



**NOTICE OF PUBLIC MEETING**  
**CITY OF ALBANY**  
**CITY COUNCIL**  
 Council Chambers  
 333 Broadalbin Street SW  
 Wednesday, January 28, 2015  
 7:15 p.m.

**OUR MISSION IS**  
*"Providing quality public services  
 for a better Albany community."*

**OUR VISION IS**  
*"A vital and diversified community  
 that promotes a high quality of life,  
 great neighborhoods, balanced  
 economic growth, and quality public  
 services."*

**AGENDA**

Rules of Conduct for Public Meetings

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

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. SCHEDULED BUSINESS

a. Business from the Public

b. Adoption of Resolution

- 1) Authorizing use of Sewer Economic Development Funds for completion of elevation certificates and technical assistance for North Albany residents facing potential negative financial consequences as a result of the Federal Emergency Management Agency's (FEMA) new floodplain maps. [Pages 3-6]

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

c. Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) November 12, 2014, City Council Regular Session. [Pages 7-10]
  - b) December 8, 2014, City Council Regular Session. [Pages 11-14]
  - c) December 15, 2014, City Council Work Session. [Pages 15-17]
- 2) Accepting a dedication deed from Grace Point – A Church of the Nazarene. [Pages 18-23]

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

- 3) Accepting a street and utility right-of-way dedication from the City of Albany. [Pages 24-29]

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

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

d. Award of Bid

- 1) SS-15-03, Century Drive lift station improvements. [Pages 30-32]

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

e. Reports

- 1) Code Enforcement Team Semiannual Report for Fiscal Year 2014-2015. [Pages 33-34]

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

- 2) Albany Municipal Airport Fixed Base Operator contract. [Page 35]

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

5. BUSINESS FROM THE COUNCIL
6. NEXT MEETING DATE: Work Session: February 9, 2015  
Regular Session: February 11, 2015
7. ADJOURNMENT

City of Albany Web site: [www.cityofalbany.net](http://www.cityofalbany.net)

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

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TO: Albany City Council

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

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

DATE: January 20, 2015, for the January 28, 2015, City Council Meeting

SUBJECT: North Albany Floodplain Study / Elevation Certificate Funding

RELATES TO STRATEGIC PLAN THEME:

- A Safe City
- An Effective Government

Action Requested:

Staff recommends that Council authorize use of up to \$100,000 of Sewer Economic Development money to help North Albany residents comply with anticipated floodplain requirements associated with release of FEMA's new North Albany floodplain maps.

Discussion:

At the January 12, 2015, Council Work Session, staff provided Council with an update on the North Albany Floodplain Study. At the meeting staff provided an overview of the study, a status report on FEMA's review, summarized potential impacts for North Albany residents, and requested that Council consider funding Elevation Certificates for some North Albany properties. Without the information typically contained in an Elevation Certificate, staff will not be able to work with property owners to understand potential flood insurance impacts or offer suggestions for them and their insurance agents to consider for controlling their flood insurance costs. The City is not directly involved with floodplain insurance and there is no requirement for Albany to fund Elevation Certificates or to provide technical assistance to residents. Council requested that staff bring the Elevation Certificate request back for further consideration with an accompanying resolution (Attachment 1).

Elevation Certificates are a tool that property owners can use to manage their flood insurance costs. Without them, many North Albany residents could end up paying more for flood insurance. An Elevation Certificate is used to document site and building specific information compared to the mapped flood elevations on the parcel being evaluated. Collected data ranges from ground elevations to the number, size, and location of foundation vents, and finished floor elevations. Elevation Certificates will be required of many North Albany properties in order to determine the best path forward given their site-specific conditions and to ultimately control their costs.

Elevation Certificates are typically completed by a land surveyor and cost around \$500, depending on the property location and proximity to an approved elevation bench mark. A local surveyor has indicated that if we can group properties together, the cost per certificate could drop significantly. The responsibility and costs for securing Elevation Certificates rests on individual property owners. However, in this case since the flood map changes are the result of a study initiated by the City, staff is proposing that the City fund obtaining Elevation Certificates for those impacted by the changes. At the January 12, 2015, meeting, Council expressed reservations about funding a program resulting from FEMA's mapping errors and asked if there were any FEMA-based grant programs to help property owners. Staff, state

floodplain managers, and our flood insurance consultant were not able to identify any FEMA or state based grant programs for elevation certificates.

Staff is recommending that Council authorize the use of up to \$100,000 in Sewer Economic Development funds to support a program for properties located in the floodplain within the City Limits of North Albany. The primary focus of the program would be to complete Elevation Certificates for properties with potential negative financial impacts from FEMA's new floodplain maps and to help identify ways to reduce costs, such as adding additional foundation vents. Identifying potential ways to reduce costs would be done through consultation with Hagan Hamilton Insurance and would not take the place of each property owner needing to work directly with their insurance agents prior to making any financial decisions.

At the January 12, 2015, meeting, there was consideration given to a loan program for funding Elevation Certificates. Staff does not believe this is a viable alternative given the complexities associated with establishing financial accounting and reporting procedures to develop a loan program, the relatively low cost for elevation certificates, and the number of potentially interested property owners. Even if Council chooses not to fund Elevation Certificates, staff anticipates that there will still be some near term costs associated with investment of staff time and support from Hagan Hamilton Insurance while we answer homeowners' questions.

Budget Impact:

If Council authorizes using up to \$100,000 of Sewer Economic Development funds to help North Albany residents comply with anticipated floodplain requirements, then the Sewer Economic Development Capital Reserve will be reduced to \$403,400. The use of these funds would not impact any currently planned projects. The FY 2016 budget will identify adding funding to the Sewer Economic Development Fund toward re-establishing the fund balance goal of \$500,000.

JJB:kw

Attachment

c. Jeni Richardson, P.E., Civil Engineer III

Bob Richardson, Planning Manager

Melissa Anderson, Planner II

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

A RESOLUTION AUTHORIZING USE OF SEWER ECONOMIC DEVELOPMENT FUNDS FOR COMPLETION OF ELEVATION CERTIFICATES AND TECHNICAL ASSISTANCE FOR NORTH ALBANY RESIDENTS FACING POTENTIAL NEGATIVE FINANCIAL CONSEQUENCES AS A RESULT OF FEMA'S NEW FLOODPLAIN MAPS.

