development Charge is intended to impose a portion of the public cost of capital improvements for parks upon properties where developments create the need, or increase the demand for park improvements; and

WHEREAS, these charges will be assessed on the property described as Tax Lot 3401, of Parcel number 11S-03W-03A and site address 331 NE Charlotte St. (See attached "Exhibit A")

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

Section 1: The Sewer and Transportation System Development Charges and the assessments for the same will be levied according to the provisions of Albany Municipal Code, Chapter 15.16. The Parks System Development Charge and the assessment for the same will be levied according to the provisions of Albany Municipal Code, Chapter 15.20.

Section 2: The total cost of the Sewer, Transportation, and Parks System Development Charges is \$7,759.83.

(See attached assessment sheet and "Exhibit A")

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

Section 4: 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 the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk

Owner of Record

Sergio A. Rodriguez
Marisela F. Anguilar
PO Box 1647
Albany, OR 97321

Property Description

331 NE Charlotte St
Albany, OR 97322
11S 03W 03A 03401

Assessment Description

Parks SDC
Amount: \$ 1,727.83
Acct # psdc2015-0001-000

Sewer SDC
Amount: \$2,884.00
Acct # ssdc2015-0001-000

Transportation SDC
Amount: \$ 3,148.00
Acct # stsd2015-0001-000

Report Total: \$7,759.83

"Exhibit A"

FOR ASSESSMENT AND TAXATION ONLY

Tax Lot #3401

N.E. 1/4 SEC. 3 T. 11S. R. 3W. W.M.
Linn County
1" = 200'

11S03W03A
ALBANY

CANCELLED:
10606
10605
4501
10708
10799
4801

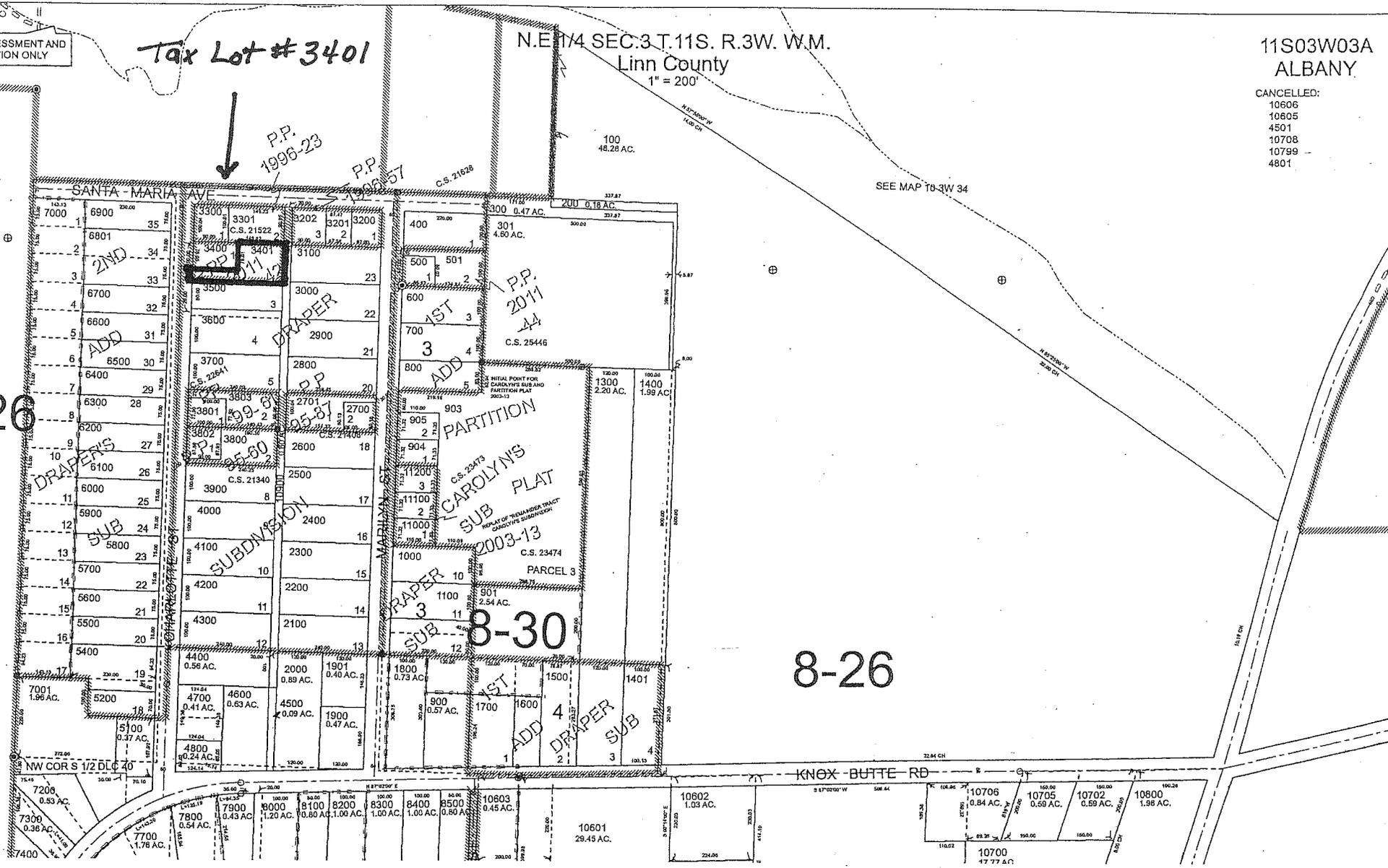
8-26

8-26

SW COR.
N 1/2 DLC 40

SEE MAP 11 3W 3B

SEE MAP 10 3W 34



RESOLUTION NO. _____

A RESOLUTION ADOPTING THE LIMITED ENGLISH PROFICIENCY (LEP) PLAN

WHEREAS, in accordance with Title VI nondiscrimination laws in regard to providing appropriate access to services and activities provided by federal agencies and recipients of federal assistance, the Limited English Proficiency Plan was drafted to define how the City of Albany will accommodate persons with limited English proficiency; and

WHEREAS, individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service benefit or encounter.

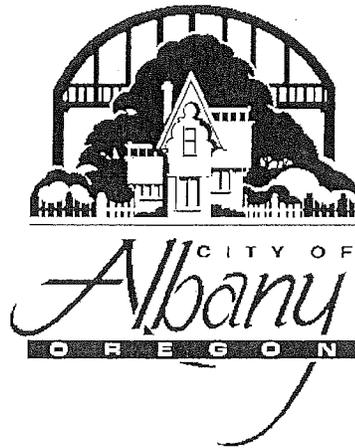
NOW, THEREFORE, BE IT RESOLVED that the Albany City Council approves and adopts the Limited English Proficiency Plan for the City of Albany (see Attachment A).

DATED AND EFFECTIVE THIS 8TH DAY OF APRIL 2015.

ATTEST:

Mayor

City Clerk



Limited English Proficiency Plan

City of Albany, Oregon

Adopted: TBD

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WHEREAS, individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service benefit or encounter.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council approves and adopts the Limited English Proficiency Plan for the City of Albany (see Attachment A).

DATED AND EFFECTIVE THIS 8TH DAY OF APRIL 2015.

ATTEST:

Mayor

City Clerk

Introduction

This *Limited English Proficiency Plan* has been prepared to address the City of Albany's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including the City of Albany.

The City of Albany receives funds from the U.S. Department of Housing and Urban Development, under Title I of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. §5301 (1994) via the State of Oregon through its Oregon Infrastructure Finance Authority (IFA).

Elements of an Effective LEP Plan

The U.S. Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing an LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance.
2. Identifying ways in which language assistance will be provided.
3. Training staff.
4. Providing notice to LEP persons.
5. Monitoring and updating the LEP Plan.

These recommended elements have been incorporated into this plan.

Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Plan

The City of Albany follows four factors that apply to the various kinds of contacts that the public has to access language needs and decides what reasonable steps it should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP community.
4. The resources available to the City of Albany and the overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed.

The Four-Factor Analysis

This plan uses the four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required. Recommendations are then based on the results of the analysis.

Factor 1: The Proportion, Numbers, and Distribution of LEP Persons

The Census Bureau has a range of four classifications of how well people speak English. The classifications are 'very well,' 'well,' 'not well,' and 'not at all.' Table 1 shows the number and percent of persons in regards to their English language skills for the City of Albany.

Table 1: Language spoken at home by ability to speak English (population age 5 and older)

2008-2012 American Community Survey

	Albany, Oregon	
	Estimate	Margin of Error
Total	46,340	+/-260
Speak only English	89.4%	+/-1.7
Speak a language other than English	10.6%	+/-1.7
Spanish or Spanish Creole	7.7%	+/-1.5
Other Indo-European languages	1.1%	+/-0.4
Asian and Pacific Island languages	1.4%	+/-0.5
Other languages	0.4%	+/-0.2
Speak only English	41,428	+/-1.7
Spanish or Spanish Creole:	3,569	+/-684
Speak English very well	1,720	+/-8.1
Speak English less than very well	1,849	+/-8.1
Other Indo-European languages:	508	+/-195
Speak English very well	460	+/-8.3
Speak English less than very well	48	+/-8.3
Asian and Pacific Island languages:	631	+/-244
Speak English very well	485	+/-10.7
Speak English less than very well	146	+/-10.7

Based on this information, there are 2,043 out of 46,340 (or 4.4 percent) who speak English less than “very well.”

Factor 2: Frequency of Contact with LEP Individuals

In November, 2014, the City conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions. We have offices accessible to the public, and, therefore, accessible to LEP individuals; and we have staff who work in the field and could encounter LEP individuals. Additionally, bimonthly City Council meetings are held which LEP individuals potentially could attend. Given the small concentration of LEP individuals in Albany, (see Table 1), the probability of our employees encountering an LEP individual is relatively low.

Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP

The City of Albany serves individuals throughout the community in a variety of ways including managing roads, water, sewer, fire, law enforcement, and other services to residents and individuals from outside of the city, such as visitors and those traversing the state. The services that the City provides are very important to an individual’s day-to-day life; denial of services to an LEP individual could have a significant detrimental effect.

Factor 4: The Resources Available to the City of Albany

The City reviewed available resources for providing LEP assistance. A local individual is available to translate written documents from English to Spanish as needed at an hourly rate within a reasonable time period. The cost associated with the necessary translation in order to comply with LEP requirements is expected to be minimal and will be allocated on an as-needed basis.

Safe Harbor Stipulation

Federal law provides a safe-harbor stipulation so that recipients can ensure with greater certainty that they comply with the obligation to provide written translations in languages other than English. Safe harbor means that, if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients who would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of this program, it is not necessary. Other ways of providing meaningful access, such as an effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written-translation obligation under safe harbor includes providing written translation of vital documents for each eligible LEP language group eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This safe-harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed.

Given the low concentration of LEP individuals (as seen in Table 1), the City has deemed that written translations of vital documents should be made upon request.

Providing Notice to LEP Persons

The City of Albany, based on the four factors, will provide language service by notifying LEP persons of services available free of charge. Notifications to LEP persons include:

1. Posting notice of the LEP Plan and notification in languages LEP persons would understand that persons requiring language assistance or special accommodations will be provided interpretation or translation services free of charge with reasonable advance notice to the City.
2. City staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year to identify modifications to this plan to improve outreach and services to persons with limited English proficiency.

Options

Federal fund recipients have two main ways to provide language services: oral interpretation in person or via telephone interpretation service, and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.

The City defines an interpreter as a person who translates spoken language orally. A translator translates written language from one language into another.

Considering the low concentration of LEP individuals in Albany and the City's financial resources, it is necessary to limit language aid to the most basic and cost-effective services.

The City will use oral interpretation options to ensure equal access to LEP individuals and to comply with LEP regulations.

Vital documents will be translated as needed, based on the four-factor analysis.

What will the City of Albany do?

- Provide interpreter services at public meetings with advance notice of at least seven (7) working days.
- Provide notice that interpretation services are available for public meetings by placing statements in meeting notices and other relevant publications.
- Provide the Census Bureau I-speak language identification cards to all employees who may potentially encounter LEP individuals.
- Receive complaints in legible writing and route to the Title VI coordinator.

When a City employee encounters an LEP individual, s/he will follow the procedure listed below.

OFFICE ENCOUNTER

1. Provide an I-speak language identification card to determine the language spoken by the LEP individual.
2. Once the language is determined, provide information to the Title VI coordinator, who will contact an interpreter.
3. If the need for a vital document to be translated arises, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

IN WRITING

1. Once written communication has been received, it will be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact a translator to determine what information or action is being requested.
3. The Title VI Coordinator will work with the appropriate resources to provide the requested service in a timely manner.

OVER THE PHONE

1. If someone calls a City office speaking a language other than English, staff will make every attempt to keep that caller on the line until an interpreter can be reached to, if possible, determine the caller's language.
2. Once the caller's language has been identified, staff will provide the requested assistance.

City Staff Training

City staff will be provided training on the requirements for providing meaningful access to services for LEP individuals.

