

NOTICE OF PUBLIC MEETING

CITY OF ALBANY

CITY COUNCIL

Council Chambers

333 Broadalbin Street SW

Monday, December 7, 2015

7:15 p.m.

AGENDA

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."

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. PROCLAMATION

a. Homeless Persons' Memorial Day. [Page 3]

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

5. SCHEDULED BUSINESS

a. Business from the Public

b. Second Reading of Ordinance

1) Declaring a ban on recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and/or recreational marijuana retailers. [Pages 4-5]

Action: \_\_\_\_\_ ORD. NO. \_\_\_\_\_

c. First Reading of Ordinances

1) Amending Albany Municipal Code 2.04.060, Voting. [Pages 6-7]

Action: \_\_\_\_\_ ORD. NO. \_\_\_\_\_

2) Repealing Chapter 10.16 of the Albany Municipal Code, In-Lieu-Of Assessments for the North Albany Sanitary Sewer Basin. [Pages 8-13]

Action: \_\_\_\_\_ ORD. NO. \_\_\_\_\_

d. Adoption of Resolutions

1) Forgoing a water rate increase for calendar year 2016 and reaffirming rates in Resolution No. 6411. [Pages 14-16]

Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_

2) Modifying Council Policy that established a Capital Recovery Policy for public water and sewer lines that are constructed by private property owners or developers. [Pages 17-22]

Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_

3) SS-16-03, Maple Street Lift Station: Awarding a special procurement contract for two Flygt pumps and related equipment to Xylem, Inc. [Pages 23-25]

Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_

e. Adoption of Consent Calendar

1) Approval of Minutes

a) October 12, 2015, Work Session minutes. [Pages 26-31]

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

f. Appointments

- 1) Community Development Commission. [Page 32]

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

g. Reports

- 1) Dual left-turn lanes at Springhill and Highway 20. [verbal – Ron Irish]

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

- 2) Quiet zones for at-grade rail crossings. [Pages 33-38]

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

- 3) Bicycle and Pedestrian Advisory Commission recommendation for Ellsworth and Lyon Streets. [Pages 39-43]

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

- 4) Brandis property wetlands delineation. [Pages 44-46]

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

- 5) Transient Lodging Tax Policy. [Pages 47-49]

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

6. BUSINESS FROM THE COUNCIL

7. NEXT MEETING DATE: Work Session: January 11, 2016  
Regular Session: January 13, 2016

8. ADJOURNMENT

# PROCLAMATION

## HOMELESS PERSONS' MEMORIAL DAY

DECEMBER 21, 2015

WHEREAS, every member of society, including individuals experiencing homelessness, deserves the dignity of safe, decent, accessible, and affordable housing; and

WHEREAS, winter poses extreme hardship for inadequately housed low-income men, women, and children in Albany; and

WHEREAS, in this season of generosity and sharing, citizens of Albany are encouraged to commit themselves to promoting compassion and concern for all people, especially those who are poor and homeless; and

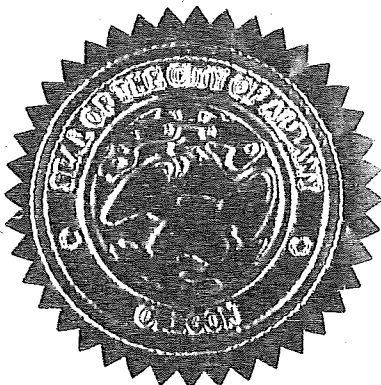
WHEREAS, in remembering those who have died without homes, the cause of ending homelessness remains urgent to prevent such deaths in the future; and

WHEREAS, the shortest day of the year has been designated National Homeless Persons' Memorial Day by the National Coalition for the Homeless and the National Health Care for the Homeless Council and is recognized by cities nationwide.

NOW, THEREFORE, I, Sharon Konopa, Mayor of the City of Albany, Oregon, do hereby proclaim December 21, 2015, as

## HOMELESS PERSONS' MEMORIAL DAY

in Albany, Oregon, in recognition of the people who have died on our streets, in our emergency shelters, and in condemned or abandoned properties from ailments or conditions directly related to homelessness. I, hereby, ask all citizens to take a moment of silence in remembering those who have died homeless and encourage our citizens to support local efforts to eliminate homelessness here.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Albany to be affixed this 7<sup>th</sup> day of December 2015.

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Sharon Konopa, Mayor

AN ORDINANCE OF THE CITY OF ALBANY DECLARING A BAN ON RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND/OR RECREATIONAL MARIJUANA RETAILERS; REFERRING ORDINANCE; AND DECLARING AN EMERGENCY.

WHEREAS, the Oregon Medical Marijuana Act, as amended by House Bill 3400 (2015) provides that the Oregon Health Authority will register medical marijuana processing sites and medical marijuana dispensaries; and

WHEREAS, Measure 91, which the voters adopted in November 2014, directs the Oregon Liquor Control Commission to license the production, processing, wholesale, and retail sale of recreational marijuana; and

WHEREAS, Section 134 of HB 3400 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the city; and

WHEREAS, the Albany City Council wants to refer the question of whether to prohibit recreational marijuana producers, processors, wholesalers, and/or retailers to the voters of Albany.

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

DEFINITIONS:

Marijuana means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

Marijuana processing site means an entity registered with the Oregon Health Authority to process marijuana.

Marijuana processor means an entity licensed by the Oregon Liquor Control Commission to process marijuana.

Marijuana producer means an entity licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow, or harvest marijuana.

Marijuana retailer means an entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state.

Marijuana wholesaler means an entity licensed by the Oregon Liquor Control Commission to purchase items in this state for resale to a person other than a consumer.

Medical marijuana dispensary means an entity registered with the Oregon Health Authority to transfer marijuana.

BAN DECLARED: As described in Section 134 of House Bill 3400 (2015), the City of Albany hereby prohibits the establishment and operation of the following in the area subject to the jurisdiction of the city.

- (a) Marijuana producers;
- (b) Marijuana processors;
- (c) Marijuana wholesalers;
- (d) Marijuana retailers.

EXCEPTION. The prohibition set out in this ordinance does not apply to a marijuana processing site or medical marijuana dispensary that meets the conditions set out in subsections 6 or 7 of Section 134, Section 136, or Section 137 of House Bill 3400 (2015).

REFERRAL. This ordinance shall be referred to the electors of the city of Albany at the next statewide general election on Tuesday, November 8, 2016.

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

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

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

ATTEST:

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

\_\_\_\_\_

City Clerk

\_\_\_\_\_

Mayor

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

AN ORDINANCE AMENDING AMC 2.04.060 CONCERNING VOTING ABSTENSIONS AT CITY COUNCIL MEETINGS, AND DECLARING AN EMERGENCY.

WHEREAS, Section 14 of the Albany Charter authorizes and directs the City Council to, "...adopt rules for the government of its members and proceedings;" and

WHEREAS, pursuant to the aforesaid charter authority, the City Council has adopted rules set forth at Chapter 2.04 of the Albany Municipal Code; and

WHEREAS, from time to time it is appropriate to review and revise Council's rules to deal with unforeseen circumstances and/or as necessary to promote the timely and efficient conduct of City business; and

WHEREAS, Section 18 of the Albany Charter provides, in part, that the Mayor shall have no vote, except in the case of a tie vote of the Councilors then voting and, Section 20 of the Albany Charter requires the concurrence of four members of the Council to decide any question before the Council; and

WHEREAS, given that Section 7 of the Albany Charter provides that the Mayor is also a member of the Council, the procedure historically employed by the City Council, in the event of a 3-3 tie vote is to then have the Mayor vote to break the tie as he or she determines to be in the best interest of the City. This procedure is necessary to allow the efficient and timely conduct of City business when four members of the Council agree on an item of City business; and

WHEREAS, the efficient and timely operation of the Council and the fundamental democratic principal of majority rule is frustrated if and when a member of the Council abstains and thereby prevents a 3-3 tie that would otherwise allow the Mayor to break the tie and the matter to be decided by four votes as called for in the Charter; and

WHEREAS, an abstention in the foregoing circumstance prevents the Mayor from voting and thereby frustrates the purpose and intent of the Charter, prevents the efficient and timely conduct of City business, leaves important pending City decisions unresolved, and frustrates the democratic principal of majority rule; and

WHEREAS, this amendment to AMC 2.04.060 is called for to address and remedy the foregoing concerns.

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

Section 1 : AMC 2.04.060 is amended to read as follows:

2.04.060 Voting **Abstentions**

Unless a member of the Council states that he/she is not voting, his/her silence shall be recorded as an affirmative vote. **If In a member circumstance where the full Council states that he/she is not voting, his/her present and where a motion, properly before the Council, fails for want of the concurrence of four City Councilors, an abstention shall be deemed a vote is not against the motion. In all other circumstances, an announced abstention shall not be considered, either for or against the proposition.** Following ~~any~~ the vote, the City Clerk shall announce the vote count. If the Recorder's count is disputed by any Council member, a roll call shall be taken to decide the issue.

Section 6: 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



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Jeff Blaine, P.E., Public Works Engineering & Community Development Director *JB*  
DATE: December 2, 2015, for the December 7, 2015, City Council Meeting  
SUBJECT: North Albany Sewer In-Lieu of Assessments

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Staff recommends that the City Council consider the attached Ordinance repealing Chapter 10.16 of the Albany Municipal Code.

Discussion:

In 1991, North Albany residents voted to annex North Albany into the City Limits and to construct extensive public sewer improvements. Public sewer improvements were required to replace widespread septic system failures, remove a health hazard designation, and to lift a building moratorium in North Albany. The improvements were funded through a Local Improvement District (LID).

The total cost of sewer improvements was nearly \$9M with the majority being assessed to properties that immediately benefited from the improvements. The City of Albany contributed \$1,245,635.60 in non-assessed City contributions. With this investment, the City funded the amount of the project that was not attributable to the "benefit" received by the properties assessed through the LID at the time. This avoided assessing properties that weren't connecting to the sewer at the time or didn't have near term plans to fully develop.

Upon conclusion of the LID in 1993, the City established North Albany Sewer In-Lieu-of Assessment (ILA) charges. These charges apply to developing North Albany properties that weren't previously assessed for the original sewer improvements and to previously assessed properties that are expanding their use on that system. North Albany Sewer ILA's are in addition to sewer system development charges and, in some instances, sewer connection charges.

North Albany Sewer ILA charges can represent a significant sum of money. For example, a five-acre development in North Albany with 250 feet of frontage that has not previously been assessed for sewer and will take service from one of these sewer lines would pay \$29,953 in addition to typical fees and charges paid by all other developments.

The purpose of establishing the North Albany Sewer ILA was to pay the City back for the original investment in infrastructure. Staff recently reviewed multiple record sources and estimates the City has been paid back approximately \$1.4M from over 100 sources. Some of these sources financed their payments through the City and are still making payments. (It is important to note that the \$1.4M represents fees that were assessed to new development and does not include interest earned on payments that were financed through the City.) It is possible that additional North Albany Sewer ILAs have been paid that staff could not locate. Unfortunately, a dedicated system was never established to track reimbursement of the City's initial investment over time.



With the City having been reimbursed approximately \$1.4M for the original \$1.2M investment, staff suggests that it is an appropriate time to consider eliminating the North Albany Sewer ILA. Staff has identified several pros and cons to eliminating the charge for Council consideration.

Pros (reasons to eliminate the North Albany Sewer ILA)

- City has been paid back at least \$1.4M for the original \$1.2M investment.
- Removes conflict between an area specific capacity charge and citywide SDCs that also address capacity.
- Removes a potential financial barrier to development.
- Eliminates a complicated fee that is difficult for customers to understand and for staff to explain/calculate.
- North Albany properties will be subject to the same customary development fees and charges as the rest of the Albany.