WHEREAS, North Albany has experienced a significant amount of development pressure; and

WHEREAS, land use and permit applications associated with proposed development identified what appeared to be a floodway through North Albany that was not shown on the Federal Emergency Management Agency's (FEMA's) floodplain maps; and

WHEREAS, the floodway is the primary flow path within a floodplain and should be kept free of obstruction in order to protect life and property; and

WHEREAS, the City of Albany initiated a study of the floodplain in North Albany in order to respond appropriately to development pressures and protect existing and future development; and

WHEREAS, the North Albany Floodplain Study confirmed that FEMA's maps omitted a floodway through North Albany and that they also incorrectly mapped the depths and extents of flooding throughout the North Albany floodplain; and

WHEREAS, the study results were submitted to FEMA for their review; and

WHEREAS, FEMA has reviewed the study and accepted the study results with minor modifications; and

WHEREAS, FEMA will release updated floodplain maps for the North Albany area that reflect the findings in the North Albany Floodplain Study; and

WHEREAS, FEMA's new maps will impact both the number of North Albany residents required to carry floodplain insurance and the required insurance premiums; and

WHEREAS, the City of Albany is not directly involved in floodplain insurance; and

WHEREAS, the City of Albany would like to help property owners understand the potential impacts of FEMA's new floodplain maps and provide assistance; and

WHEREAS, floodplain insurance discussions on a site-by-site basis require site-specific information typically collected through an Elevation Certificate; and

WHEREAS, many property owners have not obtained Elevation Certificates and may not be familiar with how to obtain them and use them; and

WHEREAS, City staff has proposed using Sewer Economic Development funds to complete Elevation Certificates and provide technical assistance for North Albany residents facing potential negative financial consequences as a result of FEMA's new floodplain maps.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that up to \$100,000 of Sewer Economic Development money be used for the completion of Elevation Certificates and to provide technical assistance for North Albany residents facing potentially negative financial consequences as a result of FEMA's new floodplain maps; and

BE IT FURTHER RESOLVED that the Public Works Director, or his/her designee, is authorized to determine if a property owner is facing potentially negative financial consequences and qualifies for funding; and

BE IT FURTHER RESOLVED that the Public Works Director is authorized to determine when it is appropriate to cease funding and re-allocate any remaining funds to Sewer Economic Development reserves or as otherwise directed by Council.

DATED AND EFFECTIVE THIS 28TH DAY OF JANUARY 2015.

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Mayor

ATTEST:

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City Clerk

CITY OF ALBANY  
 CITY COUNCIL  
 Council Chambers  
 Wednesday, November 12, 2014  
 7:15 p.m.

## MINUTES

## CALL TO ORDER

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

## PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge of allegiance to the flag.

## ROLL CALL

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

Councilors absent: Councilor Bill Coburn was excused.

## PROCLAMATION

Albany Charitable Toy Run.

Mayor Konopa read the proclamation for the Albany Charitable Toy Run.

Konopa said, this is a wonderful organized annual toy run. It is a joy to watch the kids waiting patiently for their turn to select a toy.

Councilor Bessie Johnson asked where they get the names of kids who are invited to participate. Toy Run representative Bill Root said they get the names from the School District; they are the same kids who are eligible for free breakfasts. About 65-70 kids are invited to attend.

## SCHEDULED BUSINESS

## Public Hearing

Community Development 2013 Annual Report and community needs.

Planner II Anne Catlin said this is the second required public hearing for annual feedback from the public about needs they see in the community, which could benefit from Community Development Block Grant (CDBG) funds, and to hear comments on the programs and activities of the grant.

Catlin said the annual report goes through June 30, 2014. Page 26-27 of the Council packet is a snapshot of the progress to date. They are running two years of programs right now. At this time, Catlin has not received any comments. Agencies were invited to attend the meeting tonight.

Catlin gave a PowerPoint presentation (see agenda file.) Catlin described the CDBG Program Goals, which are decent housing, a suitable living environment, and expanded economic opportunities:

## Decent Housing:

- Housing Rehabilitation Loans – no interest, deferred payments
- Essential Repairs Grants – repairs to make dwelling eligible for free weatherization assistance
- Jackson Street Youth Shelter – acquisition assistance
- Albany Helping Hands Transitional Housing – acquisition and rehabilitation

## Suitable Living Environment:

- Periwinkle Path replacement/repairs
- Sunrise Park remodel – add parking lot, new play equipment and amenities, lighting

## Expanded Economic Opportunities:

- Microenterprise Training and Advising – free enrollment through Linn Benton Community College's Small Business Development Center (SBDC)
- Small Business Development and Advising – reduced enrollment and free advising through SBDC
- Small Business Grants through the City of Albany

## Public Services:

- Family Tree Relief Nursery – infant child abuse prevention
- YouthBuild – job training program

- C.H.A.N.C.E. – General Education Diplomas (GEDs) for persons recovering from substance abuse
- Center Against Rape and Domestic Violence (CARDV) – emergency shelter nights
- Jackson Street Youth Shelter – outreach and case management for at-risk youth
- FISH – shelter and services to homeless women with children

Further Fair Housing: reduce impediments to fair housing choice, education and outreach

Open: Konopa opened the public hearing at 7:28 p.m.

Konopa asked if anyone wished to speak. No one did.

There was no one listed on the signup sheet (see agenda file).

Close: Konopa closed the public hearing at 7:28p.m.

Councilor Ray Kopczynski asked, since many of the projects are just up and running with no expenditures yet, do you still have to spend a certain amount by the end of the fiscal year? Catlin said they will have spent \$200,000 after they submit for reimbursement. In order to receive the annual funding the City can't have more than 1.25 percent of their annual allotment left at the end of the year. In looking at the projections, she is not concerned. Costs incurred also include her staff time and expense.

Assistant City Manager/Public Works and Community Development Director Mark Shepard said this program is supported by outside funding. The only participation the City has is some administrative support for Catlin.

MOTION: Kopczynski moved to adopt the Annual Report. Johnson seconded the motion and it passed 5-0.

#### Business from the Public

Patty Louisiana, Chair of the Veteran's Day Parade, thanked the Council very much for allowing the parade to take place. There are over 100 volunteers from Corvallis, Hewlett Packard, Home Depot, the Lebanon Strawberry Festival, the Oregon National Guard and Oregon Air Guard, and of course the veterans. Businesses also continue to step up. There was a WWII veteran's luncheon at Sybaris free of charge; the guests were 85-95 years old. This parade puts Albany on the map; they get calls from all the over country.