LEP Plan Access

A copy of the LEP plan document can be requested at Albany City Hall during normal business hours; at both branches of the Albany Public Library; and on the City's website, www.cityofalbany.net. Any person or agency may also request a copy by contacting:

City Manager Wes Hare
 City of Albany
 P.O. Box 490
 Albany, OR 97321
 Phone: 541-917-7505

2004
Census
Test

United States
Census
2010

LANGUAGE IDENTIFICATION FLASHCARD

- | | | |
|--------------------------|------------------------------------------------------------------------------------|------------------------|
| <input type="checkbox"/> | ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية. | 1. Arabic |
| <input type="checkbox"/> | Խոսողո՞ւմ ե՞նք նշում կատարե՞ք այս քանակություն, եթե խոսում կամ կարդում եք հայերեն: | 2. Armenian |
| <input type="checkbox"/> | যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন। | 3. Bengali |
| <input type="checkbox"/> | ឈ្មួញក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។ | 4. Cambodian |
| <input type="checkbox"/> | Motka i kakhon ya yangin untungnu' manitai pat untungnu' kumentos Chamorro. | 5. Chamorro |
| <input type="checkbox"/> | 如果你能读中文或讲中文，请选择此框。 | 6. Simplified Chinese |
| <input type="checkbox"/> | 如果你能讀中文或講中文，請選擇此框。 | 7. Traditional Chinese |
| <input type="checkbox"/> | Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik. | 8. Croatian |
| <input type="checkbox"/> | Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky. | 9. Czech |
| <input type="checkbox"/> | Kruis dit vakje aan als u Nederlands kunt lezen of spreken. | 10. Dutch |
| <input type="checkbox"/> | Mark this box if you read or speak English. | 11. English |
| <input type="checkbox"/> | اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بنید. | 12. Farsi |

- | | | |
|--------------------------|--------------------------------------------------------------------------------------|-----------------------|
| <input type="checkbox"/> | Cocher ici si vous lisez ou parlez le français. | 13. French |
| <input type="checkbox"/> | Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen. | 14. German |
| <input type="checkbox"/> | Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά. | 15. Greek |
| <input type="checkbox"/> | Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen. | 16. Haitian
Creole |
| <input type="checkbox"/> | अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ। | 17. Hindi |
| <input type="checkbox"/> | Kos lub voj no yog koj paub twm thiab hais lus Hmoob. | 18. Hmong |
| <input type="checkbox"/> | Jelölje meg ezt a kockát, ha megérte vagy beszél a magyar nyelvet. | 19. Hungarian |
| <input type="checkbox"/> | Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano. | 20. Ilocano |
| <input type="checkbox"/> | Marchi questa casella se legge o parla italiano. | 21. Italian |
| <input type="checkbox"/> | 日本語を讀んだり、話せる場合はここに印を付けてください。 | 22. Japanese |
| <input type="checkbox"/> | 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오. | 23. Korean |
| <input type="checkbox"/> | ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ. | 24. Laotian |
| <input type="checkbox"/> | Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. | 25. Polish |

- | | | |
|--------------------------|--------------------------------------------------------------------------------|----------------|
| <input type="checkbox"/> | Assinale este quadrado se você lê ou fala português. | 26. Portuguese |
| <input type="checkbox"/> | Însemnați această casuță dacă citiți sau vorbiți românește. | 27. Romanian |
| <input type="checkbox"/> | Пометьте этот квадратик, если вы читаете или говорите по-русски. | 28. Russian |
| <input type="checkbox"/> | Обележите овај квадратик уколико читате или говорите српски језик. | 29. Serbian |
| <input type="checkbox"/> | Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky. | 30. Slovak |
| <input type="checkbox"/> | Marque esta casilla si lee o habla español. | 31. Spanish |
| <input type="checkbox"/> | Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog. | 32. Tagalog |
| <input type="checkbox"/> | ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย. | 33. Thai |
| <input type="checkbox"/> | Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga. | 34. Tongan |
| <input type="checkbox"/> | Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою. | 35. Ukrainian |
| <input type="checkbox"/> | اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔ | 36. Urdu |
| <input type="checkbox"/> | Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ. | 37. Vietnamese |
| <input type="checkbox"/> | באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש. | 38. Yiddish |

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, February 9, 2015
4:00 p.m.

MINUTES

CALL TO ORDER

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

ROLL CALL

Councilors present: Councilors Bill Coburn, Floyd Collins, Bessie Johnson, Rich Kellum, Ray Kopczynski, and Dick Olsen.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

None.

REQUEST FOR CITY TO PURCHASE PROPERTY

Robert Gilbert, 1802 48th Avenue SE, said he is seeking a solution for his property located on the edge of town. He said the property is being used like a park because he isn't allowed to build a fence or a house on it. He said he has found homeless camps, weapons, and drug paraphernalia.

Planning Manager Bob Richardson said Gilbert owns 4.5 acres of land along the Calapooia River. He said Gilbert has requested the City purchase the property because of its proximity to Hazelwood Park and because the 2010 Federal Emergency Management Agency (FEMA) flood insurance rate maps have constrained more of his land than the previous maps. Staff considered if there is a public need for the property and determined that no need exists. He said staff recommends that the City not purchase the property.

Councilor Floyd Collins noted that, according to the staff memo, the 2010 boundaries of the floodway on the property have not changed since the 1986 maps. Richardson said that is correct. Collins asked if the property is accessed by going under the trestle. Gilbert said that is correct.

Konopa asked if there is access to the northern area of the property. Gilbert said there is a gate but no real road.

Councilor Ray Kopczynski referred to the Attachment A map [see agenda packet] and asked if 15th Avenue is an access point for Gilbert's property. Gilbert said that road is not really there.

Councilor Dick Olsen said he looked at the property today and noticed a gate by the railroad. Gilbert said that gate was built by Bonneville Power Administration (BPA). Olsen asked if the gate helps keep people out. Gilbert said people just go around the gate because it doesn't go all the way to the river.

Kopczynski asked how the floodway boundary map has changed between 1986 and 2010. Gilbert said there is a new restriction because of a floodway channel. Richardson said staff looked into it and couldn't find any significant change, and the mapped floodway is essentially the same.

Councilor Rich Kellum said it is his understanding that a fence can't be put along the gate to extend it. Gilbert said that is correct. He said the first fence was washed out in 1996. Kellum asked staff why a gate can be there if a fence can't be built there. City Attorney Jim Delapoer said staff can't regulate the federal government and we are following the rules established by FEMA. Staff can ask FEMA to be consistent and take the gate down but he doesn't think that will help matters. Kellum asked what would happen if a fence is put up. Delapoer said if the City became aware of it, staff would have to take appropriate action. He said the reason fences aren't supposed to be in the floodway is because the flow of water could be impeded and has the potential to cause damage to other properties. City Manager Wes Hare said FEMA will periodically do inspections in communities to see if construction has occurred in floodways.

Olsen asked if there was ever a home located on the property. Gilbert said there was a house located on the property in the 1950s and has always been zoned residential. He said before his father purchased the property, it was used as a gravel quarry which caused the property to become wetlands. Olsen said the blackberries are taking over so that may keep people out.

Councilor Bill Coburn asked when the property was purchased. Gilbert said it was probably around 1993-1994.

Councilor Bessie Johnson said, we can't restrict the gate because it belongs to the federal government, so would the City get in trouble if damage occurs because of the gate? Delapoer said no because it is their fence.

He said Council doesn't want to willfully violate the law by turning a blind eye from someone who is building a fence. Johnson asked what the City could do with the property. Konopa said the BPA property is in between so it couldn't connect to Hazelwood Park. Delapoer said staff could ask FEMA about possible solutions to help the property owner, Johnson said that is a good idea, and she understands the property owner's plight. Delapoer said FEMA may be able to offer suggestions about how to make the property less accessible to trespassers. Olsen asked who put the gate in under the railroad. Gilbert said BPA put it in to protect the high voltage power lines. Delapoer said staff could ask FEMA if there could be an exception to the structure requirements that would allow fencing to continue past the existing BPA gate. Richardson said the fence may not be in the floodway and may be in the floodplain which affects where you can have structures. He said if FEMA says there are different types of fences that could be permitted, it doesn't change the local ordinance. He cautioned the Council that changes to the language could cause flood insurance rates to increase for other property owners.

Parks & Recreation Director Ed Hodney said there is no legitimate reason for the City to purchase the property. He also talked to the Calapooia Watershed Council to see if they had interest in the property and they don't. There is a considerable distance between this property and Hazelwood Park. Collins asked about erecting a barrier on the west side of the Hazelwood Park. Hodney said it would cost approximately \$7,000 for a fence, but he thinks that if people want to get to the property, fences won't stop them.

Kellum asked what legally can be done with this property. Richardson said there are a number of uses that are permitted in the open space zone such as agriculture and greenhouses. He said the big challenge is that the majority of the property is in the floodway. He said the other constraint is that there is an easement from BPA over a portion of the property. He said there is a section of land that is unconstrained for opportunities to develop per the open space regulations. Kellum said this is a property owner who pays taxes on the property, but can't use it or protect it. He thinks there should be some way to help with the problem. Delapoer said if the property can't be used, the owners can appeal the tax assessment. Gilbert said he has gone through that process and changed the tax assessment to the assessed value instead of real market value. Konopa asked if Linn County changed the property to non-buildable. Gilbert said he will check. Gilbert said the taxes are approximately \$400 per year.

Delapoer asked Gilbert if fencing would solve the problem. Gilbert said he doesn't think it would help the issue.

Delapoer said if the property has no value, he would suggest the property owner see if there is a way to donate it and write it off on their taxes. He said the request before Council is to buy the property. He said the problem is that there are many properties burdened by regulations or circumstances of the environment. He said the City doesn't have the resources to address all of those problems.

Collins said the circumstances are unfortunate, but the City is simply implementing the federal rules. He said the City would support selling the property, but the City doesn't have an interest in the property.

MOTION: Collins made a motion to deny the request and Kopczynski seconded it. The motion passed 5-1 with Kellum voting no.

Hodney said there may be other agencies interested in the property, and he will visit with the Gilbert's to share further information. Hare said the Albany Police Department (APD) could also try to do more frequent patrols in that area.

CRIME STATISTICS AND ORDINANCE CHANGES

Police Chief Mario Lattanzio gave a PowerPoint presentation [included in agenda packet]. He clarified that the FBI numbers listed in the presentation are for 1998-2013 and City of Albany numbers are for 1998-2014. Overall, Albany has a very low crime rate. He noted that there was a small uptick in Part 1 violent crimes mainly due to crimes committed last May. He said Part 1 property crimes have gone down significantly. He said employees have worked diligently over the last year to reduce crimes and he is proud of their work. Even though calls for service are up, the number of crimes is down. He said a focus is placed on daily missions, talking about crimes, thinking outside the box, and doing crime prevention work. The goal for this year is to reduce Part 1 crimes by 5%. He said APD is short by approximately eight officers. There are currently nine officers assigned to each squad and he thinks there should be ten. There are no officers working traffic, and he would like to add two officers back into the traffic unit. He said he recently formed a four-person street crimes unit to concentrate on areas of the City that are being impacted by crimes. This unit also works on drug crimes.

Lattanzio spoke about injury and fatal vehicle collisions. Fatal collisions are down, but injury collisions are up - 114 in 2013 and 126 in 2014. He said the goal is to reduce that number by 5%, but officers haven't had the opportunity to work a lot of traffic enforcement due to the increased number of calls for service.

Kellum noted that alcohol-related collisions are specified in the graph and asked if drug-related collisions are specified somewhere. Lattanzio said no. He said the reason alcohol-related collisions are listed is because it was an ICMA standard that had previously been included.

Olsen asked about the number listed for 2014 alcohol-related collisions and if that amounted to one injury or one fatality. Lattanzio said it was an injury. Olsen said that is encouraging. Lattanzio said the accomplishments for APD include an 8.9% reduction in Part 1 crimes for 2013, a 17.4% reduction in Part 1 crimes for 2014, and a 26.3% reduction in Part 1 crimes since 2012. He said the problem he sees now is being able to maintain that positive trend.

Lattanzio gave an update on the open container and human waste ordinances. He said both ordinances have been used a lot and have been great tools to help officers deal with issues. The improper use of transit shelters ordinance has been utilized by officers to give verbal warnings to individuals. He said one citation was given under this ordinance because the individual had been warned on a previous occasion.

Lattanzio said 18 businesses have been registered under the secondhand dealer and transient merchants ordinance. He said Lieutenant Travis Giboney and Sergeant Dan Jones have done an excellent job getting business owners signed up and making sure they understand and are in compliance with the ordinance. Staff is recommending two changes to the ordinance. The first change is to exclude scrap metal recycling businesses which return regulated property to base components. However, if an item is purchased as scrap metal and the business tries to resell the item, they would need to comply with the ordinance. The second change is to add ammunition to regulated property (which is a clarification to sporting equipment).

Coburn said it sounds like Burcham's would have to comply with the ordinance. Lattanzio said only if the regulated property is not taken down to the base component. Kellum said Burcham's would get stuck in this ordinance because of the items they sell.

Giboney said Burcham's was taking in regulated property and reselling it. He said staff made several visits to the business to show the owner the regulated items he was selling. The owner is no longer selling regulated property. Olsen said it is a shame to throw away items that could be reused by someone else. Giboney said items such as tools, generators, and air compressors are considered regulated property. Olsen asked if all of those items have to be broken up and can't be resold. Jim Delapoe said the business owner can sell the items as long as he complies with the ordinance.

Giboney spoke about adding ammunition to regulated property. He said this would only apply to five of the 18 businesses. He said certain types of ammunition are easily accessible in stores and there was a crime spree where an individual was stealing ammunition and selling it to pawn shops. This clarifies that ammunition is included in sporting goods as part of the ordinance. Coburn asked how stolen ammunition would be tracked. Giboney said staff uses LeadsOnline.com to see where stolen property may have been sold to a pawn shop. Coburn asked if the business has to hold the ammunition for a period of time. Giboney said they have to hold it for 14 days, which is the same time period as other regulated property.