Cons (reasons to retain the North Albany Sewer ILA)

- The ILA provides a source of sewer revenues over the long term.
- The \$1.4M reimbursement may not capture all inflationary considerations, i.e., the City could potentially justify continuing to charge the fee in an attempt to capture all inflationary considerations; however, data gaps in City records would limit the accuracy of such calculations.

Chapter 10.16 of the Albany Municipal Code establishes the authority to charge a North Albany Sewer ILA (current language provided as *Attachment 1*). If Council chooses to eliminate the North Albany Sewer ILA, the attached Ordinance (*Attachment 2*) could be executed to repeal the authority. If the Ordinance is passed, staff will no longer impose the ILA on new development, but will continue to collect payments on past developments that chose to finance their ILA through the City.

Moving forward, properties in North Albany would be subject to the same customary development fees and charges as other properties.

Budget Impact:

Elimination of the North Albany Sewer ILA would reduce sewer revenues over the long term.

JB:kw

Attachments

- c: Chris Bailey, P.E., Public Works Operations Director (via e-mail)  
Stewart Taylor, Finance Director (via e-mail)  
Staci Belcastro, P.E., City Engineer (via e-mail)  
Gordon Steffensmeier, P.E., Civil Engineer III (via e-mail)  
Jeff Babbitt, Senior Accountant (via e-mail)  
Jeanna Yeager, Senior Accountant (via e-mail)  
Linda Lamer, Accounting Specialist (via e-mail)

## Chapter 10.16

### IN-LIEU-OF ASSESSMENTS FOR THE NORTH ALBANY SANITARY SEWER BASIN

Sections:

<u>10.16.010</u>	Purpose.
<u>10.16.020</u>	Definitions.
<u>10.16.030</u>	Need for this chapter.
<u>10.16.040</u>	Exemption from Chapter 10.14.
<u>10.16.100</u>	In-lieu-of assessment for interceptor sewers, properties outside sewer district.
<u>10.16.110</u>	Interceptor in-lieu-of rate, properties outside sewer district.
<u>10.16.120</u>	In-lieu-of assessment for interceptor sewers, properties inside sewer district.
<u>10.16.130</u>	Interceptor in-lieu-of rate, properties inside sewer district.
<u>10.16.200</u>	In-lieu-of assessment for collector sewers, properties outside sewer district.
<u>10.16.210</u>	Collector in-lieu-of rate, properties outside sewer district.
<u>10.16.220</u>	In-lieu-of assessment for collector sewers, properties inside sewer district.
<u>10.16.230</u>	Collector in-lieu-of rate, properties inside sewer district.
<u>10.16.300</u>	In-lieu-of assessment for interceptor and collector sewers, properties outside interceptor boundary.
<u>10.16.400</u>	Permit requirements.
<u>10.16.500</u>	Sewer Bond Revenue Department.

#### **10.16.010 Purpose.**

The City adopts the policies and procedures set forth in this chapter for in-lieu-of assessment fees for the North Albany Sanitary Sewer Basin when properties previously assessed as part of the North Albany Sanitary Sewer Local Improvement District (SS-90-7 & SS-92-1, April 1993) derive additional benefit from existing sewers constructed as part of that local improvement district, or when previously unassessed properties derive benefit or additional benefit from the sewers constructed as part of the above-referenced local improvement district. (Ord. 5048 § 1, 1993).

#### **10.16.020 Definitions.**

For the purposes of this chapter, "within 150 feet of a sewer" means within 150 feet of the right-of-way line or easement limit for the right-of-way or easement in which the sewer was constructed. (Ord. 5048 § 1, 1993).

#### **10.16.030 Need for this chapter.**

The need for this chapter results from the methodology used to determine the benefits and assessments as part of the North Albany Sanitary Sewer Local Improvement District. Interceptor sewer benefits and assessments were based upon gross parcel acreage within the ultimate interceptor sewer basin, and collector sewer benefits and assessments were based upon a weighted acreage within 150 feet of the constructed sanitary sewers such that the first quarter of an acre (or portion thereof) on each parcel within 150 feet of the sanitary sewers were given one benefit, and the remaining areas of each parcel within 150 feet of a sewer were given one benefit per acre. In addition, this chapter is needed in order to provide a mechanism for the City to recover the \$1,245,636.60 in non-assessed City contributions to the North Albany Sanitary Sewer District project costs to pay for the share of theoretical interceptor assessments of properties outside of the district at the time the original assessments were levied. (Ord. 5048 § 1, 1993).

#### **10.16.040 Exemption from Chapter 10.14.**

Properties charged an in-lieu-of assessment under the provisions of this chapter are exempt from the provisions of Chapter 10.14 with respect to any in-lieu-of assessment charge for connection to or benefit from the sewers constructed as part of the North Albany Sanitary Sewer Local Improvement District. (Ord. 5048 § 1, 1993).

#### **10.16.100 In-lieu-of assessment for interceptor sewers, properties outside sewer district.**

An in-lieu-of assessment for interceptor sewers shall be levied against all properties outside of the original North Albany Sanitary Sewer Local Improvement District and within the interceptor boundary as described in the Final Engineer's Report for said district dated April 13, 1993, at such time as any of the following occur:

- (1) The properties are divided so as to create an additional parcel or parcels. In such case, the in-lieu-of assessment shall be levied in conjunction with final approval of the subdivision or partitioning plat by the City.
- (2) The property is issued a permit to connect to the City sanitary sewer system. In such case the in-lieu-of assessment shall be levied at the time of connection permit issuance. (Ord. 5048 § 1, 1993).

**10.16.110 Interceptor in-lieu-of rate, properties outside sewer district.**

The in-lieu-of assessments listed in Section 10.16.100 for interceptor shall be levied at a rate per gross acreage of the parcel as it existed prior to the land division or connection. The unit rate charged per gross acre shall be as set forth in a resolution adopted by the City Council. (Ord. 5048 § 1, 1993).

**10.16.120 In-lieu-of assessment for interceptor sewers, properties inside sewer district.**

An in-lieu-of assessment for interceptor sewers shall be levied against any portion of land outside of the original North Albany Sanitary Sewer Local Improvement District which is consolidated with any parcel within the original district by a lot line adjustment or other means. The in-lieu-of assessment shall be levied in conjunction with final lot line adjustment approval by the City, or at any other such time as the parcels are consolidated. (Ord. 5048 § 1, 1993).

**10.16.130 Interceptor in-lieu-of rate, properties inside sewer district.**

The in-lieu-of assessments listed in Section 10.16.120 for interceptor shall be levied at a rate per gross acreage for the entire additional area added to any parcel within the original district. The unit rate charged per gross acre shall be as set forth in a resolution adopted by the City Council. (Ord. 5048 § 1, 1993).

**10.16.200 In-lieu-of assessment for collector sewers, properties outside sewer district.**

An in-lieu-of assessment for collector sewers shall be levied against those portions of all properties outside of the original North Albany Sanitary Sewer Local Improvement District, not included within a Bonneville Power Administration right-of-way, and within 150 feet of the sanitary sewers constructed as part of the North Albany Sanitary Sewer Local Improvement District project at such time as any of the following occur:

(1) The properties are divided so as to create parcels within 150 feet of the sanitary sewers, and such parcels are to be served by the existing sewers constructed as part of the improvement district. In such case the in-lieu-of assessment shall be levied in conjunction with final approval of the subdivision or partitioning plat by the City.

(2) The property is issued a permit to connect to the City sanitary sewer system. In such case the in-lieu-of assessment shall be levied at the time of connection permit issuance. (Ord. 5048 § 1, 1993).

**10.16.210 Collector in-lieu-of rate, properties outside sewer district.**

The in-lieu-of assessments listed in Section 10.16.200 for collector sewers shall be levied at the rate per unit benefit as provided in a resolution adopted by the City Council. The number of benefits shall equal one for the first one-quarter acre or portion thereof, and a proportioned one per acre for each additional acre or portion thereof for each parcel. (Ord. 5048 § 1, 1993).

**10.16.220 In-lieu-of assessment for collector sewers, properties inside sewer district.**

An in-lieu-of assessment for collector sewers shall be levied against those portions of all properties inside of the original North Albany Sanitary Sewer Local Improvement District, not included within a Bonneville Power Administration right-of-way, and within 150 feet of the sanitary sewers constructed as part of the North Albany Sanitary Sewer Local Improvement District project at such time as any of the following occur:

(1) The properties are divided so as to create additional parcels within 150 feet of the sanitary sewers, and such parcels are to be served by the existing sewers constructed as part of the improvement district. In such case the in-lieu-of assessment shall be levied in conjunction with final approval of the subdivision or partitioning plat by the City.

(2) For any property which was divided prior to the date (April 14, 1993) of the final assessment ordinance for the North Albany Sanitary Sewer Local Improvement District and for which the additional benefits derived from such a division were not included in said final assessment ordinance, the in-lieu-of assessment shall be levied at such time as any of the following occur:

(a) The property is redivided. In such case the in-lieu-of assessment shall be levied in conjunction with final approval of the subdivision or partitioning plat by the City.

(b) The issuance of a permit to connect to the City sanitary sewers constructed as part of the improvement district. (Ord. 5048 § 1, 1993).

**10.16.230 Collector in-lieu-of rate, properties inside sewer district.**

The in-lieu-of assessments listed in Section 10.16.220 for collector sewers shall be levied at the unit rate for each additional parcel created as provided in a resolution adopted by the City Council. In the application of this section to those properties falling under the provisions of Section 10.16.220 (2), the additional parcels created prior to the

referenced final assessment ordinance shall be included in the calculation of the number of total additional parcels. (Ord. 5048 § 1, 1993).

**10.16.300 In-lieu-of assessment for interceptor and collector sewers, properties outside interceptor boundary.**

For any parcel located outside of the interceptor sewer basin referenced in Section 10.16.100, an in-lieu-of assessment shall be levied for interceptor and collectors at such time as a permit is issued to connect to any sewer constructed as part of the North Albany Sanitary Sewer Local Improvement District project. The amount of the in-lieu-of assessment shall be equivalent, as far as possible, to the benefit received as determined by the Public Works Director and approved by the City Council by resolution. (Ord. 5048 § 1, 1993).

**10.16.400 Permit requirements.**

All persons desiring to connect a sanitary sewer line to any public sanitary sewer which was constructed as part of the North Albany Sanitary Sewer Local Improvement District project shall first obtain a connection permit from the City of Albany. No connection permit shall be issued for a connection of a sanitary sewer to any sanitary sewer which was constructed as part of the North Albany Sanitary Sewer Local Improvement District project unless an in-lieu-of assessment is levied against the property to be connected, if required by the provisions of this chapter, and paid. (Ord. 5048 § 1, 1993).

**10.16.500 Sewer Bond Revenue Department.**

All monies received from in-lieu-of assessments from all properties within the original North Albany Sanitary Sewer Local Improvement District interceptor boundary as described in the Final Engineer's Report for said district dated April 13, 1993, and any other properties connecting to sewers constructed as part of the North Albany project, plus any interest, shall be deposited by the City Finance Director in the 1991 North Albany Sewer Bond Revenues Department of the Sewer Fund. (Ord. 5048 § 1, 1993).

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

AN ORDINANCE REPEALING CHAPTER 10.16 OF THE ALBANY MUNICIPAL CODE IN ITS ENTIRETY.

WHEREAS, Chapter 10.16 of the Albany Municipal Code sets forth requirements for a special in-lieu-of assessment (ILA) charge for sewer connections of unassessed properties within the North Albany sanitary sewer interceptor basin as defined in the North Albany Sanitary Sewer Local Improvement District Final Engineer's Report dated April 13, 1993; and

WHEREAS, the City of Albany contributed \$1,245,635.60 in non-assessed City contributions to the North Albany Sanitary Sewer District project with the goal of receiving these monies back by charging in-lieu-of assessment charges against properties not previously assessed or previously assessed properties taking additional benefit from the sewer constructed as part of the North Albany Sanitary Sewer District project; and

WHEREAS, staff estimates that the City has been reimbursed a total of \$1,402,976.10, which covers the original investment with modest inflationary adjustments; and

WHEREAS, the Albany City Council has determined that the City has been adequately reimbursed and the North Albany Sewer ILA charge authorized in Chapter 10.16 of the Albany Municipal Code is no longer necessary.