Konopa thanked Louisiana for her organization of this wonderful event. Konopa praised the float submitted by Home Depot. Louisiana explained that a flyover was ordered and requested by the Pentagon, but it was canceled three weeks before the parade. It also happened last year, because of the sequester.

Louisiana said there were 219 entries on the list. All the parade entries were larger this year.

Councilor Floyd Collins asked if there was additional effort to encourage kids to come out; he noticed there was more this year than previous years. Louisiana said, not officially; but there were busses that came from Eugene full of kids. The parade was advertised in Eugene and Portland. This is her fifth year working the parade.

Johnson said Louisiana did a marvelous job organizing the parade. Johnson is pleased that WWII veterans were honored.

#### First Reading of Ordinance

Adopting Chapter 3.90 of the Albany Municipal Code (AMC) and granting a nonexclusive telecommunications franchise to Casco Communications, Inc., for the construction and operation of a telecommunication system; and fixing terms, conditions, and compensation of such franchise; and declaring an emergency.

City Attorney Jim Delapoe read the ordinance for the first time in title only: AN ORDINANCE ADOPTING CHAPTER 3.90 OF THE ALBANY MUNICIPAL CODE (AMC) AND GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO CASCO COMMUNICATIONS, INC. FOR THE CONSTRUCTION AND OPERATION OF A TELECOMMUNICATION SYSTEM; AND FIXING TERMS, CONDITIONS AND COMPENSATION OF SUCH FRANCHISE; AND DECLARING AN EMERGENCY.

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

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

MOTION: Johnson moved to adopt the ordinance and Kopczynski seconded it. The motion passed 5-0 and was designated Ordinance No. 5845.

Adoption of Resolution

ST-14-03, accepting a cooperative improvement agreement with the Oregon Department of Transportation (ODOT) for construction of pedestrian-activated warning lights on Santiam Highway near Bain Street.

Johnson said there are a lot of rear-end accidents in this location and asked if it is wise to put crosswalks in the middle of the busiest highway. Shepard said there is tension of trying to get vehicles through town but also providing opportunities for people to get out of their vehicles. The crosswalks are already there; this project just makes them more visible when activated by the pedestrians. Discussion followed.

Councilor Rich Kellum said he had a citizen complain about getting rear-ended and also experienced a near-hit of a pedestrian in that area. Discussion followed.

MOTION: Kellum moved to adopt the resolution and Kopczynski seconded it. The motion passed 5-0 and was designated Resolution No. 6368.

Report

Selection of design firms for new Police and Fire buildings.

Fire Chief John Bradner said this is an update on the design selection process for the new downtown fire station and the police department building. The Public Safety Facility Review Committee (PSFRC) had recommended the City go out for a Request for Qualifications (RFQ) process to see who qualified and is interested; and then do a Request For Proposal (RFP) process. They have completed the RFP process and got six responses for the fire building and four for the police building. From that, each department narrowed it down to three design teams to present proposals to staff. The presentation boards were put up at the Library to solicit feedback from the public. The presentation boards were also shared with public safety personnel, the PSFRC, and rural fire district board members. Then the design team scored the proposals and selected a successful design team for each public facility.

Bradner and Police Chief Mario Lattanzio thanked the members of the design team: Shepard, Engineering Manager Staci Belcastro, Retired Senator Frank Morse, Retired Sherriff Dave Burreight, Assistant Fire Chief Shane Wooton, Fire Lieutenant Jason Katzenstein, Captain Jeff Hinrichs, and Detective Juston Alexander representing the Teamsters Union.

Bradner said at the end of process each department had selected three firms. One design firm, Mackenzie from Portland, chose to submit proposal for both facilities and were selected by both police and fire. They have designed fire and police stations in the northwest and Bradner said it was obvious they knew what they doing. They are a quality team, understand what the City is looking for, and they can see the big picture goal to get the best value for both facilities.

Bradner introduced Jeff Humphries from Mackenzie. Bradner said the other four firms are aware they did not get the project. After the 7-day protest period is over, staff will ask Council to allow the project to move forward by awarding the bid.

Collins said that each firm presented a concept. His understanding of the RFP is that the City now owns the concepts, and the City can ask Mackenzie to consider other concepts in their final design. Bradner said that is correct. Discussion followed about further work that will take place as Mackenzie refines the design.

Collins said the original proposal that came from the PSRFC is that the City offer \$40,000 per participant or \$120,000 per facility, to get the concepts; yet the process was altered, and the City paid zero. Brander said yes, that is correct. Collins pointed out that the City has already saved \$240,000; Bradner agreed.

Kellum said he thought that if one firm got both designs it would save money; he asked if that was the case. Bradner said that the costs for Architectural and Engineering services could not be considered during the selection process, but that there could be some economies of scale. Kellum asked, now that they are in the design stage, who will do what and who does Mackenzie report to. Bradner said both chiefs and their staff would be doing much of the oversight; then during the construction phase they would hire someone to manage that portion of the process. City Manager Wes Hare said they built into the RFP process a requirement that the design team have a civic engagement component so Mackenzie will be doing that critical piece. Discussion followed.

Kellum discussed a school that has solar power that is paid for by rate payers. He asked if those types of things were considered. Bradner said that is the reason they were happy to select Mackenzie, because they have the experience in building facilities in Oregon.

Kopczynski asked what the timeline is for the project. Shepard said first thing the Council will see is a request to approve the contract with Mackenzie. Then the civic engagement piece will take place. Once they have settled on the skeleton of design it will come back to Council as well. The ballot title for the bond measure will come to the Council in early February in order to meet the Linn County filing deadline.

Konopa wants to see the timeline in writing; she wants to see a paper trail to show what was communicated to the Council and when. Discussion followed.

Collins supports the idea of using a Clerk of the Works during construction. Having a neutral party is critical and they would be on the jobsite daily. It is a good model to work with. Collins also described that it was helpful to have operational staff involved during the design of other projects, so he hopes that is done in this case as well.

Hare said they also need to be protective of two chiefs, who have full-time jobs; they should not be construction managers.

Collins appreciates the work of the PSFRC. They waded through a lot of material. They looked at the concept, involved private citizens, looked at pros and cons, and made recommendations. Collins thinks the recommendations will be manifested in the concepts for the design.