Lattanzio highlighted what the community resource unit has been doing the past year. He said he started a Community Policing Advisory Board which is made up of community members who represent larger groups of people throughout the City. The Board meets once a month to discuss crime trends, localized issues, and education. The goal is to expand crime prevention and educate the community.

Community Education Specialist Sandy Roberts discussed some of the APD programs including a volunteer program, Albany Police and Kids Together (APAK), and Bringing Up Learning and Behavior (BULB).

Johnson asked what volunteers do at APD. Roberts said three work specifically with the Safe and Secure Senior Independent (SASSI) Program, and two are in-house workers who help with doing proactive tasks such as looking for junk and trash in neighborhoods and sending compliance letters.

Roberts said Crime Prevention Through Environmental Design (CPTED) has been a success. She described the various projects that have been completed as part of CPTED. She said staff worked with businesses on Airport Road to tackle the transient and trash problems on Knox Butte Road. Kellum asked about the problem of individuals begging on the corner near La Quinta Inn and McDonald's. Roberts said reflective bollards were installed to make it more difficult to sit there, but it is legal for people to panhandle. Konopa said Oregon Department of Transportation (ODOT) is still working on something for this area. Kopczynski asked about the status of installing lighting on the Dave Clark Path. Roberts said there are plans to add lighting, and she will be presenting this to the Central Albany Revitalization Area (CARA) Advisory Board in the near future.

Lattanzio said there are seven APD positions that are currently frozen. He said Administrative Services Supervisor Rose Daily will be retiring at the end of June, and he needs to replace that current position with a full-time position. He would like to fill the traffic unit with two officers and there is a need for another communications specialist. Johnson asked if the frozen positions are funded. Lattanzio said they are not. Kopczynski asked if these positions will be in the upcoming budget proposal. Lattanzio said he is working on it and plans to include at least the Administrative Services Supervisor position in the budget proposal. He said it takes approximately one year to hire and train a new police officer. Coburn asked if the Administrative Services Supervisor position would be promoted from within or if it would be advertised outside the organization. Lattanzio said he would likely do both. Olsen asked Hare how these positions can be funded. Hare said there are multiple options that can be considered such as cutting somewhere else within the organization or looking at additional revenue sources. He said the Fire Department has an equally compelling story in terms of needs and there are 42 fewer positions citywide than what we had in 2008.

Hare said we've been really lucky to have people like Daily who continue to work with the City after retirement.

Konopa said the secondhand dealers and transient merchants ordinance will be considered by Council at the February 11, 2015, meeting.

401 MAIN STREET REQUEST FOR PROPOSAL

Assistant Public Works Director/Operations Manager Chris Bailey said two proposals were received for 401 Main Street. She said each was comparable from a land use perspective in the type of use that was proposed. She said staff relied on the criteria to evaluate the proposals in terms of long-term value to the community. Based on the content of the proposals, staff selected Good Samaritan Ministries of Albany (GSM) because they have a greater probability of long-term success. They provided a greater level of detail, references, and consideration of the known obstacles than the Durig proposal did. Although the actual monetary contribution would be less than that of the Durig proposal, staff felt the greater chance of success is with GSM.

Kopczynski noted that parking will be an issue no matter who gets it and asked how this will be handled. Bailey said that will have to be reviewed through the land-use process. Kopczynski asked why property tax revenue would be better through the Durig proposal. Bailey said because GSM is exempt from taxes because of its nonprofit status.

Kellum asked who would be helped by each organization. Bailey said the Durig proposal included leasing the space to a congregation and also use it for events including weddings, receptions, birthday parties, etc. The GSM proposal is also to use it for religious purposes. She said they are primarily helping the community in terms of pastoral counseling and those types of events. Kellum asked if this is for people in general or a target audience. GSM volunteer Linda Dodson said they see this part of Albany as an area that needs a lot of love. She said counseling, tutoring, and other services will be provided to the area at no cost. Kellum said his concern is that it be used for the people who live in that area because millions of dollars are being spent to invigorate the area. He said he is in favor of the Good Samaritan Ministries proposal. Konopa said if it was for a homeless shelter, they would be required to go through a land-use process.

Collins noted that the selling price of the property is \$111 and a projection of \$157,000 going into restoring the property. He asked what happens in two years when GSM no longer needs it. He has concerns with this and would like to secure some type of performance. Economic Development and Urban Renewal Director Kate Porsche said she hasn't talked to the proposers about this, but she thinks this could be structured similarly to a forgivable loan. There could be a promissory note and deed on the property and in exchange for GSM operating as a church, 20% would be forgiven each year. She said if something goes wrong, then the property will be returned to the City. Konopa likes this idea because it gives the City a guarantee that the building will be restored. Porsche said this offers two outcomes: 1. Ensuring that the proposers are fixing up the building by a certain timeline. 2. Incenting the proposers to stay and operate at that location.

Kopczynski asked, based on the funding strategy to get the building restored, how long would it take to raise \$157,000. Dodson said two gifts were given upfront and GSM hasn't even started fundraising. She is confident that they will be able to raise the necessary funds. She has had two previous successful restorations and is confident in doing this one.

Collins said he is in favor of the long-term objective, but is concerned with the gap. He thinks if staff can put together something that gives the City a level of protection for a five-year period, he wouldn't have a problem moving forward with the recommendation of staff. He wants to see GSM succeed, but he also wants to protect the City's assets.

Kopczynski said he is not in favor of the GSM proposal because the City would receive more money from the Durig proposal including property tax revenue.

Coburn said he feels like the Council is at the mercy of the staff report because they are privy to some of the information the Council doesn't have. He doesn't have a reason to vote against the proposal.

Olsen said it is good that Dodson has had two previous successful restorations. He is concerned with parking because of the limited space at that location; however, he thinks a neighborhood church would be good for this area of town.

Delapoer said what he understands from Council is that before completing the transaction, staff would have to get land-use approval on the parking and collateralize or secure the promise in some reasonable fashion. He said it would be helpful to know that there are four votes from the City Council to move forward with this proposal.

Olsen and Johnson said they support the proposal. Kellum said he supports the proposal as long as they are using the same figures that the City purchased the property for. Delapoer said that it will be for \$157,000 which is the assessed value. Collins said it looks like there are enough in agreement to proceed to have the item brought back to Council.

Richardson clarified that in addition to a parking agreement being approved, a conditional-use permit will also need to be approved.

Konopa said staff will come back with the details at a future meeting.

FIRE STATION 11 PROGRAMMING UPDATE

Fire Chief John Bradner said there are two items he would like to discuss with the Council.

1. Inclusion of fire administration in the design plans for Fire Station 11.

Bradner gave a brief background of the process. In 2011, a facilities assessment and preliminary design was completed for the potential replacement of Fire Station 11. This report called for a 29,387 square foot building. In 2014, the Public Safety Facilities Review Committee (PSFRC) asked staff to look closely at the report to identify possible reductions in square footage. In April 2014, the PSFRC recommended a 25,500 Fire Station to the City Council and requested that any updates to the fire station programming be brought to City Council for review. He said Mackenzie provided a formal evaluation of the Fire Department's programming needs and questioned why Fire Administration wasn't included in the design. He said the current design we are at is 24,838 square feet, which is below the PSFRC's recommendation. Fire Administration used to be located in Fire Station 11 until the early 1990s. It was moved out of Fire Station 11 because of lack of space. He said the original programming included having two clerical positions at Fire Station 11, but it wouldn't be effective to move only some of Fire Administration. Fire Station 11 has the most public contacts out of all of the stations. Bradner directed Council to the end of the memo (in agenda packet) to review a list of possible areas where space can be reduced to accommodate Fire Administration in Station 11.

2. Absence of the training tower.

Bradner said current plans have a designated location for a potential training tower. He said staff doesn't believe there is enough money to build a training tower and he doesn't think it is the best location for a training tower. The training tower serves two purposes; it is used to train firefighters, and it gets the City credit for our Insurance Services Office (ISO) rating. He said not having the tower will cause the City to lose points in our ISO rating. He said he has contacted ISO to get more details.

Kellum asked if the training tower is part of the current building. Bradner said it is. Kellum asked about leaving the training tower in its current location. Bradner said staff looked at doing that, but the cost is significant. Hare said, if we can find economies and bring the project in enough under budget, there may be enough remaining dollars to construct a training tower at Fire Station 12.

Coburn asked if the Fire Administration space in City Hall could be used for Information Technology (IT). Hare said that is a possibility, but the training room may be difficult to include in that space.

Olsen said he is concerned with reducing the number and size of the apparatus bays. He doesn't want the Fire Station to be under built. Bradner said staff went with 5.5 bays instead of 6. The bays would be 12 feet wide and 14 feet high which would accommodate all of the equipment.

Collins said he reviewed the recommendation of the PSFRC and confirmed that program changes are supposed to come to Council for consideration. He said the 764 square foot net differential to put Fire Administration back at Fire Station 11 equates to a 4.5 year payback. He said he's never seen a central command station that didn't have the administration associated with it. He said having administration onsite improves communication and efficiency.

Coburn said he agrees with Olsen's comments and that he doesn't want to under build. Johnson agrees with Coburn and Olsen's comments. Bradner said equipment is currently stored in the bays. He said the new design will have these items being stored in a separate room which frees up workspace and protects those items. Konopa asked how wide fire trucks are. Bradner said they are approximately 8 feet wide. The bay doors are 12 feet wide and the bay itself is 14 feet wide. Assistant Fire Chief Shane Wooton said it has been at least 12 years since there has been a backing accident, so staff has done a great job at backing in. He said most bays at the new station will allow fire trucks to be driven through.

MOTION: Collins made a motion to acknowledge and accept the Fire Station 11 program update; Olsen seconded the motion. The motion passed 6-0.

RECORDS INFORMATION MANAGEMENT (RIM) POLICIES ANNUAL REVIEW

City Clerk Mary Dibble said there are four RIM policies she brings to City Council to review on an annual basis. These policies include Public Records Requests, ID Theft Protection, Records Management, and Digital Image as Original (see agenda packet). Dibble said records retention, IT, and social media policies are overlapping more and more. She said IT Director Salinas and Management Assistant/Public Information Officer Marilyn Smith have been great to work with on these policies and she appreciates that.

Kopczynski asked if item three in the Records Management Policy is in regards to hardware. Dibble said that is correct. Kopczynski asked how documents following under item 5b in the Digital Image as Originals Policy can be maintained for 100 years. He said paper tends to deteriorate. Dibble said for now, staff is using archival paper. She said in the future, the state law may change to not requiring us to keep the paper document for these types of records.

Coburn asked why the words "the" and "of" are being added to item 9.8 in the Digital Images as Originals Policy. Dibble said it is just to make the policy easier to read.

Konopa said this item will be considered by the Council at the February 11, 2015, meeting.

Dibble asked if Council would like to continue receiving annual updates on these policies. Council said they do. Hare said staff tries to provide individuals with the records they want, but earlier this year there were situations where staff would get daily requests for information. He said an important reason to have the policies in place is to prevent staff

from being held captive. Anyone can request a record and costs mount up when staff time is spent researching, retrieving, and copying records.

COUNCILOR COMMENTS

Kellum said Comcast sent him a letter and he is going to get a phone call to address his needs. He said when he was speaking to the representative; he mentioned that there is no Comcast drop box in Albany. The representative said Comcast is looking for a place to install a drop box in Albany.

Kopczynski said a week ago, Verizon announced they are selling their stake in cell towers. This means the cell tower near 53rd Avenue may be owned by an organization other than Verizon. Konopa asked how this would solve the lack of service for that area with Verizon. Hare said Verizon will still use the tower.

Olsen thanked Lattanzio and his staff for not using light green and pink in the report in the agenda packet.

Collins received a call about garbage and debris in the K-Mart parking lot. Smith said she will have staff look into it.

Konopa distributed a letter from Selmet. Council will need to approve it in order to formally submit the letter

MOTION: Kellum made a motion to approve the letter and Kopczynski seconded it. The motion passed 6-0.

Konopa said she received a letter from the Federal Emergency Management Agency (FEMA) congratulating the City on complying with working with FEMA on the mapping project. The letter thanked staff for their cooperation on the process. She said it was nice to get a letter from them.

Konopa said she received a call from a resident regarding 732 Fourth Avenue SE and said the neighbors are pleased with the work the City did to get the property cleaned up. It was nice to get kudos from a resident.

CITY MANAGER REPORT

Hare said staff met with Lebanon staff last Friday to discuss the canal. He said both cities are still considering a jointly funded impact study to determine what sort of impacts Lebanon has on the canal. He said Lebanon staff will come back to the City with a scope of the work to be done. He said conversations are congenial. Lebanon staff wants to build their own intake for water, but it still remains to be seen if they will be able to get permits. He said preliminary estimates for an intake are around \$8-12 million.

Kopczynski asked if plans have come in for Lowes. Assistant City Manager/Public Works and Community Development Mark Shepard said not yet.

ADJOURNMENT

There being no other business, the meeting was adjourned at 6:15 p.m.

Respectfully submitted,

Reviewed by,

Diana Eilers
Administrative Assistant I

Stewart Taylor
Finance Director

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, February 11, 2015
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, Dick Olsen, and Floyd Collins.

Councilors absent: None.

SPECIAL PRESENTATION

Unit Citation, Lifesaving, and Citizen Awards.