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

Section 1: Albany Municipal Code Chapter 10.16 is hereby repealed.

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

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Jeff Blaine, P.E., Public Works Engineering and Community Development Director *JB*  
Chris Bailey, Public Works Operations Director *CB*

DATE: November 30, 2015, for the December 7, 2015, City Council Meeting

SUBJECT: Water Rates Effective January 1, 2016

RELATES TO STRATEGIC PLAN THEME: ● Safe City  
● Effective Government

Action Requested:

Staff recommends that Council adopt the attached Resolution to forgo a water rate increase for calendar year 2016 and reaffirm rates in Resolution 6411.

Discussion:

Staff is providing Council with the annual water rate evaluation and recommendation. Each year staff evaluates anticipated revenues and compares them to the three cost components of running and maintaining the water utility. The three cost components are:

- Debt Service
- Operations and Maintenance
- Capital Expenditures

The City's first obligation is to pay off debts that we owe. Currently, the City has debt related to construction of the Albany-Millersburg Water Treatment Plant in 2003. This debt was refinanced in 2013 (saving \$7.3M over the life of the loan) and will be paid off in 2033. The City's second obligation is to properly operate and maintain existing water facilities. These facilities include the Santiam-Albany Canal, piped distribution system, water pump stations, meters, reservoirs, and the treatment facilities to treat the drinking water.

Whatever funds are left after paying debts and funding operations and maintenance activities are available for capital improvements. The City needs to invest in capital improvements to replace failing and undersized infrastructure. Adequate investment in this work provides for reliable service to existing customers and anticipates needs to support economic development in the community. Targeted capital expenditures will also reduce the ongoing maintenance costs associated with operating facilities.

In January 2012 staff provided the City Council a report regarding the 5-year needs within the water system and projected rate requirements to support those needs. Council approved a target of generating \$1.45 million (inflation adjusted) in annual water system revenues for capital expenditures. The target was to be reached by fiscal year 2016-17. Over the last four years, Council has approved rate increases "ramping up" to this level of investment in capital.

Last year staff anticipated that a rate increase of 4 percent would be required in January 2016 to reach the target. Healthy revenues over the last two years and continued efforts to control expenditures have led to staff recommending no water rate increases for the 2016 calendar year. In effect, we have reached our revenue target for capital expenditures a year early.

In order to sustain adequate funding for the three cost components, future rate increases will be required. Staff estimates that inflationary increases in the 2 to 4 percent range will be required in the coming years. Material costs, chemical costs, and personnel costs all fluctuate based on different market conditions and are not always predictable. Staff will continue efforts to control costs and provide annual water rate evaluations and recommendations.

Budget Impact:

Forgoing a water rate increase for calendar year 2016 will not impact the budget.

JJB:kw

Attachment

c: Jeff Babbitt, Public Works Senior Accountant  
Mark A. Yeager, P.E., Utility Services Manager  
Karen Kelley, Water Superintendent  
Staci Belcastro, P.E., City Engineer  
Jeni Richardson, P.E., Civil Engineer III

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

A RESOLUTION FORGOING A WATER RATE INCREASE FOR CALENDAR YEAR 2016 AND REAFFIRMING RATES IN RESOLUTION 6411.

WHEREAS, the Water Fund is primarily dependent upon water rate revenues for its funding; and

WHEREAS, water revenues and, therefore, rates must be adequate to cover annual water debt service, operation and maintenance, and capital requirements; and

WHEREAS, the City Council has determined to set future rate increases by evaluating these system requirements annually against anticipated revenues; and

WHEREAS, the City Council completed this year's evaluation at the December 7, 2015, City Council Meeting; and

WHEREAS, no rate increases are necessary for calendar year 2016 in order to cover debt and operating expenses and to keep the water utility on track to be able to generate the targeted \$1.45 million in annual capital revenue by fiscal year 2017.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the water rates and service charges for water service shall not be increased or changed for calendar year 2016 from the rates and service charges effective July 1, 2015, as adopted in Resolution 6411.

DATED THIS 7<sup>TH</sup> DAY OF DECEMBER 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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





TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Jeff Blaine, P.E., Public Works Engineering & Community Development Director *JB*  
DATE: December 4, 2015, for the December 7, 2015, City Council Meeting  
SUBJECT: Capital Reimbursement Policy

RELATES TO STRATEGIC PLAN THEME: ● An Effective Government

Action Requested:

Staff recommends that the City Council adopt the attached Resolution modifying Council Policy for Capital Reimbursement.

Discussion:

The City of Albany's development process is based on the concept that each property is responsible for their own frontage improvements, which includes public utility extensions. Consequently, when a property is developed, the developer is required to extend public infrastructure up to, and through, the property that is being developed. This approach makes utilities available for the developing property and also makes them readily available for the next abutting property to connect to and extend across its frontage.

Typically, when a utility is required to be extended along existing street frontages, there is property on the opposite side of the street that has either not developed or is not interested in participating in the costs to extend the utility at that time. In these instances, the developing property is responsible for the full cost to construct the infrastructure (less any SDC credits or cash contributions).

When the property on the opposite side of the street later develops or connects to the utility, they are charged a Connection Fee. The Connection Fee is calculated by multiplying the length of the property frontage along the utility by the per foot fee adopted by Council. The fee is designed to represent one half of the average cost to install the utility since property on both sides of the street benefit equally. The purpose of the Connection Fee is to reimburse the original developer for the portion of the improvement that benefitted the property on the opposite side of the street (the one that didn't participate in the original construction).

To facilitate this reimbursement, the City relies on Capital Recovery Agreements. The property that develops first and pays to construct the utility enters into a Capital Recovery Agreement with the City. Based on the Council Policy, the term of these agreements is 10 years. If the City collects Connection Fees from the property on the opposite side of the street (the second developer) within that 10-year period, then the City passes those revenues on to the original developer. After 10 years the Agreement is void and City retains any revenues received and uses them to construct infill projects elsewhere in town.

City staff routinely receives requests for longer term Capital Recovery Agreements. Most recently the Mennonite Home made such a request with their land use application to expand their facilities. The Planning Commission was sympathetic to their request and, separate from the land use decision, made a motion requesting that the City Council consider modifying the Capital Recovery Agreement policy to extend the term of the Agreement to 20 years. Public Works staff

supports this request with the understanding that it likely represents a more reasonable time frame for adjacent development to occur.

The attached Resolution amends the current Council policy and extends the term of Capital Recovery Agreements to 20 years. Additional amendments to reflect current practice and terminologies are also included. If Council chooses to adopt the attached Resolution, staff will immediately implement the new policy.

Budget Impact:

Extending the term of Capital Recovery Agreements will not have an immediate budget impact. By extending the term of Capital Recovery Agreements, capital budgets could see decreased revenue over the long term. However, these revenues are primarily intended to reimburse developers, not to support the City's capital budgets.

JB:kw

Attachment

- c: Staci Belcastro, P.E., City Engineer (via e-mail)
- Gordon Steffensmeier, P.E., Civil Engineer III (via e-mail)
- Bob Richardson, Planning Manager (via e-mail)
- Mike Leopard, Infrastructure Analyst (via e-mail)

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

A RESOLUTION MODIFYING COUNCIL POLICY THAT ESTABLISHED A CAPITAL RECOVERY POLICY FOR PUBLIC WATER AND SEWER LINES THAT ARE CONSTRUCTED BY PRIVATE PROPERTY OWNERS OR DEVELOPERS AND REPEALING RESOLUTION NO. 3886.

WHEREAS, the Council of the City of Albany has duly adopted Chapter 15.06 of the Albany Municipal Code, titled Private Construction of Public Improvements, wherein they have declared their intent to allow private property owners or developers to construct public improvements to water, sewer, street, and storm drain systems; and

WHEREAS, on December 17, 1997, the Council of the City of Albany duly adopted a revised Council Policy that established a capital recovery policy for public water and sewer lines that are constructed by private property owners or developers, and which outlines the process for a property owner or developer to be reimbursed for a portion of the cost of constructing a public water or sewer line through in-lieu-of assessment fees charged by the City to new customers connecting to the water or sewer line for a period of 10 years following construction; and

WHEREAS, the Council desires to modify the policy to recognize that In-Lieu-of Assessments have been replaced by Connection Fees, that street and storm drainage costs can also be included in Capital Recovery Agreements, and that the term of the agreements should be extended from 10 to 20 years.

NOW, THEREFORE, BE IT RESOLVED that the Council Policy establishing a capital recovery process is hereby modified as shown in Exhibit A attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 3886 is hereby repealed.

DATED AND EFFECTIVE THIS 7<sup>TH</sup> DAY OF DECEMBER 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

CAPITAL REIMBURSEMENT POLICY  
FOR  
WATER, SEWER, STREETS, AND STORM DRAIN FACILITIES

PURPOSE

To provide a mechanism where property, which benefits from the construction of public improvements by another property owner, may share in the cost of those improvements through payment of a recovery charge to the original developer at the time the later developed, benefited property is developed and the improvements are utilized.

BACKGROUND

~~An existing Council Policy provides a limited method for reimbursing a property owner or developer for the non-oversizing costs of constructing a public sewer line that benefits other non-assessed properties. There is no corresponding policy for private construction of public waterlines. Material costs for water or sewer oversizing costs may be partially funded by the City from Systems Development Charge (SDC) funds. In addition, there are SDC credits available to developers for Master Plan identified improvements that are constructed and that will benefit adjacent and off-site undeveloped properties. The process for applying SDC credits and determining oversizing participation is outlined in existing ordinances and the Albany Municipal Code.~~

POLICY

A property owner or developer who constructs a public improvement to either the sanitary sewer, water, street, or storm drainage systems ~~or the water system~~ may be eligible for reimbursement of a portion of the cost of constructing the line improvement when, in the opinion of the City, such line improvement benefits other properties not immediately assessable, subject to the following conditions:

1. The reimbursement agreement will be a written agreement between the private property owner or developer and the City. The request for the reimbursement agreement must be submitted with the Application for Public Improvement Drawing and Specification Review, more commonly known as the Site Improvement (SI) Permit application, along with the required construction cost estimate information. The agreement must be fully executed prior to beginning construction of the improvement and will be limited to a period of ~~ten-twenty~~ (+20) years following the effective date of the agreement by the City.
- ~~1.2.~~ Eligible facilities, or portions thereof, include water lines, sewer lines, and City standard streets constructed under the City's SI process. Storm drain facilities are also eligible; however, eligibility is commonly linked to whether or not the street is eligible since curb, gutter, and other stormwater related facilities are integral components of streets that are improved to City standards. Portions of improvements funded with City contributions, or those that are eligible for Systems Development Charge credits, are not eligible for reimbursement under this policy.
- ~~2.3.~~ Amount of reimbursement is limited as follows:
  - a. For lines-improvements that front the developer's property, the amount of reimbursement for sewer, water, streets, and storm drain system lines-improvements is limited to one half of the construction costs, as established and approved by the City, and shall not exceed the City's Connection Fee at the time of the effective date of the agreement. one half an eight inch equivalent line that is apportioned to other non-assessed benefited properties. For lines

improvements that are constructed beyond the developer's property line, the amount of reimbursement is limited to the approved construction costs for the entire improvement and shall not exceed two times the City's Connection Fee.~~eight-inch equivalent line.~~

~~b. For lines that front the developer's property, the amount of reimbursement for water system lines is limited to the construction costs, as established and approved by the City, and shall not exceed one half an eight-inch equivalent line for a low to medium density residential development, nor exceed one half a twelve-inch equivalent line for all other land uses. For lines that are constructed beyond the developer's property line, the amount of reimbursement is limited to the approved construction costs for the entire equivalent sized line.~~

~~e.b.~~ The amount of reimbursement is limited to only the in-lieu-of-assessment~~Connection Fee~~ amount collected by the City from other non-assessed properties specifically benefited by construction of the improvements. In no case would the reimbursement amount exceed the amount recovered by the City from the non-assessed benefited and connecting properties.