#### BUSINESS FROM THE COUNCIL

Johnson said there is an area between Fred Meyers and Bi Mart that is not a crosswalk, but people use it that way. Someone saw a wheelchair stuck on the center divider. She asked if there is something that can be done to create a crosswalk. Shepard said staff will look into it and report back.

Hare reported on the Lebanon City Council meeting and the subject of the canal. He said Lebanon is looking at their own intake to consider if they can do it cheaper themselves. Hare said, we agreed to work with Lebanon's consultant to address questions we have about the canal as part of the study and we will cover the cost of the questions we have. Albany wants recognition of the consequences downstream of actions taken in Lebanon; Hare thinks that they do appreciate that fact. Hare said they work well together and cooperate in other areas, so he is confident they will be able to work out this conflict as well. He gave some history of the canal. Regardless of whether they take water from the canal for drinking water purposes, the canal goes right through their city; so there are other issues that are important such as stormwater and flooding. They have issues about the use of the canal as an amenity and for adjusting water levels in Cheadle Lake. Hare thinks the meeting was a good start towards recognizing each other's mutual needs and setting the framework for future discussion. By consensus they agreed to let their City Manager meet with Hare to talk about the scope of work.

Shepard said there is behind the scenes work that Community Development (CD) does that he wants to draw attention to. Last month, CD passed the recertifications for community rating systems for flood insurance ratings. Every year, CD goes through a paper audit and every five years a more intense audit takes place. CD received notice that Albany is in good standing. Four years ago, CD improved Albany's ratings which resulted in flood insurance rates dropping for citizens. This work allows Albany citizens to obtain flood insurance at the best rates possible.

NEXT MEETING DATE:      Work Session: November 17, 2014  
                                    Special Work Session: December 1, 2014  
                                    Regular Session: December 3, 2014

#### ADJOURNMENT

There being no other business, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC  
City Clerk

Stewart Taylor  
Finance Director

CITY OF ALBANY  
CITY COUNCIL WORK SESSION  
Municipal Court Room  
Monday, December 8, 2014  
4:00 p.m.

**MINUTES**

**CALL TO ORDER**

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

**ROLL CALL**

Councilors Present: Councilors Bill Coburn, Floyd Collins, Bessie Johnson, Rich Kellum, Ray Kopczynski, Dick Olsen

Councilors Absent: None

**BUSINESS FROM THE PUBLIC**

There was none.

**INVESTMENT POLICY REVIEW AND ANNUAL MARKET UPDATE**

Finance Director Stewart Taylor said that Government Portfolio Advisors was selected as the City's Investment Advisor through an RFP process that was undertaken this year.

Sally Walton, Government Portfolio Advisors, gave an update on the bond market. Rates have started to rise and market participants believe there will be a rise in short-term rates by the Federal Government in mid-2015. Rates are dependent on continued economic growth nationally. The City's portfolio is very safe and liquid, and the firm is poised to add securities if rates continue to rise. Currently, 16% of the City's portfolio is in Treasuries and the remainder is in Agency Securities. The City has funds in the Oregon Pool which has investments in Corporate Bonds so it was felt the City had enough exposure to corporate investments at this time.

Walton reviewed recommended changes to the policy based on Oregon Short Term Fund Board's recommendation that public funds address split ratings on credit type issuers. The proposed wording would incorporate using the lowest rating when both Standard & Poor's and Moody's rate the same issuer for commercial paper, corporate indebtedness, and state obligations.

City Manager Wes Hare noted that in the past, interest on the fairly substantial balances the City maintains was a good income source. In recent years, rates have been very low and the balances have not been earning much interest. With the volatility we have seen in investments, the City's bigger concern is making sure the balance doesn't go down rather than figuring out how to use the financial policies to make it go up. Walton agreed that ensuring the balance doesn't go down is the first priority, the second being liquidity and the third being a market rate of return.

Councilor Ray Kopczynski asked about the policy language under Delegation of Investment Authority which states that the Finance Director, acting on behalf of the City Council, is designated as the Investment Officer of the City. Taylor said the City Council has the ultimate authority and responsibility for the safety of the City's investments and assets on hand. The policy language is following the format of the Oregon Short Term Fund Board in designating the delegation of that authority to an individual in the organization.

**RISK MANAGEMENT POLICY REVIEW AND ANNUAL CLAIMS HISTORY REPORT**

Steve Uerlings, Barker Uerlings Insurance, distributed the City of Albany Risk Management Report, December 8, 2014 (see agenda file). He reviewed the Schedule of Property and Liability Insurance, showing coverage and premium history for the last five years. For 2014-15, earthquake coverage was doubled to \$50 million for \$9,000 additional premium. The modeling shows anticipated losses for the City at \$32 million and his firm is comfortable with the \$50 million limit since it was priced affordably. Crime coverage was also doubled to \$500,000 for just over \$600 additional premium. He felt this was a worthwhile change due to increasing concerns about computer fraud. He then reviewed information and graphics in the report showing the five-year history of premiums, deductibles, and losses for Property Insurance, Tort Liability, Tort Liability by Department, Automobile Liability, Auto Liability by Department, Automobile Physical Damage, Auto Physical Damage by Department, and Property and Liability Insurance Claim Costs.

City Councilor Dick Olsen asked if the City's premiums are affected by past performance. Uerlings explained the rate structure and affirmed that rates are individualized based on experience and that the City may see a reduction based on the last three years which have been excellent.

City Attorney Jim Delapoer raised an issue that he would like the Council to consider. From time to time, the City pays claims for utility system problems for which there is no insurance and for which the City has no legal liability. For example, the City paid for property damage to the Albany Box Company this year when a water line broke. The City pays those claims as a matter of utility policy and not as a matter of legal responsibility, and he expressed concern about setting a precedent. He asked that the Council have a future discussion about the policy with regard to utility losses.

City Councilor Bill Coburn asked where homeowners insurance comes into play. Uerlings said most homeowners' policies have limitations for sewer and water damage in the \$5,000 range, if it is covered at all. He agreed that paying uninsured claims can set a precedent and he stated that future claims could include not only property damage but also potentially a loss in fair market value of the residence. He suggested that the City let the claim process start and if the claim is denied, the City could make a determination if it is something they want to pay on behalf of the customer.