Fire Chief John Bradner recognized outstanding individuals for going above and beyond to save others. These people performed heroic acts and the Fire Department and the citizens appreciate them. Bradner presented the following awards:

Civilian Certificate of Appreciation: Robert Smith and David Wright

Bradner said Smith and Wright pulled an individual out of the Willamette River on August 29, 2014. They saw a woman jump from the bridge and used their boat to pull the person out. They performed CPR and drove her to Takena Landing where medics took over her care.

Civilian Award of Bravery: William Plata

Civilian Certificate of Appreciation: Lilia Plata

Medal of Honor: Salem Firefighter Luke Barr

Bradner said the Plata's were driving along Geary Street when they noticed smoke coming from a house. They called 911 and roused the inhabitants as best they could. Barr was off duty when he drove by and saw the commotion. He forced entry on the door and he and Plata notified the residents. Barr suffered second degree burns.

Albany Fire Department B - Shift Unit Citation: Battalion Chief Kevin Anderson; Firefighter/EMT Adam Bird; Firefighter/EMT Josh Bottemiller; Firefighter/EMT Brady Hallock; Apparatus Operator Doug Ketelson; Firefighter/EMT Dylan Kiger; Fire Lieutenant Chris LaBelle; Fire Lieutenant Ron Lake; Fire Lieutenant Steve Lehman; Apparatus Operator Levi Lindsey; Fire Lieutenant Pat Traeger; Apparatus Operator Pat Wetherford; and Firefighter/EMT Ray Wooldridge

Bradner said on September 5, 2014, the Timberhill neighborhood in north Corvallis experienced a wild land fire. It exceeded Corvallis' ability to respond so they called for mutual aid. B-Shift worked tirelessly to save many lives and homes that night. They were put to work protecting a large apartment complex that the fire was barreling down upon. The fire was just about to take over the complex but B-Shift was able to deploy their resources in such manner as to protect every structure.

Challenge Coin: Battalion Chief Kevin Anderson

Bradner said Battalion Chief Kevin Anderson led the crews that night and made some split second decisions that saved homes and potentially lives. He will receive the Fire Department's first Challenge Coin to signify going above and beyond.

Konopa thanked all the recipients for their heroism. She said, Albany is thankful for our public safety and grateful for the brave acts of these citizens.

PROCLAMATION

Congenital heart defect awareness month.

Konopa read the proclamation for congenital heart defect awareness month as provided in the agenda packet.

Konopa said that many families have been faced with this medical issue.

SCHEDULED BUSINESS

Legislative Public Hearing

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.

Konopa said, the next agenda item is a legislative public hearing regarding a proposal to rename two public streets. The applicant is the City of Albany.

Konopa opened the legislative public hearing at 7:33 p.m.

Staff report.

Infrastructure Analyst Mike Leopard said the Council will be considering the renaming of two public streets in the Edgewood Estates subdivision, east of Waverly Drive and south of Grand Prairie Road. It was platted in 1975 and included the dedication of these two streets which dead ended at the property to the east. The two streets were named Wilt Court and Bartley Place. The typical convention for naming streets uses suffixes such as Court and Place to represent streets that have no outlet. Such streets usually terminate in cul-de-sacs or other types of turnarounds at the end. These two do not have any type of turnaround because these streets were expected to extend to the adjacent land when it was developed.

Leopard said that recently the adjacent land was platted as the Vreeland subdivision. This new subdivision includes rights-of-way that connect to Wilt Court and Bartley Place as shown on page 13 of the agenda packet, which is a composite of the two adjacent subdivisions. Because these two streets will now be through streets that will not dead end, the designations of Court and Place are not appropriate and could cause confusion for emergency services, postal carriers, and visitors.

Leopard said staff became aware of the naming conflict while the platting the new streets. The streets that were platted with the Vreeland Estates subdivision, which make these connections, will be given the appropriate naming of Wilt Avenue and Bartley Street to properly designate that they are not dead ends. The Oregon Revised Statutes (ORS) require that the Planning Commission make a recommendation to the City Council for any City street renaming proposal. The City Council then holds a public hearing on the issue. The only criterion in the statute is that the Council determine that the renaming is in the best interest of the City.

Leopard said that last week the Planning Commission held a public hearing and voted to recommend to the Council the proposed renaming. This will change the addresses of six properties. Those owners were notified by mail in advance of the public hearing. No one spoke at the hearing but staff did receive one letter after the hearing, on page 15 of the packet. Ordinances regarding the change are in the Council packet. If the Council denies the recommendation, staff will prepare a resolution and bring it back to the Council.

Councilor Ray Kopczynski asked about the map on the dais (see agenda file). Leopard said that map was prepared by Fire Marshal Mike Trabue.

Trabue said that during the Planning Commission, he made a comment that he was attempting to change the name from Place to Street, without changing the actual address numbers; but he misspoke. That is not correct; the developer wanted to assign numbers to the lots this week, and in that process Trabue found another issue on the existing Bartley Place which will result in a change of the address numbers. This is what the map on the dais indicates.

Trabue displayed maps on the overhead projector (see agenda file). He said the streets were named according to the City standard that existed in 2004. The proposed ordinance would cause the new addresses to fit within the current grid. There are four in yellow that would also change house numbers.

Konopa asked why they were numbered that way in the beginning. She asked, if Bartley is changed to the higher number, why not do that on Wilt also? Trabue said that address numbers increase from west to east, and north to south. The addresses on Wilt are fine because they were properly numbered according to the grid, east to west, and do not require a number change. Discussion followed. Konopa thinks it will be confusing for this neighborhood. Trabue said this way is the least impact to the most properties.

Councilor Rich Kellum asked if the City assigns the numbers. Trabue said yes. Kellum asked if it is then up to the homeowners to make all the address changes. Trabue said yes, that is correct. Kellum asked if the City has a

system that makes it easier for the homeowners since it would be the result of a City action. Trabue said there is not a method built into the system to compensate the homeowners; the City tries to work with them to minimize as much impact as possible. Kellum asked if the City can do something to alleviate the inconvenience. City Manager Wes Hare said the Council can do that, though they may be setting a precedent. He hasn't heard of a Council doing that, but this Council could choose to.

Councilor Bill Coburn said he doesn't understand the numbering system. He thinks this will be difficult and he has a hard time supporting this.

Councilor Bessie Johnson said this has happened to her personally; and she also saw from her previous work how difficult it is for residents. She thinks if it doesn't have to be done, they should not do it; but the Planning Commission recommended it. She agrees it is a pain.

Konopa said, for those wishing to testify there is a signup at the table.

Konopa said there was no one signed for this item on the signup sheet (see agenda file).

Konopa asked if anyone in the audience would like to testify. There was no one.

Close: The public hearing was closed at 7:50 p.m.

Coburn said he reread a letter in the agenda packet from Dr. Kyle and Haley Rutledge, and he thinks they make a compelling argument. He wonders if when they wrote the letter, they realized their address would also change. Trabue said at the Planning Commission, staff did not know they would need to change the house number. Staff didn't know until Monday when the developer wanted to assign specific addresses to the lots. Then the issue was discovered.

Kopczynski asked why the new developer takes priority on numbering schemes over what is already in place. Trabue said it is not a matter of priority; the streets were originally going to be dead ends. The developer wants to put the streets through, which prompted them to look at the grid to see how the streets would work. They tried to make it work in the existing layout but the problem with Bartley is that the house addresses are east-west even though it starts to project north-south, because it wasn't going to go that far and would dead end. Now that it is projected to go out, they will have to change the numbers.

City Attorney Jim Delapoer said Konopa asked him if the City needs to re-notify the homeowners if the City changes house numbers. He doesn't think legally they need to for house numbers, although the Council may choose to do so. House numbers are assigned administratively by staff, so the Council doesn't customarily get involved. The decision tonight is for the street names, not the numbers. Staff is correcting misinformation; but really the issue before the Council is just the street name.

Kellum said this would not be happening if it weren't for houses being built next door; and if that is what is causing it, then maybe they should pay for it. Delapoer said he is not sure how the City could make the developer pay within the existing land use code. He said, we can't impose an additional cost on them for this. He suggested that if the Council doesn't like the recommendation, to just leave the street names as they are. As to renumbering, that is an administrative decision unless the Council tells staff to not renumber. Staff will follow the Council's direction.

Collins said in the last twelve months the same issue happened on Ermine Street. Leopard said yes; it also happened with North Albany Road. Collins asked what the impact was to those homeowners. Leopard said they changed their addresses. He noted that whether just the street name changes, or the house number and the street changes, the homeowner would go through the same process to make changes.

Councilor Floyd Collins said in his opinion, the big driver for this is public safety response. He asked if there is a way to flag the homes if they were to stay mis-numbered. Trabue said yes, though he hesitates to rely on technology. He described how the numbering scheme helps public safety to respond to emergencies; not changing this would create an anomaly. Collins said it is a public safety issue; he asked, do we want our police and fire to respond to the right house or get lost?

a) Wilt Avenue SE.

City Attorney Jim Delapoer read the ordinance for the first time in title only: 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.

MOTION: Johnson moved to have the ordinance read a second time in title only and Kopczynski seconded it. The motion failed 5-1, with Kellum voting no. It takes a unanimous vote of the Council for a second reading in the same meeting. This item will come back to the February 25, 2015, Regular Session.

a) Bartley Street SE.

City Attorney Jim Delapoe read the ordinance for the first time in title only: 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.

MOTION: Johnson moved to have the ordinance read a second time in title only and Kopczynski seconded it. The motion failed 5-1, with Kellum voting no. It takes a unanimous vote of the Council for a second reading in the same meeting. This item will come back to the February 25, 2015, Regular Session.

Kellum asked if folks would be notified if their numbers change. Leopard said yes.

Business from the Public

Pat Ryan, 6615 Abraham Lane, is a contractor. He recently did work for the City of Albany. It was a difficult project involving plan changes and a significant increase in the cost of the project. He said it has led to late payment issues. He spoke about a law in the state Oregon that has become effective recently, and is missed by many public bodies. He said ORS 279c.570 limits any organization that is public from failing to communicate promptly if they have an issue with payment. He read from the ORS and submitted it for the archived file (see agenda item). He said payments have to be made within 30 days, no matter who the agency may be. He said he did work in Albany and is awaiting payment. He said there was a payment reduced without explanation. He said the City should pay within 30 days.

Coburn asked when the law went into effect. Ryan said five years ago.

Hare said, we do make every effort to pay promptly. Ryan suggested it wasn't paid due to budget problems. Delapoe added that in 38 years of doing work for the City, he has not seen bills delayed for budgetary problems or staff wanting to retaliate against a contractor. All Public Works projects are budgeted and payments are made promptly unless there is a legal justification for a delay due to an issue with the work. It is not correct that the City would not pay for budgetary reasons.

Assistant City Manager/Public Works and Community Development Director Mark Shepard said there is more to the story. There are issues the City is trying to iron out with the project. Staff is not ignoring the issue or choosing not to pay; that is not the case.

Ryan said in his opinion, the Council approved the contract but since then there has been a 30% increase. It is more than 25%. That is the sticking point because the budget was recently to be reduced 22.6%. He said he has received different responses as to what the contract is worth. Shepard said staff is working through the issue; he asked Ryan to meet with him so they can discuss it further.

Konopa said she is pleased that staff acts as good stewards of the City's money and waits to pay a contractor until the project is complete. Ryan agreed with Konopa.

First Reading of Ordinance

2) Amending the Albany Municipal Code Title 7.90 Secondhand Dealers and Transient Merchants; repealing Ordinance No. 5837 and declaring an emergency.

Delapoe read the ordinance for the first time in title only: AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE TITLE 7.90 SECONDHAND DEALERS AND TRANSIENT MERCHANTS; REPEALING ORDINANCE NO. 5837; AND DECLARING AN EMERGENCY.

MOTION: Johnson moved to read the ordinance for a second time in title only and Kopczynski seconded it. The motion failed 3-3 with Councilor Dick Olsen, Kellum, and Collins voting no. It takes a unanimous vote of the Council for a second reading in the same meeting. This item will come back to the February 23, 2015, Work Session; and the February 25, 2015, Regular Session

Olsen said he noticed a change that may have occurred in 7.90.010, which results in a scrap metal recycling business not being able to sort out stuff that could be recycled if it is part of the regulated properties. He gave some examples of items that could not be resold under the proposed change.

Olsen said he visited with Jay Burcham from Burcham's Metals to discuss this; he said that if the Council is worried about stolen items, they have security cameras and take license plates and identification numbers. If something looks suspicious, Burcham calls the police. Olsen doesn't know why the Council wants to do this. He wants this to be reconsidered.

Kellum said this proposed change bothers him too. Burcham's was the driving force behind fixing the scrap industry. This is not a lucrative business for the people stealing things. He also met with Burcham and they discussed having to throw away an item even though it was functional. Once it is broken down, there is no

possibility the victim will get it back; whereas if it is not disassembled, at least maybe they can get it back. He thinks they need to make a distinction.

Olsen said most of his personal stuff is used; for those in the community who can't afford new stuff, he thinks it would be too bad if they wouldn't have opportunity to buy used items from dealers like Burcham's.

Coburn said, when we first considered this last year, he thought it included a sunset clause after one year, unless the Council continues to vote it. He changed his thinking on that, but at the same time he thought they would try for a year and then make adjustments. So he was surprised when a few months later, they are already suggesting changes. He said some make sense, such as ammunition. Coburn said he too struggles with this issue as it applies to scrap dealers.