~~d.c.~~ During the term of the agreement, the eligible reimbursement amount will not be indexed to inflation, nor will the amount accrue any interest.

~~e.d.~~ A processing fee of 10 percent ~~of the total eligible reimbursement amount~~ will be deducted by the City prior to any payments or reimbursement payments.

~~f. Any City System Development Charge (SDC) non-oversizing participation and credits granted the developer as part of the improvement project will be deducted from the total construction costs.~~

~~3.4.~~ Reimbursement will be made by the City only after other non-assessed properties connect to the improvement and have paid the City an appropriate in-lieu-of-assessment fee~~Connection Fee~~.

~~4.5.~~ As non-assessed benefited properties connect to the improvement, the City may elect to provide, as reimbursement to the developer or property owner who constructed the improvement, up to the full amount of the in-lieu-of-assessment~~Connection Fee~~ collected from the non-assessed benefited properties, less the 10 percent processing fee, until the total amount of the eligible reimbursement as calculated under Article 2 Section 3 above and itemized in the agreement is paid.

~~5.6.~~ Reimbursement agreements will only be between the property owner or developer and are not to be considered transferable contracts.

~~6.7.~~ To qualify for a reimbursement, the developer or owner must take certain actions as follows:

- a. Follow the requirements as outlined in Albany Municipal Code Chapter 15.06, Private Construction of Public Improvements.
- b. The property owner or developer shall make a written application for a capital reimbursement agreement at the time of application for the public improvement drawing and specification review.
- c. If the improvement to be constructed is larger than the minimum City standard line-size required to serve the development, then the costs for the minimum-sized line-improvement must be identified and ~~bid separately from the total project estimated cost and this information~~ submitted with other project documentation at the time of application for public improvement drawing and specification review. ~~The minimum line size for sewer is eight inches. For water~~

~~the minimum line size is eight inches for low to medium density residential, and twelve inches for all other land uses.~~

- d. The actual reimbursement agreement amount shall be approved by the City Engineer.
- e. If approved by the City Engineer, prior to construction of the improvements, enter into a written agreement with the City for a period not to exceed ~~ten~~ twenty years. In addition to other provisions as may be required by the City, as a minimum, Sections ~~2, 3, 4, and 5,~~ and 6 of this policy, shall also be incorporated into the agreement.

~~7.8.~~ At the end of the agreement term, any subsequent ~~in lieu of assessments~~ Connection Fees collected by the City from non-assessed benefited properties shall be retained by the City.

9. During the course of the agreement, should the address of the property owner or developer change from what is contained in the agreement, the property owner or developer shall be responsible for notifying the City Recorder by registered mail of the change. Such notice shall reference the signed agreement by title and date.

~~8.10.~~ With approval of the City Engineer, the property owner or developer may submit an application for a reimbursement agreement prior to completion of the SI process, but after application for public improvement drawing and specification review as called for in the preceding Sections.



TO: Albany City Council

VIA: Wes Hare, City Manager  
Chris Bailey, Public Works Operations Director *CB by SJB*

FROM: Staci Belcastro, P.E., City Engineer *SJB*  
Nolan Nelson, P.E., Civil Engineer III

DATE: December 3, 2015, for the December 7, 2015, Council Meeting

SUBJECT: Special Procurement - SS-16-03, Maple Street Lift Station

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Staff recommends the City Council, acting as the Local Contract Review Board, adopt the attached Resolution that will establish a special procurement for the Public Works Department to purchase two Flygt pumps for the Maple Street Sewer Lift Station.

Discussion:

The Maple Street Sewer Lift Station currently has four pumps installed: two submersible 18-Horse Power 1.5 Million Gallon per Day (MGD) Flygt pumps, and two submersible 30-Horse Power 2.2 MGD pumps. The Maple Street Lift Station Expansion project proposes to increase the capacity of the sewer lift station by replacing the two smaller pumps with pumps that will match capacity of the two larger pumps. It is not practical to have different manufacturers of pumps in the sewer lift station. The existing rail system that raises and lowers the submersible pumps into the sewer wet well is designed for Flygt pumps and would need to be modified to accommodate a pump from a different manufacturer which would result in increased cost. Product standardization at the Maple Sewer Lift Station in this case provides increased proficiency, safety, and cost-savings. Xylem, Inc., out of Portland, Oregon, is the only authorized supplier for this product for our region, as required by the manufacturer.

The existing state purchasing rules, which the City has adopted as our own, allow for exceptions to competitive bidding requirements and allow purchases to be made under "Special Procurements" with approval of the City Council acting as the Local Contract Review Board. In accordance with Oregon Revised Statutes (ORS) 279B.085, staff is seeking approval of special procurement for the two Flygt pumps at the Maple Sewer Lift Station. ORS 279B.085 and OAR 137-047-0285 define the requirements allowing a special procurement. They are:

- The use of the procedure will be unlikely to encourage favoritism in the awarding of public contracts, or substantially diminish competition for public contracts; and
- Result in substantial cost savings to the contracting agency or to the public; or
- Substantially promote the public interest in a manner that could not practicably be realized by complying with the other available methods of procurement; and
- Public notice of the approval must be given at least seven days before award of the contract and affected persons may protest the request.

This special procurement request meets the requirements for approval.

Xylem is a sole source supplier for these pumps for Albany's Region; therefore, approval of this special procurement will be unlikely to encourage favoritism in the awarding of public contracts,

or substantially diminish competition for public contracts. This purchasing approval will result in a more efficient process that will save staff and administrative time, and allow staff to install the pumps without adjusting the in-place mechanical systems.

The attached Resolution authorizes the use of the special procurement process after adopting the findings needed to satisfy City and State purchasing requirements. The Resolution also authorizes the City to negotiate and award the contract to Xylem, Inc. for these pumps and related equipment.

Public notice of this request will be made in accordance with state purchasing requirements. This will allow prospective suppliers an opportunity to provide input or feedback to Council, acting as the Local Contract Review Board, prior to the Notice of Award.

Budget Impact:

The cost to purchase this equipment will be approximately \$50,000.

NN:kw

Attachment



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

A RESOLUTION OF THE ALBANY CITY COUNCIL, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, TO WAIVE COMPETITIVE BIDDING AND AWARD A SPECIAL PROCUREMENT CONTRACT FOR TWO FLYGT PUMPS AND RELATED EQUIPMENT TO XYLEM INC.

WHEREAS, Albany Municipal Code 2.66.060 (11), Oregon Revised Statutes 279B.085 and OAR 137-047-0285 allow the City Council, acting as the Local Contract Review Board, to authorize the use of the Special Procurement process for the selection of goods and services contractors for a special purpose; and

WHEREAS, such authorization must be based on written findings submitted by the department seeking the exemption that describes the selected special procurement method to be used and the circumstances that support the use of the special procurement as set forth below; and

WHEREAS, the existing Maple Street Sewer Lift Station currently uses Flygt Pumps and related equipment; and

WHEREAS, procurement of these Flygt pumps allows for compatibility with existing equipment, maintains efficient operations, and promotes the public's best interest; and

WHEREAS, Xylem, Inc. is the supplier of Flygt products so awarding a contract to Xylem is unlikely to encourage favoritism in the awarding of public contract or to substantially diminish competition for public contracts; and

WHEREAS, the use of a special procurement process to purchase these Flygt pumps and related equipment is reasonable and is expected to result in substantial cost savings to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE ALBANY CITY COUNCIL, ACTING AS THE LOCAL CONTRACT REVIEW BOARD:

SECTION 1. Adopts the following findings:

1. The City requires a special procurement of two Flygt pumps and related equipment for the Maple Street Lift Station in order to maintain consistency, uniformity, and efficiency in operations.
2. Xylem Inc., is the sole suppliers of Flygt pumps and awarding a contract to Xylem, Inc. would unlikely diminish competition or encourage favoritism.

SECTION 2. The Public Works Director is hereby directed to negotiate and award a contract for these two Flygt Pumps and related equipment to Xylem, Inc. after the City has given public notice for seven days of its intent to award a contract per Oregon Administrative Rules (OAR) 137-047-0285.

DATED AND EFFECTIVE THIS 7<sup>TH</sup> DAY OF DECEMBER 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

CITY OF ALBANY  
CITY COUNCIL WORK SESSION  
Council Chambers  
Monday, October 12, 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 Rich Kellum, Bill Coburn, Ray Kopczynski, Dick Olsen, Bessie Johnson, and Floyd Collins.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

None.

STORMWATER PERMITTING UPDATE

Utility Services Manager Mark Yeager recapped previous discussions with the Council on this issue. He said he is on the Advisory Committee for Oregon's Department of Environmental Quality (DEQ). The DEQ is in the process of moving from eight types of individual permits to a single general permit. The City of Albany is concerned about the development process for the single permit, but the DEQ is not responding to the City's concerns. The draft permit is about 70 pages long. The DEQ wants to release the permit for public comment in December or January and have it finalized by spring of 2016. Albany is working with other communities to try to get the DEQ to respond to concerns about the new permit.

Councilor Ray Kopczynski said storm water is important in a lot of areas, not just Albany.

Councilor Rich Kellum asked when we will know for certain what the permit requires. The City will have to set up regulations in the Development Code to require people to take care of their own storm water. Yeager said yes, there will be some Code changes, but the City probably won't be regulating individual properties. The usual strategy is to develop best management practices reflecting the community's concerns. He thinks we will know before this time next year. Kellum said he is concerned that those who do storm water right will still have to pay the same fees as those who don't. Responsible people do it before it's regulated, and then those who do it by directive get a financial break from the government. Yeager said he understands the concerns.

Councilor Bessie Johnson asked if the DEQ is considering regulations cities already have on the books, like our recent Code changes for construction runoff. Yeager said it's hard for us to know that. Many communities with individual permits have done things that will be in the general permit. We're developing our programs based on what we know about what other communities have done.

Councilor Floyd Collins asked if the DEQ is relying on best management practices as opposed to numeric standards. Yeager said numeric limits have been litigated in the past, and at this point, it does not appear that the DEQ will be including numeric limits in the proposed general permit.

STAFFING REQUESTS

Interim Public Works Engineering and Community Development Director Jeff Blaine asked the Council for authorization to restore two staff positions, one in Community Development and one in Engineering. The departments have made efficiencies and reorganized workloads for several years but now have too much demand to be able to meet requirements. The Building Division is down about eight full-time employees (FTE) from 2008. Staff did not bring the request earlier because Building Official Gary Stutzman wanted to be sure that building activity would continue. The division has averaged 800 inspections per month over the last three months, a 20 percent increase over the last two years. Stutzman has been doing a building inspector's job for some time, as well as the Building Official's job. He is worried about losing good staff to burnout. He would like to restore a building inspector position, which would be covered by permit revenues.

Kellum said he agrees. It looks like there will be enough building for a while to sustain the position, so we wouldn't have to lay off a recent hire. Collins asked if the low staffing has affected service to contractors. Blaine said yes. The division uses one to three temporary employees now at different times of day to fill the gaps in trained staff. Kopczynski asked if the new e-permit system is helping with workload. Blaine said yes. He would have made this request sooner if not for the new system.