Following brief discussion, Council agreed that they would like to have a future discussion about policy and parameters around paying claims for uninsured utility system problems.

In response to an inquiry from Councilor Bessie Johnson, Uerlings said that the cost/benefit of higher deductibles is considered on an annual basis.

#### FINANCIAL POLICIES REVIEW

Taylor referred to a previous report by the City's Bond Counsel on the municipalities continuing disclosure cooperation initiative, and a motion by Council at the November 10, 2014, Work Session to self-report the failure to properly disclose a 2008 ratings upgrade and implement policies and training procedures suggested by the Securities Exchange Commission. As an update, he advised that staff did self-report and has received confirmation from the SEC that they received the report, and that staff has been working with Bond Counsel on draft policies.

#### WATER RATE DISCUSSION

Public Works Director Mark Shepard said this is the fourth year of the annual water rate discussion. Last December, staff estimated that a 4% rate increase would be required in January 2015. Updated revenue and expenditure information has led to a reduction in the recommended rate increase to 2%. The rate increase would provide just under \$300,000 in revenue. For a resident using 6 units of water, it would be an increase of about \$0.83 per month; for a resident using 8 units, it would be just under \$1 additional per month. The average residential customer paying \$3.41 per day for both their water and sewer service and receives safe drinking water, reliable service, fire protection, and economic development opportunities.

Shepard showed a five-year history of Water Operating and Maintenance Expenditures (see agenda file). He said one reason staff can reduce the rate increase request is that they have done a good job of containing expenses. He showed a five-year history of Water Revenues, noting estimated Water SDC revenues have increased based on past performance and development occurring in the community. He showed Components of Water Debt Service Payments, noting that the projections are looking better and it is anticipated that SDCs would be able to make the annual debt service payment but not fund SDC eligible projects. He reviewed the Five-Year Rate Plan Variables, the Five-Year Rate Projection, and the Five-Year History of Water Rate Increases with both projected and actual rate increases. He reviewed 2014-15 Average Monthly Utility Bills in Oregon Cities, noting that Albany was ranked sixth in total rate costs four years ago and tenth this year. This indicates that other utilities have had to raise their rates in order to meet system demands or regulatory requirements. He requested that the issue be taken to a public hearing at which time staff will give a full report and ask for a Council decision on the recommendation.

Councilor Rich Kellum asked about the potential of doing larger rate increases less often. Coburn thought there might be value in having that discussion. Shepard said staff could come up with a model for consideration with future rate requests. One consideration is that projecting further out may result in more conservative estimates and larger rate increases than would otherwise be needed. Collins said this was discussed at the task force level. He said there is a market component involved and, in his experience, most people would rather have a smaller annual increase than a larger increase every two or three years. Brief discussion followed.

Council agreed to move the item forward as requested by staff.

#### CROCKER LANE/VALLEY VIEW DRIVE/BLOOM LANE LOCAL IMPROVEMENT DISTRICT PRELIMINARY COST ESTIMATES, BOUNDARIES AND ASSESSMENT METHODOLOGIES

Civil Engineer III Gordon Steffensmeier reviewed the staff request for Council input about the proposed boundaries of the Local Improvement Districts (LIDs) and potential assessment methodologies for three potential street improvement projects. Council input will help focus neighborhood meetings and the Engineer's report.

For the Crocker Lane improvements, Steffensmeier reviewed the cost estimates, proposed LID boundary, existing and potential development, and estimated assessment for each property based on the full project cost of \$1,462,000, as detailed in the written staff report. Staff proposes that the City contribute \$29,000 of North Albany Street Improvement Fee reserves, which represents the amount collected from the Crocker Heights subdivision development, and \$85,000 of Street and Storm Connection Fee reserves, which represents fees the four excluded single-family residential properties would pay if they develop in the future. Council could also consider contributing Transportation System Development Charges reserves up to \$448,600, which is 30% of the Crocker Lane improvements. These contributions would reduce the per lot assessment as detailed in the written staff report.

For the Valley View Drive improvements, Steffensmeier reviewed the estimate for a 10-foot-wide, multiuse path in the right-of-way on the south side of Valley View drive in the amount of \$235,000. The developer and Benton County Parks Department have suggested that an all-weather path within the proposed park could substitute for the more expensive path within the right-of-way.

In response to questions, Shepard said there is not a lot of undeveloped property along Valley View Drive. What appears to be missing, and what staff receives complaints from the neighbors about, is the pedestrian component. It is staff's opinion based on the development potential that the addition of the 10-foot path would satisfy requirements. Delapoe suggested that the LID could include language that the requirement may be satisfied by the construction of the developer-proposed path to the satisfaction of Benton County and the City.

Councilor Floyd Collins said he thought the LID should include the two lots adjacent to Valley View Drive at Hillcrest for connectivity of the path. Discussion followed regarding the route of the multiuse path and potential connection points.

Collins asked if the large parcel at Valley View Drive and Crocker Lane should be assessed using the option where frontage is measured on the diagonal. Shepard said the parcel already had a condition of approval to do full frontage improvements on Crocker Lane and Valley View Drive.

In response to an inquiry from Konopa, Shepard said a single-family lot with no plan to develop would be held harmless; however, if they come in to develop later, they would be required to pay connection fees.

Steffensmeier said Bloom Lane was included in the investigation because of its proximity to Crocker Lane and because combining those improvements with the larger project would result in lower construction costs. The estimate for Bloom Lane is quite high, however, and the petition/waivers along Bloom Lane won't expire until 2025. Staff requests Council direction about whether or not to proceed with neighborhood meetings and a financial investigation for Bloom Lane.

Konopa asked about the possibility of adding just sidewalks on Bloom Lane. Shepard said that would be a challenge due to potential impacts to drainage and constraints within the right-of-way.

Kopczynski said if there are no safety issues, he would suggest leaving it alone until the neighbors want the improvement. Discussion followed regarding existing conditions, development potential in the area, and development which signed petition/waivers acknowledging that they would pay for future road improvements at such time the City formed an LID. Shepard said the question for Council is whether staff should take this forward as a potential LID and hold the neighborhood meeting.

Kellum said if there is no safety reason for the improvements at this time, as long as the folks who live there recognize the street for what it is, and given that there is time on the waiver, he doesn't think it's necessary to move forward on Bloom Lane at this time.