Police Chief Mario Lattanzio said it would not mean that Burcham's could not conduct his business; it just means if it is regulated property that they would hold the item for 14 days, notify Albany Police Department (APD), and then sell it like any other secondhand dealer. Lattanzio said this was brought to APD's attention by another secondhand dealer who asked why Burcham's didn't have to comply with the new regulations. This would level the playing field if another scrap metals dealer comes in. This is not to single a particular group out, rather APD is asking they report it if they are selling regulated property. If they are taking it down to base component, then they would not have to report it. Discussion followed.

Delapoer said it is unfortunate that this change is being tied to a specific business. He advised that as the Council writes their codes, the rules should apply to everyone regardless of who they are. When APD set up this system they endeavor not to talk about how individuals conduct business, but rather if a scrap dealer should be exempted from the law if they are not dealing in scrap.

Hare said the only difference is that Burcham is gathering the information, but not reporting it to APD, whereas others are. Hare said Burcham is saying that it is not worth his time to report, which is his choice.

Olsen wants to modify the ordinance. Konopa suggested discussing this further at a Work Session.

Coburn said that ammunition makes sense. As to the scrap, he is not hearing there is a problem with people selling stolen property to the scrap dealers; rather he is hearing that a secondhand dealer is complaining that it is not a level playing field. He said, if APD could demonstrate there is a problem, then he could get behind it.

Delapoer said that tying the decision to a particular business' practice is not a good idea. It doesn't prevent someone else who wants to open another business from being able to skirt the law by not reporting to APD. If the Council believes there is a value in having folks who buy things secondhand report on it, then they should require it be reported.

Collins suggested that Lattanzio could change page 3, Section 6.c.(4), to drop "...is returned to base component and not resold as regulated property". If they did that, they would be a secondhand dealer and they would report.

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.

Konopa noted that there was a revised resolution on the dais (see agenda file), with the cents per thousand reduced from 31 to 29.

Hare said, this represents the recommendation of the Public Safety Facilities Review Committee (PSFRC), to lower what was initially a \$20.3 million bond proposed in November of 2013, and is now being proposed as an \$18 million bond measure to fund improvements that would include a new police and fire station.

MOTION: Collins moved to adopt the revised resolution on the dais calling for a measure election and Kopezynski seconded it.

Collins pointed out that in the Resolution they are calling for not-to-exceed \$18 million; and any subsequent modification to the budget that may be associated with the project. He said, we have authority to go up to \$18 million but we don't necessarily need to sell \$18 million in bonds. If we do sell \$18 million, we could put money into reserves. So, there are future decisions that may be made that could affect the number that we are dealing with. This just gives us authorization up to, but not to exceed, \$18 million.

Taylor clarified that the motion is specific to the revised resolution on the dais. Collins said yes and the seconder was agreeable.

Collins said the next action is to see a presentation from the architect and the two affected departments on February 25, 2015. It will be reflective of the input from the community and revision of budgets with some potential consideration of other issues.

VOTE: A vote was taken on the motion and it passed 6-0 and was designated Resolution No. 6383.

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.

Civil Engineer III Gordon Steffensmeier said the last time he presented was at the December 8, 2014, City Council Work Session. This was originally going to be three projects: Bloom Lane, Valley View Drive, and Crocker Lane. At that Work Session, they eliminated Bloom Lane.

Steffensmeier handed out two letters that staff received after the staff report was finalized for this agenda packet: Rose Dougherty (see agenda file) and Joe and Candi Jurosky (see agenda file). He pointed out that the Jurosky's are on the corner of Bloom Lane and Crocker Lane, and are not in the LID boundary but nevertheless have concerns. Dougherty's letter explains that she thinks it is unfair that many of the people on the east side of Crocker Lane would not be assessed.

Steffensmeier said initially they considered doing separate LIDs for each project. When they put the financial investigation together it began to make sense that they should not do it that way because many of the properties would be in two LIDs. Instead they combined them into one LID boundary with one financial investigation so that the impact on each property is shown at its maximum. He pointed out that page 45 of the agenda packet, the column for "Total Market Value -- Land and Improvements" shows several properties at \$40,000. He said those are last year's numbers when the lots were vacant with no houses. The true value is more in the range of \$175,000 - 250,000.

Steffensmeier said most of the report is the same that was presented in December, except that they will be combining the two LIDs into one LID. They added the two properties on Valley View Drive that the Council requested to connect the project up to Hillcrest Street.

Kopczynski asked, when staff reran the numbers for the lots that are no longer vacant, did it change the overall value? Steffensmeier said it doesn't change the project cost, it just changes the percentages. Collins said the assessments are more secure since they are not just assessing bare land, rather land with improvements.

Johnson asked if it includes Bloom Lane. Steffensmeier said there are three on the north side of Bloom Lane. About ten years ago, those three were one single property that fronted Bloom Lane; they signed a Petition and Waiver of Remonstrance for both Bloom Lane and Crocker Lane when they got their partition approved, so they are included in the Crocker Lane LID. Discussion followed.

Hare said there has been discussion about the fairness of assessing just the immediately benefited property owners, since the subdivisions didn't have to pay; he pointed out that they did pay, either indirectly or directly, so it is not correct to say that. Steffensmeier agreed and said that Dougherty's letter suggested that only some built curb and gutter, but that is not correct. The Tuscony subdivision improved 135 feet and the Crocker Heights paid for 180 feet. There have been some improvements made on east side of Crocker Lane.

Delapoer noted that this is a quasi-judicial process. What the Council should be deciding on tonight is receiving the engineer's report, deciding if they want to go ahead with the project, and holding a public hearing. At the public hearing, citizens can tell the Council why they think the methodology is right or wrong. If the Council starts evaluating individual property situations tonight, then the public is not present to hear the Council's considerations on their particular property. Delapoer is uncomfortable with the Council deliberating before the public hearing as it could create a procedural mistake. Discussion followed.

Shepard said, if the Council has issues with the way the LID is laid out now, they likely don't want to take it to a public hearing; so if that is the case, please tell staff. Barring no specific changes, it should proceed to the public hearing. Delapoer agreed, and added that tonight's discussion should be about the scope of project rather than individual properties. The focus should be on the general proposal. Shepard added that they could also consider tonight if the City should participate in the cost of the LIDs, and if so, at what level.

Collins wants the City's participation under all four options in the staff report to be discussed at the public hearing.

Johnson asked if at the public hearing they could still choose to include or exclude certain streets in the LID. Delapoer said yes; although if they significantly modify the proposal, they may want to hold another public hearing. Delapoer reviewed the LID process.

Johnson said she thinks LIDs are unfair at times. For example, Oak Street property owners didn't have to pay anything. She thinks they should be more consistent. Collins disagreed with Johnson's statement, explaining that Oak Street was paid for using Linn County road transfer money, and the Council is the one that made the choice to pay a portion of the LID on their behalf. He said, we do so few LIDs, but this is not an unusual process. They decide: what are the improvements; what are the estimated costs; who benefits; and what were the conditions of approval through the land use process. The City has decided to use petition and waivers. It is a major financial discussion at the time when development takes place, to decide if they build half-street improvements, build streets in piece meal, or allow them to be deferred to some point in the future when it makes sense to do a bigger project. He sees this as not unusual from what has been done in the past. It is consistent with past practices and allows folks an opportunity to weigh in. He thinks they should move forward.

MOTION: Collins moved to adopt the resolution and Kopczynski seconded it.

Collins said, what are the alternatives? Having development with no improvements or no future options for development? If so that would be committing the City as a whole, 20 years down the road, to pay for improvements that benefit specific properties that everyone else would have to pay for. He said, do we ask people to pay for the benefit they received at some point in time, or decide that all road improvements will be bond issues which are subject to general elections? Hare said Collins made a good point and added that there is a misperception that the City has money they guard for their own purposes. The money the City has custody of is the public's money; the issue is, how to get the most value and how to do it most equitably for the citizens as a whole.

VOTE: A vote was taken on the motion to adopt the resolution and it passed 6-0 and was designated Resolution No. 6384.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) December 3, 2014, City Council Regular Session.
- 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. RES. NO. 6385
- 3) Accepting an easement from Micheal D. Newman and Roberta D. Newman. RES. NO. 6386
- 4) Adopting revisions to the Public Records Request Policy, F-05-08 and the Public Records Request Form, and repealing Resolution No. 6300. RES. NO. 6387

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

Reports

Oregon Department of Transportation Intergovernmental Agreement (IGA) for maintenance of the crosswalk across Ellsworth Street at Eighth Avenue.

Shepard gave the history of the crosswalk. ODOT said it had to be removed. There were issues about the speed study, and ODOT agreed to do posting after the crosswalk issue is worked out. City staff thinks the crosswalk provides enough benefit and is used often enough that it is worth the City taking over its maintenance. The City's cost to maintain it will be marginal.

Coburn asked if the state will change the signs. Shepard said yes; they agreed to change the speed from 20 to 25 mph. Konopa said signage has helped.

MOTION: Coburn moved to direct the City Manager to sign the IGA with ODOT for crosswalk maintenance at Ellsworth Street and Eighth Avenue. Kopczynski seconded the motion and it passed 6-0.

2013-2014 Audit Report.

Kopczynski said the Audit Committee had their annual meeting. He said staff changes in the Finance Department have resulted in a new procedure that allows the City to use a standardized process. It is more efficient to get the data to the end user.

MOTION: Kopczynski moved to accept the Audit Report. Johnson seconded the motion and it passed 6-0.

Hare said that the audit report is a critical document that too often becomes somewhat routine. He commended the Finance Department for achieving the standards set out in the City's Strategic Plan for reporting excellence, as dictated by the Government Finance Officers Association. Hare credited Taylor with having a clean audit despite changes in staff, and generally keeping the City's finances in good order. He said the Finance Department does a great job. Kopczynski noted that some of those improvements helped the City's bond rating.

BUSINESS FROM THE COUNCIL

Coburn noted that the signs for Lowe's are up.

Collins said the Port of Portland is being shut down and there is a looming threat of losing cargo business from major shippers. There are two letters being sent to the President and our congressional delegations, asking those offices to assist in getting the contract dispute resolved in order to get the shipping back to the west coast ports. He wants the Council to sign on to those letters or draft their own letter. He said, we will see impact to the local economy; the goods that go out of the Port of Portland are agricultural-related from our region. It will have an impact on both major manufacturers and small businesses. He said, we should not be taking a position on the merits of the dispute, but a position on the resolution of the dispute to get the Oregon economy back on track.

Olsen asked if other cities or counties have signed the letters. Collins read those who have signed the letter so far. Discussion followed.

MOTION: Collins moved to authorize the City Manager to sign the letter regarding the Port of Portland or to draft his own. Kellum seconded the motion and it passed 6-0.

Staff will draft a letter (see agenda file).

Shepard spoke to Ryan's comments about payment for the project he is doing for the City. He gave an update on the Vine Street Bank repairs. The original contract came to the Council, and then staff asked for an increase in excess of 10% which the Council also approved. As staff is closing out the project, there are costs the contractor is asking payment for. Staff doesn't necessarily agree with some items but they are working through the process. The City is working with the contractor; it is not a matter of not wanting to pay or not having the money to pay. Collins asked if the City uses the retainage payment process. Shepard said yes; he is not sure the exact issues for this project, but the City could pay the portion that is not under dispute.

RECESS TO EXECUTIVE SESSION TO DISCUSS REAL PROPERTY TRANSACTIONS IN ACCORDANCE WITH
ORS 192.660 (2)(e)

The Regular Session recessed to Executive Session at 9:24 p.m.

RECONVENE

The Regular Session reconvened at 9:41 p.m.

Coburn said that Burcham's is the only scrap metal recycler in the City. He is not sure someone would open another one in the city limits with all the land use laws.

Konopa distributed a letter from Edgar Hahn (see agenda file). She said he was going to read it but had to leave. She thinks it should be forwarded to the Human Relations Commission, but Hahn didn't want to do that. He asked that the Council read it and Hahn will return in a few weeks.

NEXT MEETING DATE: Work Session: February 23, 2015
 Regular Session: February 25, 2015

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:43 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
City Clerk

Stewart Taylor
Finance Director



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Mario Lattanzio, Chief of Police *ML*

DATE: March 24, 2015, for April 8, 2015, Council Meeting

SUBJECT: Accept Grant from the Benton County Victim Impact Panel, Inc.

RELATES TO STRATEGIC PLAN THEME:

- An Effective Government
- A Safe City

Action Requested:

City Council authorization for the Albany Police Department to accept funds from the Benton County DUII Victim Impact Panel, Inc. grant of \$3,000.

Discussion:

The Benton County DUII Victim Impact Panel, Inc. distributes non-federal funds to Linn/Benton County law enforcement agencies based on their DUII arrests for the prior year. The grant request for the Albany Police Department for Fiscal Year 14-15 is \$3,000. The funds must be used for DUII-related services. We plan to apply these funds for advanced crash investigation training (\$2,200) for a Multi-Agency Accident Investigation Team (MAAIT) member and purchase a BEE III Ka Band Dual Antennae Radar for a patrol vehicle (\$800).

Budget Impact:

Increase education and training and minor equipment line items that already exist in the adopted Fiscal Year 14-15 General Fund Police budget.