Blaine explained the need for another engineering FTE. The Engineering Division has more projects and more regulations than 15 years ago, but three less staff. The regulatory affairs and master planning group is down one FTE from historic levels, resulting in other workgroups taking on projects that would have traditionally been done by this

workgroup. Staff is requesting authorization to add one FTE to this workgroup. The work is important because of the increasing need for regulatory compliance, and the City needs to hire a very well-qualified person. This is also an opportunity to do succession planning. Yeager has worked for the City for 34 years, and his retirement will create a huge gap in the division. Blaine proposes to hire a well-qualified person at the Engineering Manager level on an interim basis, to succeed Yeager when he retires. The plan addresses short- and long-term needs with one additional FTE. Public Works permit and rate revenues would cover the cost of the new FTE. Engineering is already spending 40-50% of this position's cost on a temporary employee.

Johnson asked what would happen to the Engineering Manager position when the new hire moved into Yeager's position. Blaine said the vacated position would be downgraded to Civil Engineer III, in line with the long-term needs of the workgroup. Johnson said she's in favor of hiring both the Building and Engineering positions. She commended the departments for doing the work they've done for as long as they have.

MOTION: Kopczynski moved to direct Blaine to move forward with both staffing requests. Johnson seconded the motion, which passed 6-0.

#### SPRING HILL AND QUARRY ROUNDABOUT

Blaine reminded the Council of their August meeting with the Benton County Commissioners. Since then, Benton County staff have considered the issue and don't believe they are able to make the changes needed to keep the roundabout as a permanent structure. They want the City to remove it as originally planned, but have procedural concerns with the motion that was made at the joint meeting, which was to consider retaining the roundabout. Benton County has asked the City Council to repeal its motion from that joint meeting.

Konopa invited members of the audience to speak under "Business from the Public" for this item.

Ray Hilts, 2748 Foxglove Loop SE, said he has a friend who lives on the cul-de-sac. His dishes rattle as heavy vehicles drive by. Lights shine into his bedroom. Traffic on Quarry Road is back to normal, so he hopes the Council will approve removal of roundabout.

Tom Cordier, 2240 NW Park Terrace, lives up the hill from the intersection, and uses it every day. He likes the roundabout. The keys to its success are that the trees and shrubs have been cut back to allow better visibility, and the speed limit is reduced. He encouraged the Council to make the roundabout permanent as is, so that trucks can drive over it if necessary. Kellum asked, if the speed limit stayed the same and the brush was kept trimmed back, would that do the same thing the roundabout does? Cordier said yes.

James Hatfield, 1025 Umatilla Court SW, spoke to the earlier storm water discussion. He has been having stormwater problems and hears that the City doesn't have a separate stormwater budget available to make the types of modifications he thinks need to be done. Konopa said the Council has discussed for many years whether to impose a stormwater utility fee as allowed by the state. They will be looking at the issue again. City Manager Wes Hare said the City has included some money for stormwater in the regular sewer utility budget. He thinks most small cities don't have a stormwater utility. Hatfield said most cities this size do have one.

Konopa asked Hatfield about the issue on his property. Hatfield said a culvert at the back of his property floods. It affects him and his neighbors. Some of them are affected worse than he is. The whole area needs culverts but because there isn't a budget for it, it may never happen. Konopa explained that in a new development, every property pays for its own drainage. But with infill, it's hard to assess properties fairly for improvements that should have happened earlier. There are many areas like this in the City. We need to take care of them by a master plan. Hatfield said when he has a problem, he calls the emergency number, which is expensive. Konopa thanked him for bringing this to the Council's attention.

In regards to the roundabout, Kopczynski said he doesn't use it much but hasn't had any problem with it. It was designed on purpose so that trucks can drive over it. He asked, since we have to defer to Benton County, what about the money we budgeted for taking it out? Blaine confirmed that the decision is entirely Benton County's. Removing it is in the project budget and in the contract.

Kopczynski asked why Benton County is asking the Council for input. Hare said he thinks they're trying to be good neighbors. The joint meeting suggested that the roundabout was working, and that it should stay. Benton County says if it stays it will require a major investment, and they have a petition from neighbors asking that it be removed. They don't want to simply overrule the Council, so they are asking the Council to withdraw its motion. Collins said he agrees with Cordier, but has had calls from neighbors in favor of reduced speed on Spring Hill and improved traffic safety. The State will probably not keep the reduced speed limits on Spring Hill. He asked Benton County if there's another traffic-calming device that could be used, and County staff said they weren't aware of any but that it hadn't been evaluated.

Blaine said there are other concerns if the roundabout stays. There are very limited pedestrian opportunities there. Pedestrians don't have a clear view of traffic, and it isn't safe. There is also a power pole that is very close to the travel lane that might need to be relocated. Before the detour there were problems with south-bound drivers going too fast. The detour and the increase in traffic volume reduced the speed problem. One consideration in making the intersection safe would be whether, without the detour, speeding would increase again.

Kellum said he thinks Benton County won't pay to keep the roundabout, so if we want to keep it, we would need to spend the money, with no guarantee that ODOT would be willing to keep the reduced speed limit.

Councilor Bill Coburn expressed frustration. Both the roundabout and the next item on the agenda were designed to be temporary and so didn't have to go through all the design and impact studies. They both work, but if we want to consider having them permanently, they have to be redesigned. This is government at its worst. He wondered if it would be possible to put a moratorium on the projects' removal and study them for a year.

Councilor Dick Olsen asked if the state would allow a stop sign on Spring Hill Drive. Blaine said he doesn't know, but will ask Transportation Systems Analyst Ron Irish to look into it. Collins said it's Benton County that would have to approve stop signs. He said if the roundabout is working, he doesn't want to spend money to remove it. Hare said the problem is that a large number of residents are strongly opposed to it, and Benton County's opinion is that it has safety issues as constructed.

Blaine said, since Benton County wants it removed, he would like direction from the Council tonight to remove it. Delaying approval could result in contractor delays and increased costs. Coburn asked if the City would incur liability by leaving the roundabout there, since it isn't built to standard. City Attorney Jim Delapoer said yes. A City usually has discretionary immunity based on an engineer's opinion that the structure is safe. But Blaine has mentioned safety concerns. If someone were hurt, the City could be sued, but might not lose. Hare said the weakness is that this was never intended to be permanent or constructed to permanent standards.

Johnson said the decision is Benton County's decision. Why not let them make the decision and accept the liability?

MOTION: Kellum moved to rescind the City Council's original support for the roundabout. Johnson seconded the motion.

Collins suggested adding to the motion a request that Benton County evaluate north-south stop signs and a permanent reduction in speed on Spring Hill Drive. Delapoer suggested keeping the first motion and then making a second motion.

VOTE: The motion to rescind the City Council's original support for the roundabout passed 5-1, with Kopczynski voting no.

MOTION: Collins moved to ask Benton County to find traffic-calming up to and including stop signs and a permanent reduction in speed. Olsen seconded the motion, which passed 6-0.

#### DUAL LEFT-TURN LANES HWY 20 AND SPRING HILL DRIVE

Ray Hilts, 2748 Foxglove Loop SE, said he likes the dual left-turn lanes. Most of the traffic is in the left-hand left-turn lane because that's what people are used to. That lane backs up past Hickory Street. Using the right-hand left-turn lane is easier. He is in favor of leaving it as is.

Tom Cordier, 2240 NW Park Terrace, also spoke in favor. He understands that the state is agreeable to keeping the two left-turn lanes but concerned about trucks coming south on Spring Hill Drive and the excessive slope of the road on Highway 20. The state thinks Albany won't police the trucks to make sure they use Hickory Street instead. Signs are posted, but he's seen trucks stay in the left lane. A condition for keeping the two lanes has to be that all trucks must use Hickory Street, but how will the City enforce that?

Blaine said he hasn't had a chance yet to talk to Irish about his meeting with the state. Irish and Benton County both feel there is little chance of getting ODOT to leave the dual lefts, given their concerns about compliance and the issue of trucks turning over. Those are realistic concerns. ODOT will require the City to submit studies in support of any request to keep the dual left-turn lanes. He said the City has three options: let the left-turn lanes be removed without pursuing permanent changes; try to complete studies before they have to be removed; or let ODOT require their removal, get more complete information, and then decide whether to ask ODOT to install dual lefts permanently.

Collins said he's frustrated. ODOT designed that intersection years ago, knowing that trucks came down Spring Hill. Now they're asking the City to do \$20,000 worth of evaluation to fix what ODOT created. He likes the dual left turn, but thinks it's not possible to make the big trucks do what is safe. He would like a discussion of how to fix the problem, with ODOT participating.

Coburn asked if ODOT would agree with leaving the dual left-turn if the detour was also left. Blaine said initially they appeared open to it, but in further discussion they have said they want studies made and at two levels of ODOT. So even if the City did the studies, there would still be a chance it wouldn't get approved. Coburn asked if the City can fight ODOT on it. Blaine said he thinks it would be better to let the lanes expire with the project and pursue it after the project ends. There isn't enough time for the City to evaluate it before ODOT wants it put back the way it was. Coburn said he is also frustrated. Blaine said he believes ODOT is concerned about a decrease in compliance with signage on the detour since the project was completed. Irish says he's seen the same thing. ODOT is concerned about the real risk of a truck tipping over.

MOTION: Johnson moved to let the dual left-turn lanes revert to a single left-turn lane and then work with ODOT to see if there's a solution. Kopczynski seconded the motion.

Collins suggested letting ODOT know that time constraints, not support of the single lane, are the reasons for this action. Coburn asked, even if there was time, where would we get the money? Collins asked why the City would pay for it? Benton County owns the road.

VOTE: the motion passed 4-2, with Olsen and Kellum voting no.

#### ONE PERCENT FOR ART

Delapoe called the Council's attention to the ordinance in the agenda packet prepared by Delapoe following the Council's direction. He pointed out the changes made. He said that, although it seems like a lot of changes, the purpose is to conform to the practice the Council has discussed as desirable. Management Assistant/Public Information Officer Marilyn Smith said that the last word in the ordinance should be "constraints," not "restraints." Coburn asked Delapoe if the Ordinance would come back on the September 14, 2015, agenda. He'd rather wait and see it again in two weeks.

Collins said he objects to the last sentence of 2.96.010(1) relating to funds from third parties. He thought the Council had decided against "only" and "not." Konopa said the Council actually didn't vote on this. Delapoe asked if the Council wants the percentage to be based on gifts and grants, which would increase the amount. Collins said no. The Council discussed the possible effects on potential donors of leaving grants and gifts in the calculation.

Hare suggested leaving the ordinance as written tonight, given that the Council wanted more time to consider it. Delapoe suggested deleting the sentence altogether. The Council would keep their ability to decide.

MOTION: Collins moved to delete the last sentence in 2.96.010(1) from the ordinance. Kellum seconded the motion, including changing "restraints" to "constraints." The motion passed 4-0, with Olsen and Johnson voting no.

The rewritten ordinance will be on the agenda for the October 28, 2015, meeting.

#### RECREATIONAL MARIJUANA

Ed Melvin, 1024 Calapooia St SW, said he understands that recreational marijuana sales would bring extra income to the City. Konopa said, only very little. The state tax is 25 percent; 17 percent of that is distributed among 240 cities, based on the number of dispensaries in the city. The revenue must be used in certain ways. Enforcement will cost more than the money we receive. Melvin said some people would disagree with that.

Melvin said he called Konopa last week looking for information. He thought the extra money would help to erase Call-A-Ride's (CAR) two-dollar one-way transportation fee. He said it's unfair to use property tax for this. Property taxes also pay for police, fire, and parks and recreation services. If someone with a disability wanted to go to River Rhythms, it would cost \$4 to get there and back. Konopa said she had suggested in their phone conversation that he call Disability Services. He said he called CAR and left information after-hours, but never got a call back the next day. He said he mentioned a doctor's appointment, but had to walk home, which was very hazardous for him. He thinks marijuana income should be used to provide services for people with disabilities. It's unfair for him to pay property taxes to get a ride. The recreational marijuana resolution should be passed. He said Konopa told him in their phone conversation that she'd bring up the issue of disabilities. Konopa said she will bring it up at the meeting Wednesday, October 14, since there was not time tonight. She advised him to call Disability Services, and if they don't return his call in a week, to call her (Konopa) again.