Konopa asked if the City should not allow more development which would cause additional impacts. Delapoer said that would be taken into consideration in future land use decisions.

Coburn said his issue would be the fire and emergency access.

Collins said an option would be to turn Bloom Lane over as a private road with the neighbors forming a local road district. Delapoer said staff could raise the possibility but doing so wouldn't resolve concerns about emergency access and safety and wouldn't really achieve anything other than justification for not making improvements for which the City isn't really responsible anyway. Discussion followed regarding the local road district option. Johnson questioned the idea of the City having only one road with its own district. Hare noted that these groups often start off strong with highly motivated people but fade over time as those people move on.

Kellum reiterated that if there is no safety concern and the people who live there don't have a problem with what it is, he thinks it should be left alone until such time the neighbors want the improvement. Coburn agreed; he felt that some people wouldn't understand the local road district.

Konopa expressed concern about shoving the issue down the road. Johnson said it is very important to document that the improvements weren't done because the homeowners didn't want them. Collins said it is also important that the neighbors understand this was considered because of economy of scale with other improvements and that costs would be higher in the future.

Delapoer suggested that Council could direct Shepard to write a letter to the neighbors explaining that Council decided not to go forward with an LID at this time based on the opposition; however, this will come up again before the expiration of the petition and they may face costs that are 15% higher as well as inflationary costs.

Council agreed that staff could move forward on the Crocker Lane LID. It was further agreed that staff would come back with a revised Valley View Drive proposal which addresses the discussion about the location and connection of the pedestrian path and allows for an alternative as requested by the developer and Benton County Parks. It was further agreed that staff would draft a letter to the Bloom Lane residents as discussed.

#### COUNCILOR COMMENTS

Kellum referred to an email from a man whose son was hit twice in the crosswalk on Waverly Drive just south of Grand Prairie, right at the creek. Shepard said Council could direct that the improvement be done now using minimal Street Fund reserves, or the project could go into the Capital Improvement Program process this year and be weighted with other projects. In response to an inquiry from Konopa, Shepard said that Transportation Systems staff indicated the crosswalk was a good candidate for improvement because the area has two lanes in each direction and a 40 mph speed limit; however, there are other streets in the City that are good candidates also. Staff will bring back an analysis as to whether this would be the top priority based on the available data.

Kopczynski commended Public Information Officer/Management Assistant Marilyn Smith for the Public Safety Facilities Review Committee task force meeting minutes she prepared.

Konopa reviewed the work of Restore Oregon to encourage state historic tax credits. Councilors may receive an informational flyer on this issue, as well as emails about endorsing the bill.

Konopa said the Albany charitable Toy Run was a great success; 315 motorcycles came and brought gifts. The Downtown Twice Around parade was also a success; there was a great turnout with about 30 entries, with tree lighting and a visit from Santa.

Konopa reported on the Jackson Street Youth Shelter open house.

#### CITY MANAGER REPORT

None.

Albany City Council Work Session  
December 8, 2014

ADJOURNMENT

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

Respectfully submitted,

Teresa Nix  
Administrative Assistant

Reviewed by,

Stewart Taylor  
Finance Director

CITY OF ALBANY  
CITY COUNCIL WORK SESSION  
Municipal Court Room  
Monday, December 15, 2014  
5:00 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 5:00 p.m.

ROLL CALL

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

Councilors absent: None.

BUSINESS FROM THE PUBLIC

Tom Cordier, 2240 Park Terrace NW, spoke about a documented process that is used to better understand operating costs. He said the process helps staff understand all of the tasks that need to be done within the City and how long it takes to do each task. He said from this process comes the true costs of operations. He suggested that this process should be used, but he was told that it has already been done. He said that is not true and the process hasn't been done by the City. He said another way to characterize the process is zero-based budgeting.

SNOTEMP ECONOMIC DEVELOPMENT PROJECT

Economic Development & Urban Renewal Director Kate Porsche introduced SnoTemp Vice President Jason Lafferty. Porsche said she, along with City Manager Wes Hare, Assistant City Manager/Public Works Director & Community Development Director Mark Shepard and staff, Albany-Millersburg Economic Development Corporation President John Pascone, and State of Oregon Business Development Officer Sean Stevens have been assisting with SnoTemp's possible expansion and identifying potential barriers. She said food processing is identified as a key cluster industry in Albany and for Business Oregon. She said staff is seeking specific direction and feedback from Council related to System Development Charges (SDCs) questions and a funding gap.

Lafferty said SnoTemp Cold Storage has been in Albany since 1974 with the Albany facility being the flagship. He said the company stores fruits and vegetables for National Frozen Foods, Oregon Freeze Dry, and a variety of other food processors in the area. He said in 2010, the company expanded to add an additional 140,000 square foot freezer. Lafferty introduced Architect Bill Langley and Project Manager Chris Langley of Fisher and Sons. He said they both helped with the 2010 expansion and will be helping with this one as well. SnoTemp is looking to add another processor which would eventually bring on more than 50 additional full-time and 80 seasonal employees. He said it would also bring approximately \$1 million dollars in property taxes annually. He said the biggest issue is rebuilding Lochner Road. He said he is looking for ways to fill the funding gap.

Councilor Bessie Johnson asked what the reason is for the expansion. Lafferty said existing businesses are looking to process more food. He said SnoTemp has had to turn away business for the last couple of years. In order to support the other businesses growth, SnoTemp needs to expand.

Councilor Ray Kopczynski said it sounds like this project will be done in stages. Lafferty said that is correct. Kopczynski asked where the new traffic will come from. Lafferty said it will be split between the two SnoTemp locations - Marion Street and Lochner Road.

Councilor Bill Coburn asked if the railroad is utilized by SnoTemp. Lafferty said yes.

Konopa said she has lived in this area of town for many years and believes this is a good use of the property. She said it supports the food processing industry in the Mid-Valley. She agreed that Lochner Road will need to be improved. Coburn asked if Lochner Road is a city road. Konopa said it is.

Councilor Floyd Collins said this is a project that provides jobs for Albany, meets the needs of supporting existing industry, and meets the needs of supporting the agricultural community.