Attachment: Resolution

RESOLUTION NO. _____

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

WHEREAS, the Benton County Victim Impact Panel GRANTS non-federal funds to law enforcement agencies; and

WHEREAS, the City of Albany Police Department has been invited and approved to receive \$3,000; and

WHEREAS, grant acceptance will add DUII enforcement-related advanced crash investigation training for a Multi-Agency Accident Investigation Team (MAAIT) member and the purchase of a Phantom Ka Band Handheld Radar; and

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

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

BE IT FURTHER RESOLVED that the Albany City Council authorizes the Albany Police Department to accept this non-federal grant for \$3,000 and the following appropriations be made for Fiscal Year 2014-2015:

<u>Grant Fund</u>	<u>Line Item</u>	<u>DR</u>	<u>CR</u>
Benton County Victim Impact Panel Grant	100-10-1002-42818		\$3,000
Education and Training for Crash Investigation	100-30-1301-61011	\$2,200	
Minor Equipment	100-30-1301-61028	\$ 800	

DATED AND EFFECTIVE THIS 8TH DAY OF APRIL, 2015.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING DEDICATION DEED:

<u>Grantor</u>	<u>Purpose</u>
Lowe's Home Centers, LLC, a North Carolina limited liability company	A variable width Right-of-Way dedication for 9 th Avenue SE, as part of the Lowe's development project.

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

DATED AND EFFECTIVE THIS 8TH DAY OF APRIL 2015.

Mayor

ATTEST:

City Clerk

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS, that, **Lowe's Home Centers, LLC, a North Carolina limited liability company**, hereinafter referred to as the Grantor, does dedicate to the City of Albany for street and utility right-of-way purposes, all that real property situated in Linn County, State of Oregon, described as follows:

See legal description on attached Exhibit A, and maps on attached Exhibits B and C. Exhibits A, B, and C are attached herewith and made a part hereof this agreement.

and covenants that the Grantor is the owner of the above described property free of all encumbrances save and except reservations in patents and easements, covenants, conditions, and restrictions of record, and will warrant and defend the same against all persons who may lawfully claim the same.

The deed granted herein 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.

IN WITNESS WHEREOF, the Grantor has hereunto affixed their signature this 25th day of MARCH, 2015.

GRANTOR: Lowe's Home Centers, LLC, a North Carolina limited liability company

Gary E. Wyatt
Gary E. Wyatt, Senior Vice President

JM
MS
MM

STATE OF NORTH CAROLINA)

County of WILKES)

I, Tanya C. Benfield, a Notary Public for WILKES County, North Carolina, certify that Gary E. Wyatt personally came before me this day and acknowledged that he is Senior Vice President of Lowe's Home Centers, LLC, a North Carolina limited liability company, and that he, as Senior Vice President, being authorized to do so, executed the foregoing document on behalf of the limited liability company.

WITNESS my hand and official seal this 25th day of March, 2015.

My commission expires:

Tanya C. Benfield
Notary Public
Surry County, NC
Commission Expires October 9, 2016

Tanya C. Benfield
Notary Public

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"

LEGAL DESCRIPTION
LOWE'S ALBANY (LOW8129)
RIGHT-OF-WAY DEDICATION
March 22, 2012
Page 1 of 3

A PORTION OF THOSE TRACTS OF LAND DESCRIBED IN DEED DOCUMENT NO. 2011-16191 AND 2011-16195, LINN COUNTY DEED RECORDS LOCATED IN THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

COMMENCING AT THE NORTHEAST CORNER OF SAID DEED DOC. NO. 2011-16191, LINN COUNTY DEED RECORDS, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF 9TH AVENUE SE (AS ESTABLISHED BY DEED DOC. NO. 2007-08452), THENCE ALONG THE ARC OF A 1053.07 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 02°15'08" (THE LONG CHORD BEARS SOUTH 72°06'46" WEST, 41.39 FEET) AN ARC DISTANCE OF 41.39 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A 1119.07 FOOT RADIUS CURVE, CONCAVE TO THE NORTH, THROUGH A CENTRAL ANGLE OF 10°00'00" (THE LONG CHORD BEARS SOUTH 75°59'12" WEST, 195.07 FEET) AN ARC DISTANCE OF 195.31 FEET;

THENCE SOUTH 80°59'12" WEST, 26.21 FEET TO A POINT OF CURVATURE;

THENCE ALONG AN ARC OF A 1119.07 FOOT RADIUS CURVE, CONCAVE TO THE NORTH, THROUGH A CENTRAL ANGLE OF 01°42'25" (THE LONG CHORD BEARS SOUTH 81°50'25" WEST, 33.34 FEET) AN ARC DISTANCE OF 33.34 FEET TO THE **POINT OF BEGINNING OF PARCEL 1**;

THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE, ALONG THE ARC OF A NON-TANGENT 19.50 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 13°51'18" (THE LONG CHORD BEARS SOUTH 35°54'17" WEST, 4.70 FEET) AN ARC DISTANCE OF 4.72 FEET;

THENCE SOUTH 28°58'38" WEST, 7.92 FEET;

THENCE NORTH 73°56'04" WEST, 25.86 FEET TO A POINT OF NON-TANGENCY AND THE SOUTHERLY RIGHT OF WAY LINE OF SAID 9TH AVENUE SE, SAID POINT HEREIN AFTER REFERRED TO AS **POINT "A"**;

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, ALONG THE ARC OF A 1119.07 FOOT RADIUS CURVE CONCAVE TO THE NORTH, THROUGH A CENTRAL ANGLE OF 1°37'13" (THE LONG CHORD BEARS NORTH 83°30'14" EAST, 31.65 FEET) AN ARC DISTANCE OF 31.65 FEET TO THE **POINT OF BEGINNING OF PARCEL 1**.

PARCEL 1 CONTAINS 152 SQUARE FEET, OR 0.003 ACRES MORE OR LESS.

LEGAL DESCRIPTION
LOWE'S ALBANY (LOW8129)
RIGHT-OF-WAY DEDICATION
March 22, 2012
Page 2 of 3

PARCEL 2

COMMENCING AT POINT "A" AS DESCRIBED ABOVE, THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID 9TH AVENUE SE AS DEFINED ABOVE, ALONG THE ARC OF A 1119.07 FOOT RADIUS CURVE CONCAVE TO THE NORTH, THROUGH A CENTRAL ANGLE OF 03°21'06" (THE LONG CHORD BEARS SOUTH 86°59'24" WEST, 65.45 FEET) AN ARC DISTANCE OF 65.46 FEET TO THE POINT OF BEGINNING OF PARCEL 2;

THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE SOUTH 40°46'47" WEST, 31.49 FEET;

THENCE NORTH 49°13'13" WEST, 13.02 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 17.50 FOOT RADIUS CURVE CONCAVE TO THE SW, THROUGH A CENTRAL ANGLE OF 42°16'05" (THE LONG CHORD BEARS NORTH 70°21'16" WEST, 12.62 FEET) AND ARC DISTANCE OF 12.91 FEET;

THENCE SOUTH 88°30'41" WEST, 31.77 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 273.00 FOOT RADIUS CURVE CONCAVE TO THE NE, THROUGH A CENTRAL ANGLE OF 11°39'43" (THE LONG CHORD BEARS NORTH 85°39'27" WEST, 55.47 FEET) AN ARC DISTANCE OF 55.57 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A 257.00 FOOT RADIUS CURVE CONCAVE TO THE S, THROUGH A CENTRAL ANGLE OF 08°07'05" (THE LONG CHORD BEARS NORTH 83°53'08" WEST, 36.38 FEET) AN ARC DISTANCE OF 36.41 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID 9TH AVENUE SE AND A POINT OF NON-TANGENT CURVATURE;

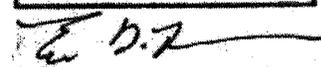
THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, ALONG THE ARC OF A 1053.07 FOOT RADIUS CURVE CONCAVE TO THE S, THROUGH A CENTRAL ANGLE OF 05°29'03" (THE LONG CHORD BEARS NORTH 88°14'41" EAST, 100.76 FEET) AND ARC DISTANCE OF 100.80 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A 1119.07 FOOT RADIUS CURVE CONCAVE TO THE N, THROUGH A CENTRAL ANGLE OF 03°19'15" (THE LONG CHORD BEARS NORTH 89°19'35" EAST, 64.85 FEET) AND ARC DISTANCE OF 64.86 FEET TO THE POINT OF BEGINNING OF PARCEL 2.

PARCEL 2 CONTAINS 1544 SQUARE FEET OR 0.035 ACRES, MORE OR LESS.

THE ATTACHED EXHIBIT ENTITLED "RIGHT OF WAY DEDICATION" IS MADE A PART HEREOF.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**



**OREGON
JULY 12, 2005
ERIC D. LYNCH
56544**

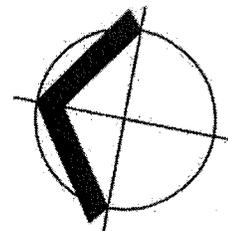
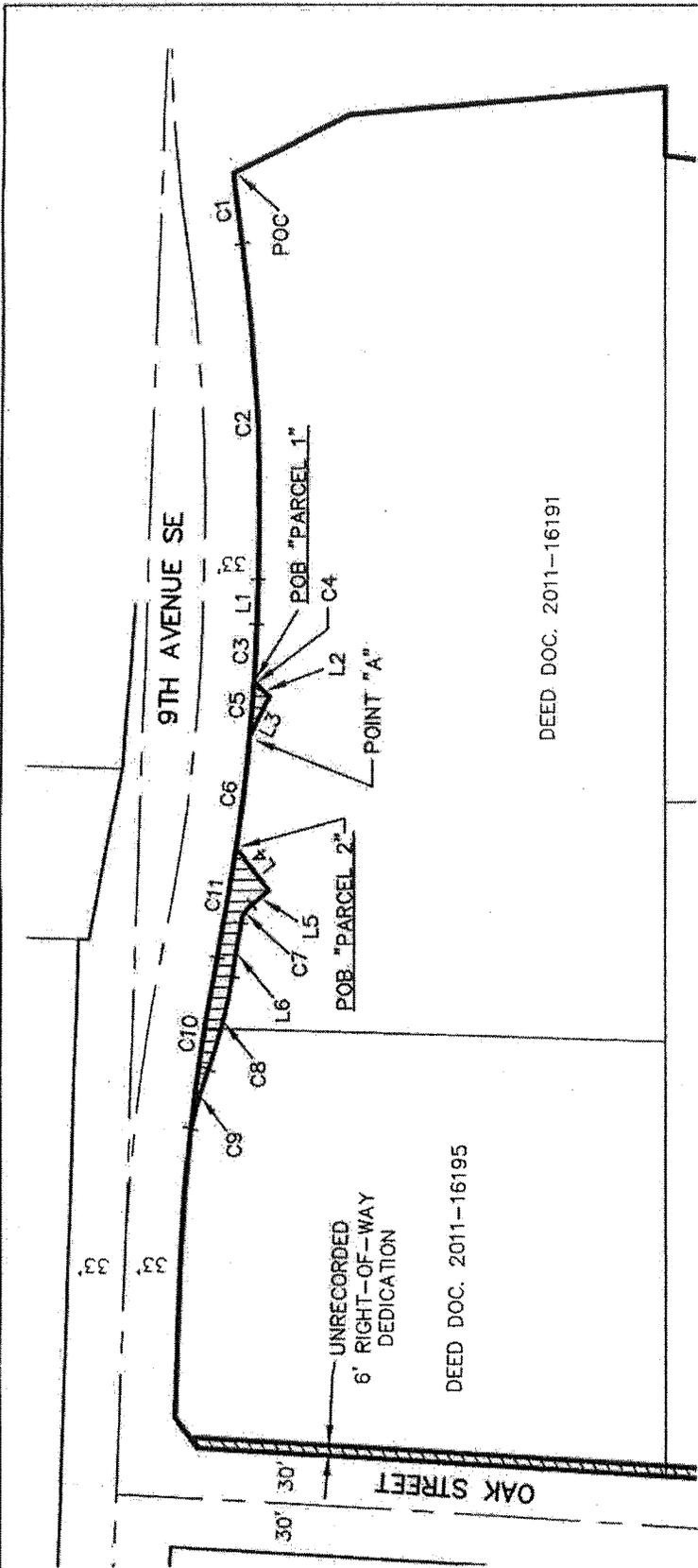
RENEWED: 2/6/12

CURVE TABLE:

C1	R=1053.07' L=41.39' Δ=2°15'08" CH=S72°06'46"W 41.39'	C8	R=273.00' L=55.57' Δ=11°39'43" CH=N85°39'27"W 55.47'
C2	R=1119.07' L=195.31' Δ=10°00'00" CH=S75°59'12"W 195.07'	C9	R=257.00' L=36.41' Δ=8°07'05" CH=N83°53'08"W 36.38'
C3	R=1119.07' L=33.34' Δ=1°42'25" CH=S81°50'25"W 33.34'	C10	R=1053.07' L=100.80' Δ=5°29'03" CH=N88°14'41"E 100.76'
C4	R=19.50' L=4.72' Δ=13°51'18" CH=S35°54'17"W 4.70'	C11	R=1119.07' L=64.86' Δ=3°19'15" CH=N89°19'35"E 64.85'
C5	R=1119.07' L=31.65' Δ=1°37'13" CH=N83°30'14"E 31.65'		
C6	R=1119.07' L=65.46' Δ=3°21'06" CH=S85°59'24"W 65.45'		
C7	R=17.50' L=12.91' Δ=42°16'05" CH=N70°21'16"W 12.62'		

LINE TABLE:

L1	S80°59'12"W, 26.21'
L2	S28°58'38"W, 7.92'
L3	N73°56'04"W, 25.86'
L4	S40°46'47"W, 31.49'
L5	N49°13'13"W, 13.02'
L6	S88°30'41"W, 31.77'



SCALE: 1"=100'



LEGEND:

- PARCEL - 1
- AREA OF RIGHT-OF-WAY DEDICATION
152 SQUARE FEET OR
0.003 ACRES MORE OR LESS
- PARCEL - 2
- AREA OF RIGHT-OF-WAY DEDICATION
1544 SQUARE FEET OR
0.035 ACRES MORE OR LESS

SEE ATTACHED LEGAL DESCRIPTION



5415 SW WESTGATE DR, SUITE 100
PORTLAND, OR 97221
TEL: (503) 419-2500 FAX: (503) 419-2600
www.cardnowrg.com

EXHIBIT "B"
RIGHT-OF-WAY DEDICATION

NW 1/4 OF S 8, T11S, R3 W, W.M.
CITY OF ALBANY, LINN COUNTY, OREGON

PROJECT NO. LOW8129
DATE: 03/22/2012
BY: EDL
SCALE: 1" = 100'
PAGE NO. 3 OF 3

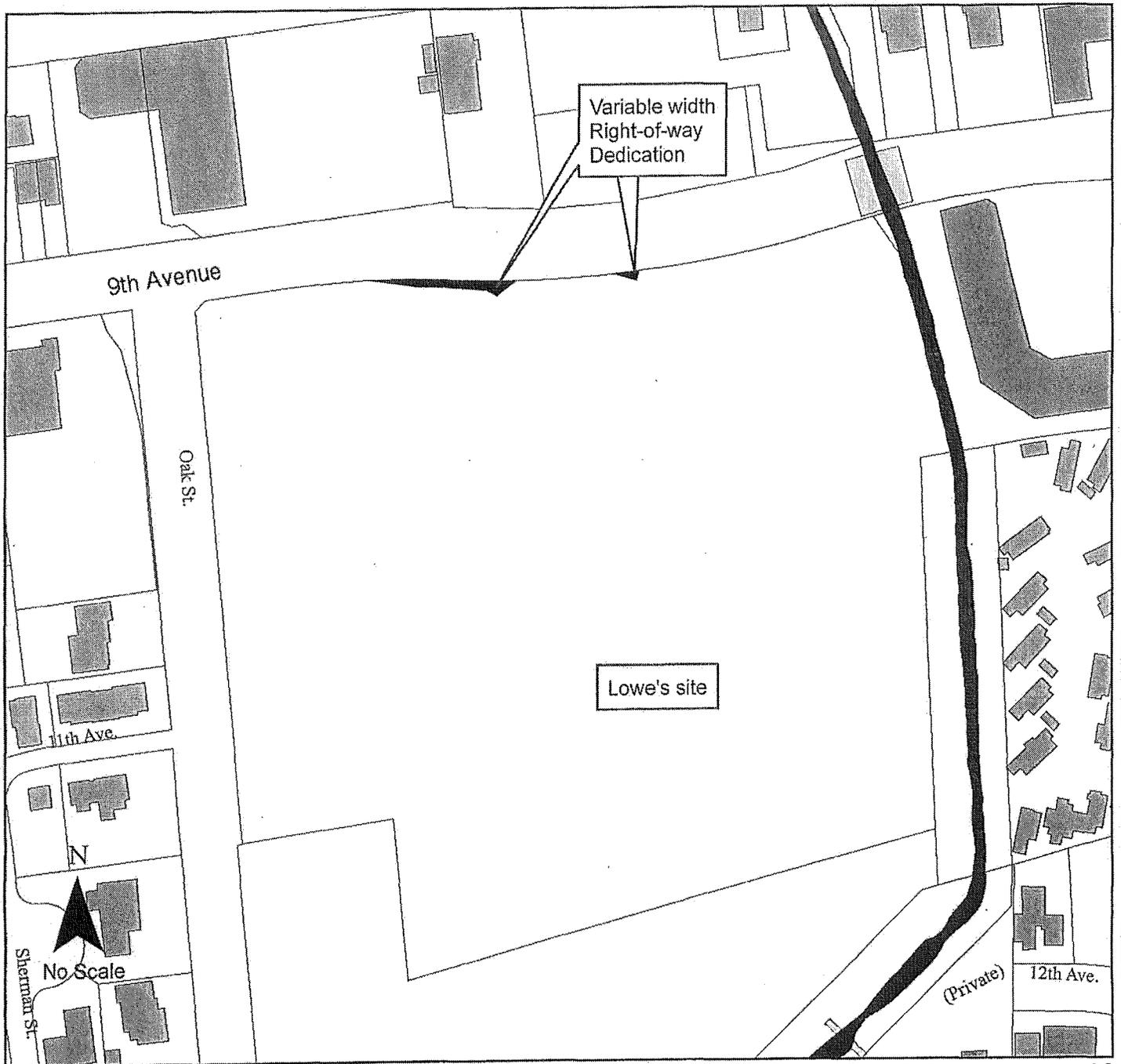
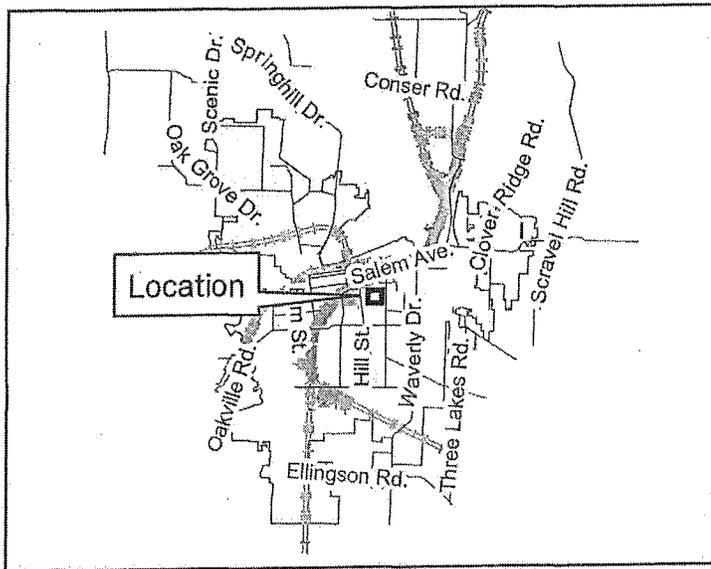
EXHIBIT C

11S03W08BC- 01000

Right-Of-Way dedication for
Lowe's Development Project



Geographic Information Services





TO: Albany City Council

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

MWS

FROM: Jeff Blaine, P.E., Assistant Public Works Director/City Engineer
Staci Belcastro, P.E., Engineering Manager/Assistant City Engineer
Nolan Nelson, Civil Engineer III

JB
SB

DATE: March 31, 2015, for the April 8, 2015, City Council Meeting

SUBJECT: Award of Bid for SS-13-04-B, Wetlands Integration with AMWRF Outfalls, Control Valve Installation

RELATES TO STRATEGIC PLAN THEME: A Safe City

Action Requested:

Staff recommends that Council award this contract in the amount of \$194,825 to the low bidder, Emery and Sons Construction Group of Salem, Oregon.

Discussion:

On March 17, 2015, bids were opened for SS-13-04-B, Wetlands Integration with AMWRF Outfalls, Control Valve Installation. There were three bids submitted for this project, ranging from \$194,825 to \$2,755,755.90. The Engineer's estimate was \$154,100.

Minor Bid Irregularity

A minor bid irregularity was identified in the bid submitted by Tornado Soft Excavation, which resulted in their bid being much higher than what they intended. Costs for Bid Item 12 (12-inch ductile iron force main relocation) were to be determined by multiplying a unit price by 200 lineal feet. Tornado Soft Excavation entered the total cost as the unit cost resulting in the higher cost reflected in the bid summary included as Attachment 1. Their total bid price would have been \$199,989.90 if this minor bid irregularity was waived. However, regardless of the minor irregularity, Tornado Soft Excavation is not the low bidder.

Project Background & Description

During the January 2012 storm event, four manholes constructed in support of Albany-Millersburg Talking Water Gardens (TWG) failed. Staff evaluated the failures and determined the manholes needed additional reinforcements and additional analysis was needed prior to constructing repairs. Hydraulic analyses were completed to support design, and manhole improvements were constructed in 2013.

The manhole failures and subsequent hydraulic modeling efforts also identified that further improvements were required to prevent Willamette River and Water Reclamation Facility water from flowing backwards into TWG. Preventing backflow is important as under certain conditions it could lead to overtopping and costly bank failures within TWG.

This project includes installation of a 36-inch valve located on the TWG outflow piping to provide staff the ability to both control flow out of the wetlands, and prevent backflow. The existing 36-inch line is over 18-feet deep and a new manhole and actuator will be constructed to accommodate installation of the new valve. A project vicinity map is included as Attachment 2.

The budget for this project was developed as an initial allowance recognizing that preliminary design efforts were necessary prior to finalizing the project scope. Consequently, when the budget was initially developed the costs associated with the 36-inch valve, manhole, electrical actuator, and bore under Cox Creek were not reflected in the \$150,000 estimate. Based on the bids received and further consultation with the suppliers for the 36-inch valve and actuator, staff is confident the bids are reflective of the work to be performed and recommends awarding this contract to Emery and Sons Construction.

Summary of Total Estimated Project Costs

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

Project Components	Estimated Cost
I. Costs	
a. Engineering	\$8,000
b. Construction Management	\$5,000
<i>Engineering Subtotal</i>	\$13,000
II. Construction Costs	
a. Construction Contract	\$194,800
b. Contingency	\$19,500
c. Fiber Optic Installation	\$5,000
d. Landscaping	\$10,000
<i>Construction Subtotal</i>	\$229,300
<i>Total Estimated Project Cost</i>	\$242,300
<i>Project Budget</i>	\$150,000
<i>Under/(Over) Project Budget</i>	(\$92,300)

Budget Impact:

The estimated total project cost of \$242,300 is approximately \$92,300 over budget. There are adequate reserves to cover the overrun. This project will be funded from the Wetlands Treatment Capital Projects Fund (601-50-2508).

NN:SB:ms

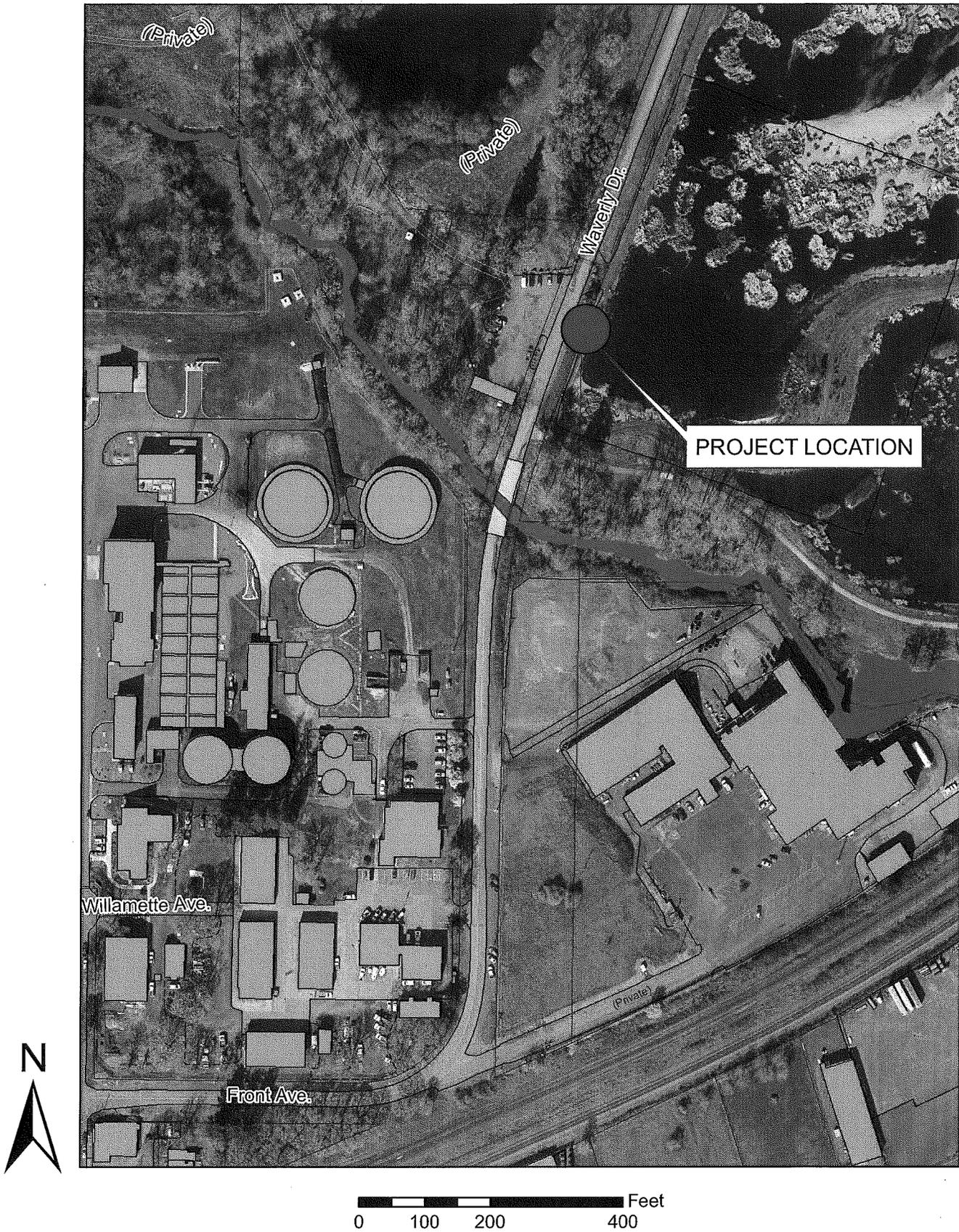
Attachment



CITY OF ALBANY, OREGON
Public Works Department
Construction Contract Bids

Project: SS-13-04-B, Wetlands Integration with AMWRF Outfalls, Control Valve Installation **Bid Opening:** March 17, 2015

Engineer's Estimate	Emery and Sons Construction Group (Salem)	Tornado Soft Excavation LLC (Independence)	Pacific Excavation, Inc. (Eugene)
\$154,100.00	194,825.00	2,275,755.90 <i>(199,989.90)</i>	227,465.00





TO: Albany City Council

VIA: Wes Hare, City Manager

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

DATE: March 30, 2015, for the April 8, 2015, City Council Meeting

SUBJECT: ST-09-03, Oak Street Local Improvement District (LID)
Final Engineer's Report and Setting a Public Hearing

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

Action Requested:

Staff recommends Council accept this Final Engineer's Report and Financial Investigation Report, and adopt the attached Resolution to schedule a public hearing for April 22, 2015. The final project costs and distribution of final assessments will be considered at the public hearing. Finalization of the LID and levying of assessments was postponed while the City worked with Lowe's regarding the timing of their store opening. That issue is now resolved and Lowe's will be opening their store no later than December 31, 2015.