Rhea Graham, 1440 Lawnridge Street SW, said her business has three full-time employees and no police calls. She needs to renew her lease. She has no interest in recreational sales. She thinks the Council is mad at her and her business and is punishing other owners because of that. She hopes the Council will embrace the huge revenue that will come.

Jane Bason, 1870 Beca Court SE, said that Konopa's comment as quoted in the newspaper was offensive. Konopa said the comment was taken out of context. There were some errors in the story. Bason said Oregon citizens passed Measure 91, but the Council is going to change some of the rules. She lives with fibromyalgia, and Graham has helped her with her medical marijuana. She said there is no excuse for not renewing Graham's lease. Konopa said the Council is not closing down any medical marijuana facilities and in fact has supported them. Graham's lease is between her and her landlord.

Cindy Etzel, 15241 Skelton Road SE, Jefferson, said that she serves veterans, many of whom use medical marijuana. They need the Council's help for access. Recreational marijuana is no different from beer, wine, or scotch. She urged the Council not to "play god" to the people who need marijuana. Konopa clarified that she and the Council voted for medical marijuana dispensaries.

June Buechting, 2487 40th Avenue SE, asked the Council to let adults make their own choices about recreational use of any form of marijuana.

Tom Cordier said he understands that the law passed by the voters allows communities to make certain decisions on their own. He's hearing today that the people of the state passed a law and the City Council is changing it. That's not true. The Council is allowed to place certain restrictions, and it's complicated. Using marijuana is not the same as drinking wine or beer. Alcohol is metabolized faster. The effects are not the same. He hears people say, we all want our kids to grow up in a great community, and we already have alcohol and drug abuse, so why not marijuana? That fails the test of

logic. He is glad that the Council is struggling with the issue. He wants to go on record in favor of every kind of restraint the Council can come up with.

Konopa said she has heard over and over that the Council needs to accept recreational marijuana because the measure was approved. Measures sometimes pass but don't get implemented; for example, Measure 47, which was corrected by Measure 50. Also Measure 37, which would have destroyed land use. The state passed a corrective measure later. The state is trying to come up with solid rules to implement this measure.

Dan Schutte, 522 36th Court SW, said he was at the recent City Council meeting where the vote was 4-2. He has looked at data in Albany, and says that vote didn't represent the people. He said federal law says certain authorities may refuse to perform any duties because marijuana use is still prohibited by federal law. But you can't use the federal law as an excuse for not doing what state law says. The people have spoken and the Council isn't hearing them.

City Attorney Sean Kidd said there will be issues with taxes. Banks are still leery of accepting money from marijuana sales, which are still a violation of federal law. There are concerns about how cities can collect tax revenues. No taxes will be collected on sales of recreational marijuana from medical dispensaries until January. At that point there will be a 25% tax on early sales, which will be allocated to local governments based on population. After 2016, the tax allocation will be based on the number of licenses issued by a community. Banning early sales does not prohibit a city from sharing tax revenue before 2016. But banning recreational facilities would stop the possibility of receiving any revenue.

Kidd asked what the Council would like as far as time, place, and manner direction. Nothing the Council will pass will have any effect on existing medical marijuana dispensaries selling medical marijuana. The Council can pass an ordinance to ban recreational facilities and new medical facilities. In that case, the City wouldn't get early-sales tax revenues. The ordinance would go on the Albany ballot in November of 2016. In effect, the ordinance would put a moratorium on recreational facilities in Albany. The OLCC will not issue licenses in any city that is in the process of banning recreational sales. The first question for the Council is: do they want to ban recreational marijuana facilities? If the answer is yes, then they don't need time, place, and manner regulations. If the answer is no, then this is a good time to consider time, place, and manner regulations. A lot of the OLCC's draft rules don't pertain to cities. Measure 91 gave cities the opportunity to decide how to regulate the law.

Kellum asked if use of marijuana tax money would be restricted. Kidd said yes. Marijuana tax revenue has to be used for enforcement of marijuana issues. Olsen asked if that included buying police cars? Kidd said yes. Olsen asked if all of the City's marijuana revenue would have to be used for law enforcement. Kidd said no. There was discussion of possible rules relating to taxing recreational marijuana.

Kopczynski said we need solid rules and we have to be follow them, and the rules will come out of the OLCC. Allowing medical dispensaries to sell recreational marijuana early could give us a good idea of whether our regulations are effective. He hasn't heard of any infractions in any community, which proves that recreational sales are working well. Our problem is how to come up with reasonable time, place, and manner regulations to allow it to go forward. Since Albany did vote in favor of Measure 91, why not participate? The rules will always be changing. If we wait until they're perfect, nothing will happen.

Konopa said we still need a solid base to start from. Half of our community is opposed to marijuana. Waiting until the Oregon Liquor Control Commission (OLCC) has adopted their rules allows us to do our due diligence. Kidd suggested that the Council consider whether they want to simply ban recreational facilities. If so, they need to do it before the OLCC begins issuing licenses in January. Kellum asked, why not allow recreational facilities in a certain time, place, and manner, and then vote on it in 2016? Kidd said in order to go to a vote, the Council first has to adopt an ordinance to ban the facilities.

Delapoer said the City doesn't have any flexibility with the state. If the Council decides to put the question of a ban to the voters, no licenses will be issued until after the vote. If the Council decides not to put it to a vote, then recreational sales will be allowed. Kidd said the Council already voted to ban early recreational sales at medical dispensaries. But beginning in January, the state will accept applications to open recreational facilities in Albany. Then the state will ask the City for a Letter of Compliance on the applicant's properties. The City will have 21 days to reply. The state probably won't issue licenses until late summer or early fall, but we need to have regulations in place to evaluate compliance before the state starts responding to applications.

Delapoer said the City Attorneys won't act without direction. The question is, does the Council want to put banning recreational facilities to a public vote in November? This would be effectively taking a neutral position. Kidd reminded the Council that they need to pass an ordinance banning recreational facilities in order to put it on the ballot. Delapoer said Measure 91 had many facets. The only aspect the City can say anything about is whether there can be recreational facilities in Albany. Kidd added that the City has the ability to ban growing, or processing, or new medical facilities, all subject to voters' approval. Konopa asked, if the Council passed an ordinance banning recreational marijuana sales, and then made Development Code changes, could the Council rescind not going to the voters? Kidd said the Council can rescind its ban on recreational facilities. Coburn asked if the Council could vote to allow early recreational sales at medical facilities and still put a ban on all marijuana sales on the ballot. Kidd said yes. The Council could rescind the ban on early sales and then pass an ordinance to ban all marijuana facilities. If they banned sales now, the City would lose tax revenues effective immediately.

The Council decided by consensus to discuss the issue again at their Wednesday, October 14, 2015, meeting.

Albany City Council Work Session  
October 12, 2015

Konopa reminded the Council that there are now three issues carried over to that meeting: fireworks concerns, Melvin's disability issue, and rail noise.

PUBLIC SAFETY FACILITIES UPDATE

There was none, because of the length of the meeting.

COUNCILOR COMMENTS

None.

CITY MANAGER REPORT

None.

ADJOURNMENT

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

Respectfully submitted,

Allison Liesse  
Accounting Specialist

Reviewed by,

Stewart Taylor  
Finance Director



TO: Albany City Council  
FROM: Sharon Konopa, Mayor *Sharon (sk)*  
DATE: December 4, 2015, for December 7, 2015, City Council Meeting  
SUBJECT: Appointments to the Community Development Commission  
RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Council approval of the following appointments:

***Community Development Commission – three-year terms***

Dick Olsen, economic development representative (reappointment)  
Dan Sullivan, Planning Commission representative (reappointment)  
Joann Zimmer, at-large representative (reappointment)

Discussion:

Terms expired December 31, 2014. All three have requested to be reappointed.

Budget Impact:

None.

SK:ldh

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TO: Albany City Council

VIA: Wes Hare, City Manager  
Jeff Blaine, P.E., Public Works and Community Development Director *JB*

FROM: Staci Belcastro, P.E., City Engineer *SJB*  
Ron Irish, Transportation Systems Analyst *R.I.*

DATE: November 23, 2015, for the December 7, 2015, Council Work Session

SUBJECT: Quiet Zone at Rail Crossings

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

Action Requested:

Staff seeks direction from Council concerning whether to further investigate creation of quiet zones for at-grade rail crossings within the city.

Discussion:

On September 7, 2015, Council members received an email (Attachment 1) from Mr. William Talley requesting that Council consider developing short-term and long-term plans for implementing “quiet zones” for at-grade rail crossing in the city.

According to the ODOT Rail website, quiet zones consist of “... *railroad crossing(s) where trains are prohibited from sounding their horns. The train horns can be silenced only when other safety measures compensate for the absence of the horns.*” A new quiet zone must be a minimum of one-half mile in length, and every public at-grade crossing must be equipped with flashing light signals and automatic gates. In order to form a quiet zone, local agencies must work with the Federal Railroad Administration (FRA), the affected railroad company(s), and ODOT Rail to form a diagnostic team to assess the risk of train-vehicle collision at each grade crossing to determine the type of safety improvement that will be required. The required safety improvements can include:

- Permanent closure of the crossing to vehicle traffic;
- Raised medians on both sides of the railroad tracks to prevent motorists from driving around lowered crossing gates;
- Converting two-way streets to one-way travel;
- Installation of four quadrant gates.

Albany has four separate rail corridors (Attachment 2) in town used by three actively operating railroads: Union Pacific Railroad (UPRR), Portland & Western Railroad (PWRR), and Albany and Eastern Railroad (AERR). A fourth railroad (Burlington Northern Railroad - BNRR) owns one of the corridors. Based on data contained in a draft technical memo prepared for the Albany Area Metropolitan Planning Organization’s regional transportation plan, UPRR supports approximately 25 through freight trains and six passenger trains per day. PWRR manages roughly six freight trains per day between Albany and Toledo, and four additional freight trains per day on the Oregon Electric line. AERC has about 11 freight trains per day.

In total the rail corridors within Albany include 29 at-grade crossings spread throughout town, as well as a ½-mile section of track that runs down the middle of Water Avenue between Main

Street and Geary Street. None of the at-grade crossings are improved to quiet zone standards. The cost of converting a crossing to quiet zone standards has previously been estimated by ODOT Rail to be approximately \$500K per crossing.

Implementation of a quiet zone eliminates the federal requirement for trains to use their horns when approaching crossings located within the quiet zone. The need for use of horns when approaching crossings located outside the quiet zone remains. That means that the shorter the segment of track treated the less benefit to the overall community. Regardless of the amount of money spent, it's unlikely Albany would ever be able to eliminate all train horn noise within the community. There are some rail corridors in town, such as Water Avenue between Main Street and Geary Street, where installation of quiet zone improvements is technically infeasible.

Budget Impact:

The cost of implementing quiet zone improvements at all 29 at-grade crossing in Albany has been estimated at up to \$14.5 million in today's dollars.

RGI:kw

Attachments (2)

**Irish, Ron**

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**Subject:** 2 proposals for improving Albany's appeal and the quality of life of its residence

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**From:** tallywg [mailto:tallywg@aol.com]

**Sent:** Monday, September 7, 2015 8:12 PM

**To:** Konopa, Sharon; EXTERNAL - Olsen, Dick; EXTERNAL - Collins, Floyd; Kopczynski, Ray; bcoburncc@gmail.com; Johnson, Bessie; Kellum, Rich

**Cc:** Richard.A.SHANKLE@odot.state.or.us; lmtally@comcast.net; tallywg@aol.com

**Subject:** 2 proposals for improving Albany's appeal and the quality of life of its residence

To: Albany Mayor Konopa and the Albany City Council

The following are 2 proposals for improving Albany's appeal and the quality of life of its residence, both of which may ultimately be of benefit to Albany's long term economic welfare. I'm certain that the residents of Albany would appreciate any consideration the Albany City Council would give to these two matters:

Proposal (1), City Refuge Receptacles:

My wife and I recently moved to North Albany and for exercise we often walk Springhill Blvd, Hickory, Quarry and North Albany Roads. During our walks we've noticed considerable litter along the road ways. As such, during the past few weeks I've taken to picking up litter while walking these streets. However, because there aren't trash receptacles along these streets, particularly Quarry Rd., at times it is quite cumbersome to carry bags of trash to receptacles that are 1+ mile away.