Porsche said the funding gap is shown on page 3 of Lafferty's report in the agenda packet. She said the estimated project cost to construct Lochner Road is \$2.6 million dollars. She said there is up to \$1 million dollars of Oregon Department of Transportation Immediate Opportunity Funds (IOF) available. She said this is a great opportunity and fit for those funds; however, those funds have to be the last money in. She said there is a policy question related to SDCs and how to handle the remaining \$1.2 million dollars. She said there is an option to access a possible loan or grant (the grant can be up to \$280,000) through Oregon's Special Public Works Fund (SPWF). If the City chooses to access funds from the SPWF, the City would be the borrower. The City can have a side agreement with SnoTemp to repay the loan.

Councilor Rich Kellum asked, what the interest rate is for the SPWF? Porsche said it is currently 3.6% amortized over 25 years. Kellum asked, what fruits does SnoTemp freeze? Lafferty said blueberries.

Johnson asked if the state funds are guaranteed. Porsche said no. She said if the Council is interested in staff pursuing the SPWF, staff will work on that component first. Once that is complete, then staff will move forward with the request for IOF funding since that has to be the last piece in.

Coburn asked if the \$2.6 million dollars is just to improve Lochner Road. Porsche said yes. Shepard said this project is currently funded at 25% with SDC funds. He said if the Council wants to use the SDC funds, that equates to \$620,000. He said there are other projects that the Council has shown interest in spending money on including Crocker Lane, the Albany-Corvallis Path, and the signals at 34<sup>th</sup> Avenue/Marion Street/Hill Street. He said the total SDC balance is \$2.1 million dollars, but a lot of that money has been spoken for. Staff proposed a \$400,000 SDC contribution based on the outstanding projects and anticipated income in the SDC program.

Transportation Systems Analyst Ron Irish said for projects in the Transportation System Program (TSP) there is a funded amount (25%), there is the eligible amount (44%), and there is the total amount of money in the SDC fund. He said staff thought that the SDC fund could contribute \$400,000 to the project. SnoTemp staff will eventually come in for building permits for the new buildings and when that happens, they will owe an SDC fee. He said the maximum amount of SDC money that the City can use for Lochner Road is the cash that is put in initially plus whatever credits that may be given to SnoTemp when they pull the building permits. He said one decision for Council might be how much SDC funds to put into the project. Another decision will be if Council wants to increase the eligibility amount from 25% to a higher level.

Kopczynski asked if SnoTemp is amenable to having a portion of this as a loan that will have to be paid back later. Lafferty said yes.

Collins said when SnoTemp comes in to pay for the building permits, it will replenish the SDC fund. He said it may mean other projects may need to be delayed a while, but with the income from the SDCs, it helps replenish the fund. Collins asked Irish if he has calculated the SDCs for building permits for SnoTemp. Irish estimated the SDC fees to be around \$600,000-\$800,000. Collins said he thinks the position of the Council should be that we support the creation of jobs and SnoTemp, the industry, the agricultural community, and the State.

Councilor Dick Olsen said he thinks this project is great. He asked about the average pay rate of the added jobs. Lafferty said year-round jobs will be approximately 125-140% of the average county wages. He said it is approximately \$40,000 per year.

Kopczynski asked about the timeframe for the application process. Stevens said once ODOT receives the application, they have 45 days to approve it. Porsche said the OSPWF takes just a couple of weeks. Kopczynski asked, is this business in the enterprise zone? Pascone said it is and they will be eligible for at least three years.

Kellum asked if both sides of the road will be improved. Shepard said yes. Kellum said one side is the railroad and the other is school district property. He asked if it is equitable that neither of those will be paying a portion. Shepard said staff could come up with a Capital Recovery Agreement to collect connection charges. He said generally, if the City is the developer we keep the funds; if someone else is the developer there is an agreement that they get the funds if they are paid within ten years.

Kopczynski asked if the road could only be improved for the particular area. Shepard said the Council could choose not to do the sidewalk on the north and east side, but it will eventually need to be built. He said it would be least expensive to build it now and it's a small component of the project. Coburn said having a sidewalk on the railroad side doesn't make sense. Shepard said the issue is not knowing how the property on the east is going to develop in the future. Konopa said there is quite a bit of activity on that road and it will increase with more development.

Lafferty said changing the SDC funding eligibility from 25% to 44% seems like the portion the Council has the most control over. He said there are several requirements for the money from the State such as the number of jobs that SnoTemp will be required to add. He said paying SDCs twice is painful from his perspective.

Pascone said this project has been worked on for the past eight months and wouldn't be feasible without Lochner Road. He said he would like to see this project go forward because it is a benefit to Albany.

Collins said there is the potential that other projects may need to be delayed, but he is okay with having that discussion because this project will add immediate jobs. He thinks the Council is okay saying we really like this project and we want to make sure it moves forward. He said the State needs to know that the City supports the project.

Porsche said before going forward with the request for \$1 million dollars from the IOF, the City's numbers have to be concrete. Collins said we have a concrete number of \$400,000. He said if the State says that is not enough, then Council can have a discussion to consider increasing that amount. Konopa said that amount may not be enough and could be a deal breaker for this project. Stevens said the IOF is for up to \$1 million dollars and requires a 50% match. He said he thinks it is okay to move forward with what is proposed. Porsche said there is still the question between the difference of 25% and 44% as it will affect SnoTemp's bottom line going forward because it will change how much credit they get back when they pay for SDCs on future buildings.

Shepard said if the project moves forward, there will be a land use process which will outline what the required improvements are on Lochner Road. He said the SDCs can sit for now; and if they become an issue, staff can bring that portion back for discussion. He said it's important that Council understands what the impact could potentially be if the SDCs are depleted.

MOTION: Collins made a motion to support the SnoTemp expansion project and to have staff work with the State in order to maximize the State's participation with the project. Kellum seconded the motion.

City Attorney Jim Delapoer said the original debt limitation measure would have precluded the City's ability to apply to the State for the loan because it would have required a vote of the people. He said after revising the measure, there was a specific exception included called State Override. He said this exception states that the City Council may borrow money without approval of the City's electors if an Oregon Statute authorizing the borrowing provides that the authority is not limited by other laws such as local charter limitations.

VOTE: The motion was approved 6-0.

#### COUNCILOR COMMENTS

Johnson wished everyone a Merry Christmas and Happy Holidays.

Kopczynski said he was at the walk through at the Carnegie Library this past weekend which was part of the Downtown Parlor Tour. Konopa said there were many people who came through Olsen's house. She said it is a great event for folks to see historic homes.