Discussion:

Background

Council adopted the formation of an LID to complete an extension of Oak Street from Pacific Boulevard to Ninth Avenue and provide for the improvement to Oak Street between Ninth Avenue and Queen Avenue to full urban standards.

The LID boundary and assessment methodology was developed by the Lowe's development team. The Lowe's development team included Lowe's Inc., owners of the property that Lowe's purchased for their store site (Conser), and owners of the property purchased for the punch through right-of-way (Perlenfein). The Council approved the funding/assessment methodology developed by the Lowe's team in May of 2010. The boundary of the district for road improvements includes only the Kinder Park Property, the Lowe's team properties, and the Ping's Restaurant property. All other benefited properties were excluded from paying for street improvements. Attachment 1 is a map showing the LID boundary. The proposal splits the assessment methodology into two parts. One methodology governs the costs associated with the new roadway between Pacific Boulevard and 9th Avenue and another methodology governs the improvements between Ninth Avenue and Queen Avenue.

Punch Through

Project Scope: The new roadway construction between Pacific Blvd. and 9th Avenue is referred to as the "punch through". The punch through portion of this project constructed a new segment of Oak Street between Pacific Boulevard and 9th Avenue and installed two new traffic signals. Associated storm drain improvements were also included in this project.

Assessment Methodology: The methodology called for the City and Lowe's development partners to pay for the entire punch through project costs. No other properties were to be assessed. Under this methodology the City committed to contribute \$2,100,000 in Transportation

System Development Charge (TSDC) funds to the project. The TSDC amount is fixed by the City's TSDC methodology so project cost increases do not impact the amount of TSDC's that are contributed to the project. The TSDC funds were transferred into the project and made "pay-as-you-go" contributions to the project so no financing costs are attributed to the TSDC contribution to the project.

The City also committed to contribute additional funds. The additional funds were estimated to be \$83,740. Council did not identify a source for these funds at the time the LID was formed.

The remaining cost for the punch through was to be paid by the Lowe's group. The contribution from the Lowe's development properties was estimated to be \$434,260.

The total cost for the punch through was \$2,155.02 higher than the original estimate. By agreement, the City and Lowe's are to split the cost of any overage. Therefore, the City's and Lowe's additional participation is \$1,077.51 each before adding financing costs.

The Lowe's methodology did not attribute the Lowe's payment to specific properties, but was to be a payment from the Lowe's Development Team. Neither the City nor the methodology dictates how the Lowe's group apportions this cost. The Lowe's corporation will be billed the final amount for the punch through. The Lowe's group agreed to pay their assessment as a lump sum when due rather than financing payments over time.

The following table shows the total punch through project costs attributed to each of the funding sources:

Funding Source	Estimated Project Cost Responsibility	Additional Project Costs	Financing Costs	Total Project Cost Responsibility
Transportation System Development Charges	\$2,100,000	\$0	\$0	\$2,100,000.00
Additional City Participation	\$83,740	\$1,077.51	\$0	\$84,817.51
Lowe's Development Group	\$434,260	\$1,077.51	\$16,549	\$451,886.51
Total		\$2,155.02	\$16,549	\$2,636,704.02

Oak Street – Ninth Avenue to Queen Avenue

Project Scope: This portion of the project reconstructed Oak Street between 9th Avenue and Queen Avenue, including new pavement, curb and gutter, sidewalks, storm drains, and water lines. The old roadway was narrow and was not improved to City urban standards.

Assessment Methodology: The methodology required a portion of the street improvements be paid by the City and the Lowe's development partners. The balance of the street improvement costs were to be assessed to properties within the LID boundary on a combination of frontage and area basis. The Ping's Garden restaurant property was to be assessed for water improvements only and not for street improvement costs.

The two property groupings included in the LID include Kinder Park property and the properties that make up the Lowe's site. The undeveloped properties on the east side of Oak Street will pay

Street Connection Fees at the time they develop. The Oak Creek Apartment project already paid connection fees. The remainder of the developed properties along Oak Street will not pay for the street improvements along their frontage

Under this methodology the City committed to contribute \$1,417,000 in TSDC funds to the project. The TSDC amount is fixed by the City's TSDC methodology so project cost increases do not impact the amount of TSDC's that are contributed to the project. The TSDC funds were transferred into the project and made "pay-as-you-go" contributions to the project so no financing costs are attributed to the TSDC contribution to the project.

The City also committed to contribute additional funds. The additional funds were originally estimated to be \$195,270. This payment represents an estimate of what the assessments would have been for the Sadri/Grazul and Glasser properties under the Lowe's assessment methodology if the properties had been included in the LID. Council did not identify a funding source for this payment at the time the LID was formed.

The Lowe's group agreed to pay a lump sum of \$31,776. This lump-sum payment represents an estimate of a portion of what the assessments would have been for the church under the Lowe's methodology if the property had been included in the LID.

The total cost for the improvements between 9th Avenue and Queen Avenue was \$59,032.30 higher than the original estimate. By agreement, the City and Lowe's are to split the cost of any overage. Therefore, the City's and Lowe's additional participation is \$29,516.15 each before adding financing costs.

The balance of the project costs will be assessed to the Kinder Park Property and the Lowe's property based on an average of an area assessment and a frontage assessment.

Funding Source	Estimated Project Cost Responsibility	Additional Project Costs	Financing Costs	Total Project Cost Responsibility
Transportation System Development Charges	\$1,417,000.00	\$0	\$0	\$1,417,000.00
Additional City Participation	\$195,270.00	\$29,516.15	\$0	\$224,786.15
Lowe's Development Group	\$31,776.00	\$29,516.15	\$2,332	\$63,624.15
Parks Assessment	\$319,917.11	\$0	\$12,162	\$332,079.11
Lowe's Assessment	\$226,036.89		\$8,593	\$234,629.89
Total	\$2,190,000.00	\$59,032.30	\$23,087	\$2,272,119.30

Water Project Costs

The Ping's restaurant property will be assessed a flat \$10,000 as a contribution for water line improvements. The remainder of the water line costs (\$313,748.31) has been funded by the City Water Capital projects fund.

Additional City Funding Contribution

Under the methodology approved by Council, the City is committed to provide street improvement funding above and beyond the \$3,517,000 TSDC funds dedicated to the project. At the time the LID was formed a source for these funds was not identified. The decision on how to fund this contribution was deferred to when the final project costs were known. Unless the Council directs to fund the \$309,603.66 from another source, these additional costs will be paid out of settlement proceeds. Settlement proceeds were used to fund the project costs not covered by TSDCs and water funds. Settlement funds will be paid back as assessments are paid off by Lowe's, Parks, and Mr. Lee.

If Council does not want the settlement proceeds to cover the \$309,603.66, a different funding source will need to be identified. Options are limited for this funding due to low reserves and tight budgets. Staff recommends these costs be paid out of Settlement proceeds.

Parks Assessment

The Parks Department assessment is \$332,079.11. The Parks Department has planned to finance the payment of this assessment over a 10-year period. Parks has budgeted the first payment of this assessment in their 2015-2016 budget.

Budget Impact:

The following table provides a summary breakdown of all costs/funding sources for this project. In addition, the assessment roll (Attachment 2) shows how the assessed costs were apportioned. Under the project funding plan, the City is paying \$4,472,431.08 (85.5%) of the total project costs. The Lowe's development team is paying \$760,140.55 (14.5%) of the total project costs.

Fund Name	Estimated Amount
Transportation SDC Projects	\$3,517,000.00
Parks SDC Projects	\$ 332,079.11
Other City Funding for Streets	\$ 309,603.66
Water System Capital projects	\$ 313,748.31
Lowe's Development Team	\$ 750,140.55
Ping's Garden Restaurant	\$ 10,000.00
Total	\$5,232,571.63

MWS:kw
Attachments (3)

FINANCIAL INVESTIGATION REPORT - Section 2

St-09-03, OAK STREET LID

(as of April 1, 2015)

Owner of Property	Assessor's Map and Tax Lot	Site Address	Total Market Value - Land and Improvements	Property Assessment	Monthly Payment	Bond Maximum	Asmt % to TMV	Asmt % of Project
CITY OF ALBANY	11S03W08BC01400	1326 OAK ST SE	731,000	332,079.11	\$3,780	\$1,462,000	45.43%	57.582%
LOWES HIW INC	11S03W08BC01000	UNASSIGNED	4,285,600.00	234,629.89	\$2,670	\$8,571,200	5.47%	40.684%
CHUNG PING & PAI KUEN LEE	11S03W07AD00100	1209 27TH AVE SE	355,610.00	10,000.00	\$114	\$711,220	2.81%	1.73%
Totals			5,372,210.00	\$576,709.00	\$6,564	\$10,744,420	10.74%	100.0%

FINANCIAL INVESTIGATION REPORT (Cont.)
ST-09-03 – Oak Street Local Improvement District
(as of April 1, 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 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 assessments on the three properties in this LID range from \$10,000 to \$332,079. The monthly payments for the proposed assessments are projected to range from \$114 to \$3,780 for a ten year term @ 6.55%.

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

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE ENGINEER'S AND FINANCIAL INVESTIGATION REPORTS FOR THE PROJECT ST-09-03, OAK STREET LOCAL IMPROVEMENT DISTRICT AND TO SET A PUBLIC HEARING.

WHEREAS, construction is complete for the project ST-09-03, Oak Street Local Improvement District; and

WHEREAS, the Final Engineer's Report has been received by the Albany City Council;

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby directs that a public hearing be scheduled for April 22, 2015, at 7:15 p.m. to consider the proposed final assessments for project ST-09-03, Oak Street Local Improvement District and that notices of the public hearing be in compliance with AMC Section 15.04.110.

DATED AND EFFECTIVE THIS 8TH DAY OF APRIL 2015.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
FROM: Sharon Konopa, Mayor
DATE: April 2, 2015, for April 8, 2015, City Council Meeting
SUBJECT: Appointment to the Bicycle & Pedestrian Advisory Commission
RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Council approval of the following appointment:

Albany Bicycle and Pedestrian Advisory Commission
Tim McCloud (Mayor's new appointment)

Discussion:

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

Budget Impact:

None.

SK:ldh
Attachment

G:\Administrative Services\City Manager's Office\Boards-Commissions\2015 Recruitment\^2015 appointments-boards & commissions-msk-#3.doc



BOARD, COMMISSION, AND COMMITTEE APPLICATION

RECEIVED
APR 02 2015
City of Albany
City Manager's Office

(Please print legibly or type)

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

Board, Commission, and/or Committee Preference:
Bicycle & Pedestrian Advisory Commission
(list all for which you are applying)

Name: Tim L. McCloud Preferred First Name: Tim

Residential Information:
Home Address: Albany, OR 97701 Phone: _____
Cellular: _____
E-mail: TMcClou@gmail.com Fax: _____
(Optional)

Employment Information:
Employer's Name: _____
Work Address: _____ Phone: _____
Cellular: _____
E-mail: _____ Fax: _____
(Optional)

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

- List current or most recent occupation, business, trade, or profession: _____
Intern/ Temporary employee for Linn County General Services, and Public Administration Major/ Business student. Office Manager for A Lil' Institute December 2012- August 2014.

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



BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM
Page 2

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

Numerous events while working for A Lil' Institute- including the Healthy Beginnings Fair and Central Oregon Council on Aging "Come Fly With Us" event (both in 2014).

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

I want to discuss transportation and community development here in Albany. I often travel as a pedestrian, and want to be a part of a bike rider friendly community.

- What contributions do you hope to make?

Encouraging a more widely accepted and respected community views of modal transportation through more walkable, family-friendly communities now and in the future.

Timothy
McCloud

Digitally signed by Timothy McCloud
DN: cn=Timothy McCloud, o=A Lil' Institute-
For Little People, LLC, ou=Administration,
email=Timothy@AllInstitute.com, c=US
Date: 2015.03.26 18:14:03 -07'00'

Signature of Applicant

03/26/2014

Date