Over the course of approximately 3 weeks I've collected approximately 20+, 4-gallon bags of litter, of which 5 bags have been thus far accumulated from the south side of Quarry Rd. alone. I'd like to recommend that refuge receptacles be installed near the corners of Quarry and North Albany, Quarry and Springhill, Hickory and Springhill and Hickory and North Albany. The convenience of these would provide a means for walkers and bikers to deposit refuge, and perhaps encourage others to maintain the cleanliness of this area. This might also be a test vehicle to determine if such a system might be beneficial to other areas in Albany.

An added suggestion, and as a result of my recent observation of the construction along North Albany Rd., it would be beneficial to also require construction sites to have dumpster style receptacles for the disposing of their refuge, as I've notice that the construction debris in this area is currently only accumulate in piles, which allows much of the paper and plastic items to eventually become strewn about the area.

## Proposal (2), Train Quiet Zones:

During the 25 years my wife and I have lived in the Corvallis-Albany region, we've observed the population of both cities to have approximately doubled. Both towns have taken measures during this time to accommodate the increased personal and commercial vehicle traffic by modifying their transportation infrastructure. However, one consequence of increased traffic that has not been addressed is that of the local train transport, and its inherent noise pollution.

As I'm sure all residence of Albany are aware, train transport is prevalent in the Albany area and has become ever more so as the population of Oregon and the Willamette Valley area has increased. And its inherent noise pollution has become so prevalent, that it seldom allows the residence of Albany an uninterrupted period sleep without the obstructive sound of a train whistle. In fact it has become so problematic, that some days it is common for train whistles to sound multiple times each hour for periods of several hours, making sleep for most of the Albany residences difficult, if not impossible. And with the continued growth of Albany's population (and Oregon's) it is likely this issue will become ever more problematic.

In fact, it would not be surprising if over the next 25 years that train transportation would become 2-4X the current level, thus making sleep ever more difficult for residence of Albany. This in turn may likely cause the city of Albany to become a very undesirable area to live. Case in point, earlier last week there was a period from 1am to 4am during which trains at various crossings whistled approximately every 10-15 minutes. (These instances were from various crossings throughout Albany, some 2-3 miles from our home. Thus, indicating that a single train whistle will impact a considerable area of Albany, minimally estimated at 12.5 square miles. ) While this was admittedly an extreme case, one might anticipate with a population growth of 2-4X over the next 25 years, such instances may extend for 6 to 12 hours unless measures are taken to mitigate its occurrence. Such circumstance could very likely dissuade families from considering Albany as a potential place of residence, and potentially discouraging merchants, realtors, restaurants...etc. from considering Albany as a place of business. Both circumstances could in turn impact revenue from residential/commercial property taxes

Thus, I'd like to recommend the Albany City Council consider developing short-term and a long term plans with ODOT, FRA ad Benton County for implementing "quiet zones" throughout the city of Albany as has been done for other Oregon cities such as Eugene. To accommodate FRA and ODOT "Quiet Zone" requirements, some current track configurations may be amenable to limited modification allowing the quiet operation of trains. However, other track configurations with Albany would require a more significant redesign in order to meet FRA and ODOT requirements. The latter may be those requiring a longer term plan, perhaps incorporating their

modification as a part of a larger future commuter infrastructure changes. At the very least, it is important that the need for more quiet train operation not be overlooked whenever future Albany infrastructure changes are considered, and that Albany planning be cognizant of the need to address future train operation with Albany, and the need to consider the quality of life for residents living within the Albany city limits.

A recommendation would be to consult with Rick Shankle, Manager, Crossing Safety Section ODOT, Rail & Public Transit Division 503-986-4273 , as a resource for his knowledge and recommendations as how to address this concern. And I'd like to acknowledge his help in my understanding of the complexity of this issue.

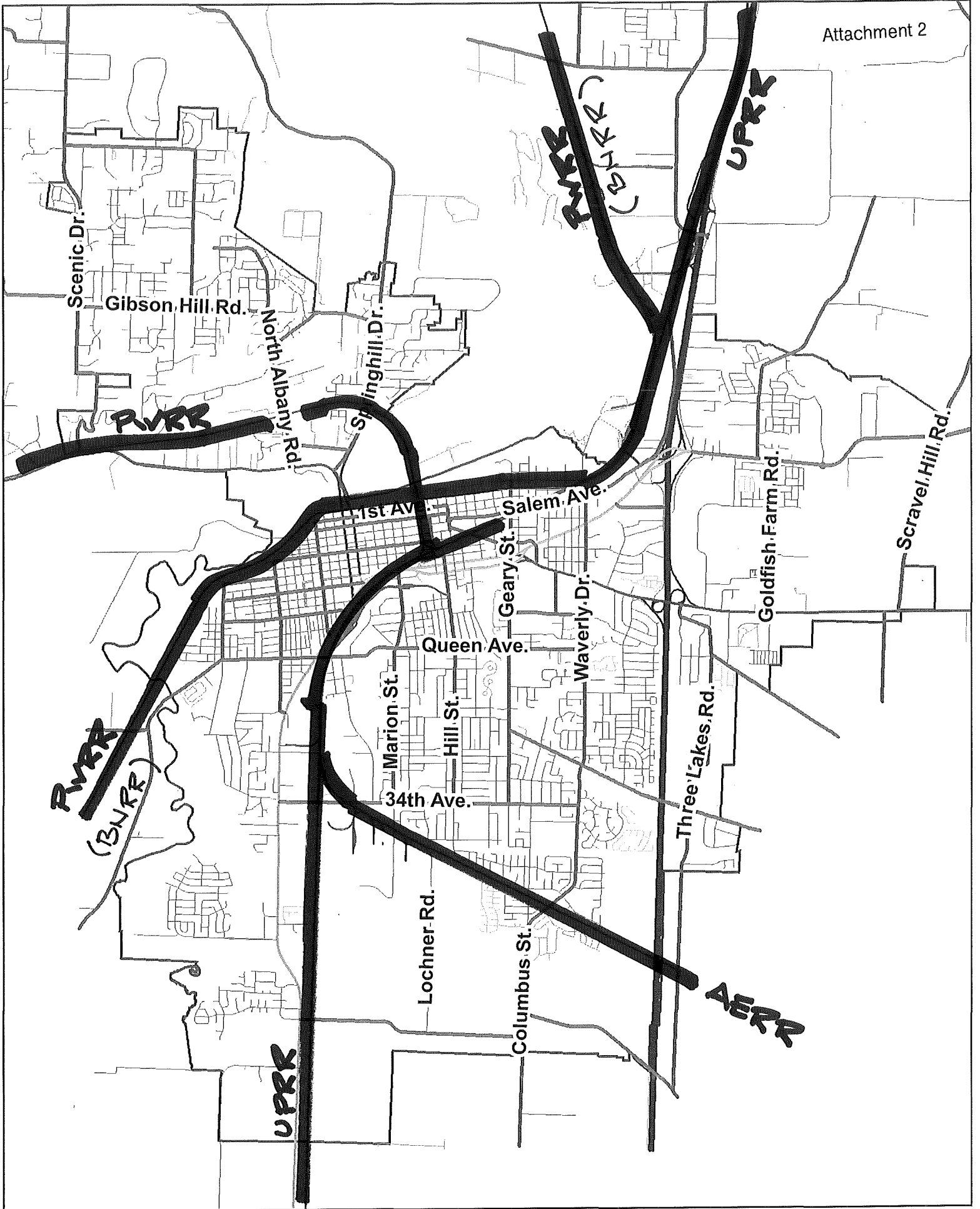
Respectfully,

William Tally

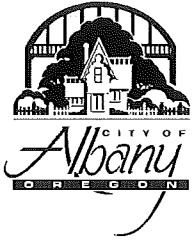
952 Troon St. NW

Albany, OR

541-791-7419



Railroads Active in Albany



TO: Albany City Council

VIA: Wes Hare, City Manager  
Jeff Blaine, P.E., Public Works Engineering and Community Development Director *JB*

FROM: Staci Belcastro, P.E., City Engineer *SB*  
Ron Irish, Transportation Systems Analyst *R-I*

DATE: November 10, 2015, for the December 7, 2015, Council Work Session

SUBJECT: Bicycle and Pedestrian Commission - Recommendation for Ellsworth and Lyon Street

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

Action Requested:

The Bicycle and Pedestrian Advisory Commission recommends that Council submit a request to ODOT for approval of sharrow installation on Lyon Street and Ellsworth Street.

Discussion:

The Albany Bicycle and Pedestrian Advisory Commission submitted a letter (Attachment A) requesting that Council consider submitting a request to ODOT for installation of sharrows on Lyon and Ellsworth Streets. Sharrows are a pavement marking often used on arterial and collector streets in situations where conventionally striped bike lanes are not an option. Their primary function is to remind drivers on the facility to expect cyclists, and to provide cyclists with information concerning where to ride on the road. Sharrow installation does not necessitate the removal of any on-street parking.

Albany's Transportation System Plan (TSP) does include two projects (Attachment B) for installation of sharrows on Lyon and Ellsworth Streets. They were identified as short-term projects and are funded 100 percent by TSDC funds. The total cost in 2010 dollars for both roads is \$6,000.

Lyon Street and Ellsworth Street are both under ODOT jurisdiction. Based on an informal inquiry, ODOT is willing to consider a request to allow sharrow installation on the two roads. If the request is approved, ODOT would likely require the City to install and maintain the sharrow striping through an Intergovernmental Agreement (IGA). Albany has entered into similar agreements with ODOT in the past for installation of crosswalks across the highway system at non-signalized intersections.

Budget Impact:

Albany TSP projects B20 and B21 estimate the cost of sharrow installation on Lyon and Ellsworth Streets at \$6,000 in 2010 dollars, and show them as being 100 percent TSDC funded. In the event a request to ODOT is made and approved, TSDC funds could be used for the installation.

RGI:kw  
Attachments (2)

## Request to the City Council for Bicycle Facility Improvements on Ellsworth and Lyons Avenues in the downtown area

This letter is a request to City Council for bicycle facility improvements to improve safety and accessibility for cyclist traveling to and from North Albany to the rest of our city to the south. These improvements will require only painted symbols causing little disruption to traffic, no physical construction and minimal cost. The changes will improve safety for all users of these roadways and will increase their capacity.

As a "Bicycle Friendly City", we have a major obstacle to for many cyclists needing to enter Albany from the north via the Ellsworth Street Bridge including many in north Albany. Access to the rest of the city is severely limited by the perception, especially by new and inexperienced riders, that using the bridge roadway is unsafe.

Some cyclists simply refuse to ride. Others feel forced to inappropriately and dangerously (and illegally?) ride their bicycles on the narrow Ellsworth bridge sidewalk that has inadequate space for a pedestrian (who has the right-of-way) and a bike together. Even more disturbing are those who ride against traffic on the Lyons Street Bridge sidewalk.

There is little possibility, for a number of reasons, that a bike lane can be placed on Ellsworth and on Lyons between First St. and Pacific Blvd. Yet cyclists need to be able to use these important arterials to reach destinations in other areas of the city. Fortunately, there is another tool we can use to solve the problem, it is called a sharrow.

Sharrows are those white symbols painted on the street that combine a bicyclist symbol with arrows (chevrons) indicating the direction of travel. In Albany, they are common around our schools. They can be used on nearly any street where bicycles and motor vehicles may mix and there no space or it is inappropriate for striped bike lanes. There are several sharrows on Main Street in the new round-a-bout at Main and Salem Avenue. By definition, they are used to reinforce the message to all road users that bicycles, as a legal vehicle, may share that portion of the roadway.

To improve the safety and accessibility for cyclists traveling to and from our city on Highway 20 (SR 20), we are requesting approval to request Oregon Department of Transportation (ODOT) add "sharrows" and related improvements to the portions of SR 20 in Albany as follows:

- 1) the right lane of the Ellsworth Street Bridge and its continuation to Pacific Blvd.
- 2) the right lane of Lyons Street from 9<sup>th</sup> Avenue, north to the bridge. (Lyons Street Bridge already has striped bike lanes that ending at the north end of the bridge and no changes are needed on the bridge itself).

At the north end of the Lyons Street Bridge at the intersection with Springhill Road, however, more discussion with ODOT is needed. Possible striping modifications may be needed to facilitate cyclists and motorists continuing north and for cyclists and motorists turning right to negotiate the intersection safely.



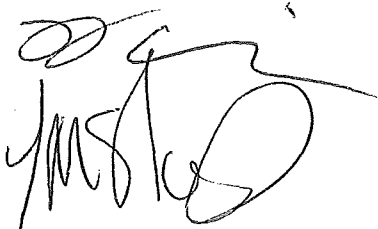
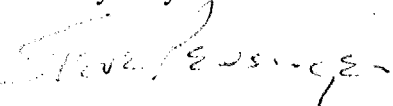
These changes have been discussed in concept with a representative of ODOT. ODOT has agreed to consider installation of sharrows on these streets if requested by the city. It would be our responsibility to maintain them once installed.

These low-cost changes will serve daily bicycle commuters to and from Corvallis. The changes will make it safer and less stressful for all users crossing the river into Albany.

With these improvements, we can expect more and more of our citizens to leave their cars at home and use their bicycles to get to work and school and more. The proposed changes fit into the draft goals of the Regional Transportation Plan being developed by the Albany Area Metropolitan Planning Organization (AAMPO) and they will enhance sustainability goals adopted by our city. Since every adult cyclist represents one less car, as our population grows, we can expect to see increase in the number of trips over the bridge with smaller or no increase in motor vehicle traffic. More cyclists mean less congestion, less pollution and a safer, healthier, more sustainable community.

We urge your approval of this request.

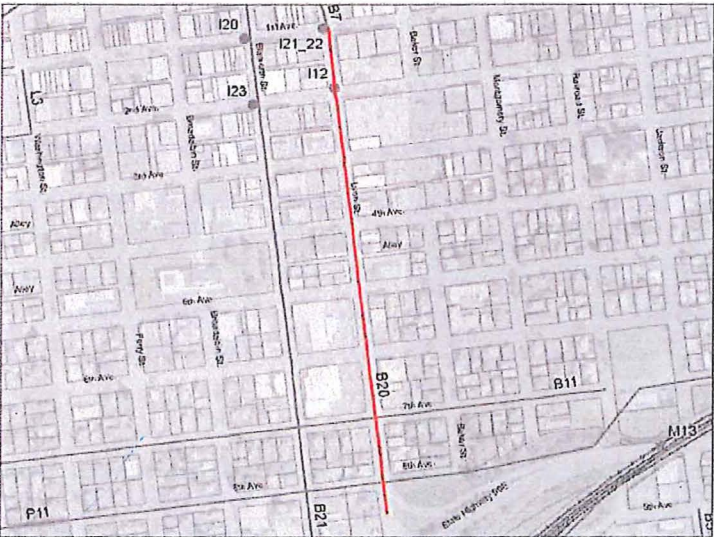

Albany Bicycle and Pedestrian Advisory Commission



Mark B. Siddall



<b>Project #:</b> B21		<b>Ellsworth Street</b>			
<b>Description:</b> Install painted "Sharrows" in the bike lane gaps on Ellsworth Street from 9th Avenue to Springhill Drive, including Ellsworth Street bridge. Painting a shared right-of-way (sharrow) symbol on the pavement does not require parking removal. This project is contingent upon ODOT approval, inclusion of sharrows in the MUTCD, and the associated guidance in the MUTCD.					
<b>Category:</b> Sharrows		<b>Classification:</b> Principal Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Short-term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$4,000	\$0	\$0	\$4,000	100%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input type="checkbox"/>	Safety <input checked="" type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input checked="" type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> B11, P11, I9, I20, I23, L60		
<b>Illustrative Section:</b>					

<b>Project #:</b> B20		<b>Lyon Street</b>			
<b>Description:</b> Install painted "Sharrows" in the bike lane gaps on Lyon Street from 9th Avenue to the Willamette River (no sharrows needed on bridge due to shoulder). Painting a shared right-of-way (sharrow) symbol on the pavement does not require parking removal. This project is contingent upon ODOT approval, inclusion of sharrows in the MUTCD, and the associated guidance in the MUTCD.					
<b>Category:</b> Sharrows		<b>Classification:</b> Principal Arterial		<b>Agency Coordination:</b> ODOT	<b>Time Frame:</b> Short-term
<b>Project Costs:</b>	Const./Eng.	ROW	Other	<b>Total Cost</b>	<b>SDC Eligible:</b>
	\$2,000	\$0	\$0	\$2,000	100%
<b>Project Goals Met:</b>					
Efficiency <input type="checkbox"/>	Capacity <input type="checkbox"/>	Safety <input checked="" type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input checked="" type="checkbox"/>
<b>Project Location:</b>			<b>Related Projects:</b> B7, B11, P11, I12, I21, I22		
					
<b>Illustrative Section:</b>					
					



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Kate Porsche, Economic Development & Urban Renewal Director  
DATE: December 3, 2015, for the December 7, 2015, City Council Meeting  
SUBJECT: Seeking Direction from Council on Brandis Property Wetlands Delineation

RELATES TO STRATEGIC PLAN THEME: ● A Healthy Economy

Action Requested:

Please review the information in this report and provide staff with direction as to wetland delineation work.

Background:

The City owns two parcels of land located off of Knox Butte Road and Timber Ridge Road (see map, below). The land came into the City's possession when the previous owner (Brandis) defaulted on their LID assessment obligation and the City took the land in exchange for the debt. Council had previously indicated an interest in selling the property as a possible way to repay the Economic Development Fund, which lent the money for the LID improvements.



We have had interest from a couple of different parties but have been working closely with Greater Albany Public Schools (GAPS) as they have expressed interest in a piece of the property to the north of Timber Ridge Elementary School.

As conversations began, it was agreed that an appraisal of the property would help GAPS (and the City) to understand the current value of the property. Through this process, it was made clear that any valuation of the property would require a full wetland delineation. In conversations with the appraiser and other interested parties, it was confirmed that to understand the value of the property, one must understand the location and extent of wetlands (thus, the available

buildable land) to determine value.

Ryan Beathe in Public Works conducted some research related to costs of a full wetland delineation on the City-owned parcels—please see outline below and attached map (Attachment A).

**Total Cost:    \$ 21,675.05**

Per lot breakdown (see attached map)

Tract 1:	\$ 10,187.30
Tract 2:	\$ 4,551.75
Tract 2:	\$ 4,985.25
Tract 4:	\$ 1,950.75

It is proposed for the wetland delineation work to be done by the Acker Group, LLC, Wetlands & Forestry Consultants and can only be done during the wet season, which is why we are coming before you now. Should you choose to fund the delineation work, staff recommends that settlement proceeds earmarked for economic development be used for this purpose.

Budget Impact:

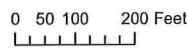
\$21,675.05—staff recommends this come from the Economic Development Fund.

KP:hr  
Attachment 1

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**Timber Ridge Road  
Wetland and Waters Determination**



**Legend**

- LWI Significant
- LWI Insignificant
- National Wetlands Inventory
- City of Albany Taxlot Selection



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Kate Porsche, Economic Development Director  
DATE: December 3, 2015, for the December 7, 2015, City Council Meeting  
SUBJECT: Seeking Direction from Council on the Transient Lodging Tax Policy  
RELATES TO STRATEGIC PLAN THEME: ● A Healthy Economy

Action Requested:

Please review and provide feedback as to which body should be tasked with review and revisions of the Transient Lodging Tax Policy.

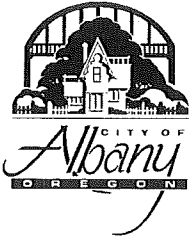
Background:

This item came before the Council at the November 9 Work Session. At that session, the item did not receive four votes to go in a specific direction; so the item was held over to the December 7 meeting.

Please find attached the original staff report from October 30, 2015, for your review.

KP:hr  
c: Ed Hodney, Parks & Recreation Director

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TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Kate Porsche, Economic Development Director  
DATE: November 30, 2015, for the November 9, 2015, City Council Work Session  
SUBJECT: Seeking Direction from Council on Transient Lodging Tax  
  
RELATES TO STRATEGIC PLAN THEME: ● A Healthy Economy

Action Requested:

Please review this report and provide feedback as to which body should be tasked with review and revisions of the Transient Lodging Tax Policy.

Background:

The TLT was last discussed during the budget hearings and the adoption of the budget. The approved budget allocated \$40,020 for the salary of the new Expo Center Sales contract position (plus up to \$50,000 for commission), as well as a redistribution of the excess TLT to the Equipment Replacement Fund.

At that meeting, there was discussion about changes to the existing policy so that it would better match the Council's goals for the use of the money (including the new allocations mentioned above). However, there was no specific action taken, nor was there consensus as to how the policy should be changed.

Since that time, these issues have been floating without resolution. In meeting with Parks & Recreation Director Ed Hodney and City Manager Wes Hare, we determined that the best course of action was to bring the topic back to the Council and seek direction.

Outlined below you'll find a list of the items on which we seek your guidance. It is our expectation that this work session will define a path forward, not delve into the details of the funding allocations or the specifics of the policy—at this point we seek only framework of how to move forward.

Question of Reviewing Body:

Staff seeks direction on who will review the current policy and make a recommendation. In past meetings, there has been discussion and various ideas on this topic. There seems to be a handful of different options including:

- The TLT Advisory Committee, as outlined in the current policy. This group is a seven-member committee including the Mayor and one other member of the Albany City Council, a representative of the local hotel/motel group, the Albany Visitors Association Director, the Albany Downtown Association Director, a Linn County Commissioner or designee, and the Albany Parks & Recreation Director.



- The ad hoc group that has been periodically meeting. This group generally consists of members of the above committee but with additional political representation from the City or the County. It also includes additional hoteliers and the City's Economic Development Director.
- Some other work group appointed by the Council. This option would have the City Council appointing a special work group or subcommittee to review the policy and allocations.
- The City Council. This option would have the Council directly reviewing the policy and deciding on a course of action.

Staff recommends that City Council directly review the policy. Because of the politically sensitive nature of this topic and the allocation of funds, we feel that the Council should review the policy. We believe it would be possible to complete this work in one or two special work sessions. Additionally, we believe direct review would result in better understanding on the part of all Councilors and clear communication with current TLT recipients as compared to creating a subcommittee or using one of the ad hoc groups.

When the policy work begins, we see a number of items that should be reviewed:

- Changes and consideration of the existing allocation formula;
- Allocation of any excess TLT funds to the Equipment Replacement Fund;
- Deletion of the CTP program/line item and transfer of this line item to the Expo Marketing Contractor;
- Reduction in the reserve line item from \$100,000 to \$50,000 (to cover the first year of commission for the Expo Marketing Contractor).

Again, we do not anticipate that you will begin deliberation regarding the specifics of the policy at Monday's work session, but rather you will provide direction to staff as to which body should be charged with the review and modifications to the TLT Policy.

Budget Impact:

There is no budget impact at this time.

KP:hr

c: Ed Hodney, Parks & Recreation Director

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