Collins said an e-mail message was sent to the Council about stores closing in the Albany area. He said the Council and staff don't have a role in stores closing.

Konopa said there will be a decision made in regards to the Union Pacific railroad. Olsen said he took a train last year, and the station parking lot was full. Collins said it might be good to consider purchasing a lot near the train station so more parking space could be added.

#### CITY MANAGER REPORT

Shepard said the North Albany floodplain study is back on track. He said staff anticipates getting FEMA's final proposal at the end of this month. Staff anticipates bringing this item forward for discussion in January 2015.

Kellum asked if there is a timeframe for an answer on the crosswalks by Grand Prairie Park. Irish said the crosswalks at Grand Prairie Park would rank highly if compared to other existing pedestrian crossing in town. He said the problem is that there is no funding for the project. Collins asked about the costs. Irish said it would be between \$30,000-40,000 for the project.

#### ADJOURNMENT

There being no other business, the meeting was adjourned at 6:10 p.m.

Respectfully submitted,

Reviewed by,

Diana Eilers  
Administrative Assistant I

Wes Hare  
City Manager

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

A RESOLUTION ACCEPTING THE FOLLOWING DEDICATION DEED:

Grantor

Purpose

Grace Point – A Church of the Nazarene

A variable width Right-of-Way dedication for Dunlap Avenue NE and Timber Street NE, as part of the Grace Point Church development project.

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

DATED AND EFFECTIVE THIS 28TH DAY OF JANUARY 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS, that Grace Point – A Church of the Nazarene, hereinafter referred to as Grantor, does dedicate to the City of Albany for street and utility right-of-way purposes, all that real property situated in Linn County, State of Oregon, described as follows:

See legal description on attached Exhibit A and maps on attached Exhibits B and C, attached hereto and incorporated herein.

The Grantor covenants that they are lawfully seized and possessed of the real property above described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the same against all persons who may lawfully claim the same.

The right-of-way dedicated herein is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.

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

GRANTOR:

Grace Point – A Church of the Nazarene

*[Handwritten signature of Don Bergland]*  
\_\_\_\_\_  
Don Bergland, Lead Pastor

*[Handwritten signature of Meredith Wadlow]*  
\_\_\_\_\_  
Meredith Wadlow, Board Secretary

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

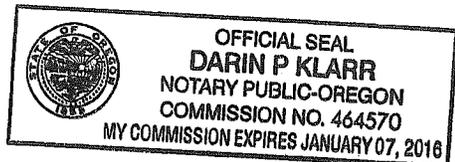
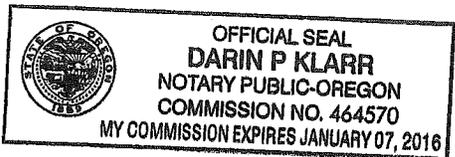
STATE OF OR )  
County of Linn ) ss.  
City of Albany )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of January, 2015, by Don Bergland, Lead Pastor of Grace Point – A Church of the Nazarene, on behalf of the Church, as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of January, 2015, by Meredith Wadlow, Board Secretary of Grace Point – A Church of the Nazarene, on behalf of the Church, as his/her voluntary act and deed.

*[Handwritten signature of Darin P. Klarr]*  
\_\_\_\_\_  
Notary Public for OR  
My Commission Expires: 1-7-16

*[Handwritten signature of Darin P. Klarr]*  
\_\_\_\_\_  
Notary Public for OR  
My Commission Expires: 1-7-16



**CITY OF ALBANY:**

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

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number \_\_\_\_\_, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

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

ATTEST:

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

# EXHIBIT A

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

Legal Description

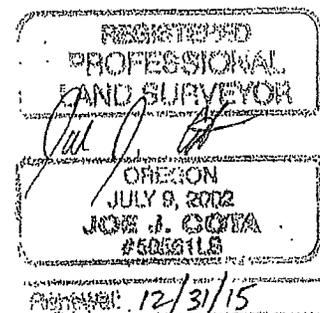
Proposed Right-of-Way Dedication

A portion of that Newman tract described by deed recorded in MF Volume 1265, Page 420 in the Linn County, Oregon Deed Records on February 19, 2002 that is more particularly described as follows:

Beginning at a point at the intersection of the north line of said Newman tract with the west right-of-way line of Clover Ridge Road NE (a 60 foot wide right-of-way); thence South 00°25'46" East, along said west right-of-way line, 36.87 feet; thence along the arc of a 10.00 foot radius curve to the left (long chord of which bears North 45°03'34" West 14.05 feet) a distance of 15.58 feet to a point that is 27.00 feet southerly when measured at right angles of the north line of said Newman tract; thence North 89°41'23" West, parallel to said north line, 774.79 feet; thence along the arc of a 10.00 foot radius curve to the left (long chord of which bears South 45°10'11" West 14.18 feet) a distance of 15.76 feet; thence South 00°01'44" West 25.63 feet; thence along the arc of a 370.00 foot radius curve to the left (long chord of which bears South 12°56'46" East 166.15 feet) a distance of 167.58 feet; thence along the arc of a 430.00 foot radius curve to right (long chord of which bears South 22°48'32" East 46.69 feet) a distance of 46.71 feet to a point on the south line of said Newman tract; thence North 89°41'04" West, along said south line, 64.56 feet; thence along the arc of a 370.00 foot radius curve to the left (long chord of which bears North 24°31'14" West 18.09 feet) a distance of 18.09 feet; thence along the arc of a 430.00 foot radius curve to the right (long chord of which bears North 23°42'38" West 33.17 feet) a distance of 33.18 feet to a point on the west line of said Newman tract, which point being North 00°01'44" East 46.71 feet of the southwest corner of said Newman tract; thence North 00°01'44" East 220.62 feet to the northwest corner of said Newman tract; thence South 89°41'23" East 824.50 feet to the POINT OF BEGINNING.

November 4, 2013  
RIGHT-OF-WAY DEDICATION  
(08-129-C) JJC:ls

File Ref: z:/projects/2008/08-129/Surveying/Documents/legal/r-o-w dedication.doc



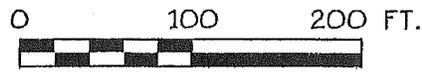
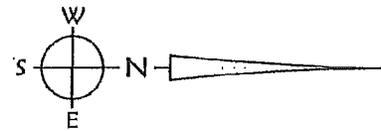
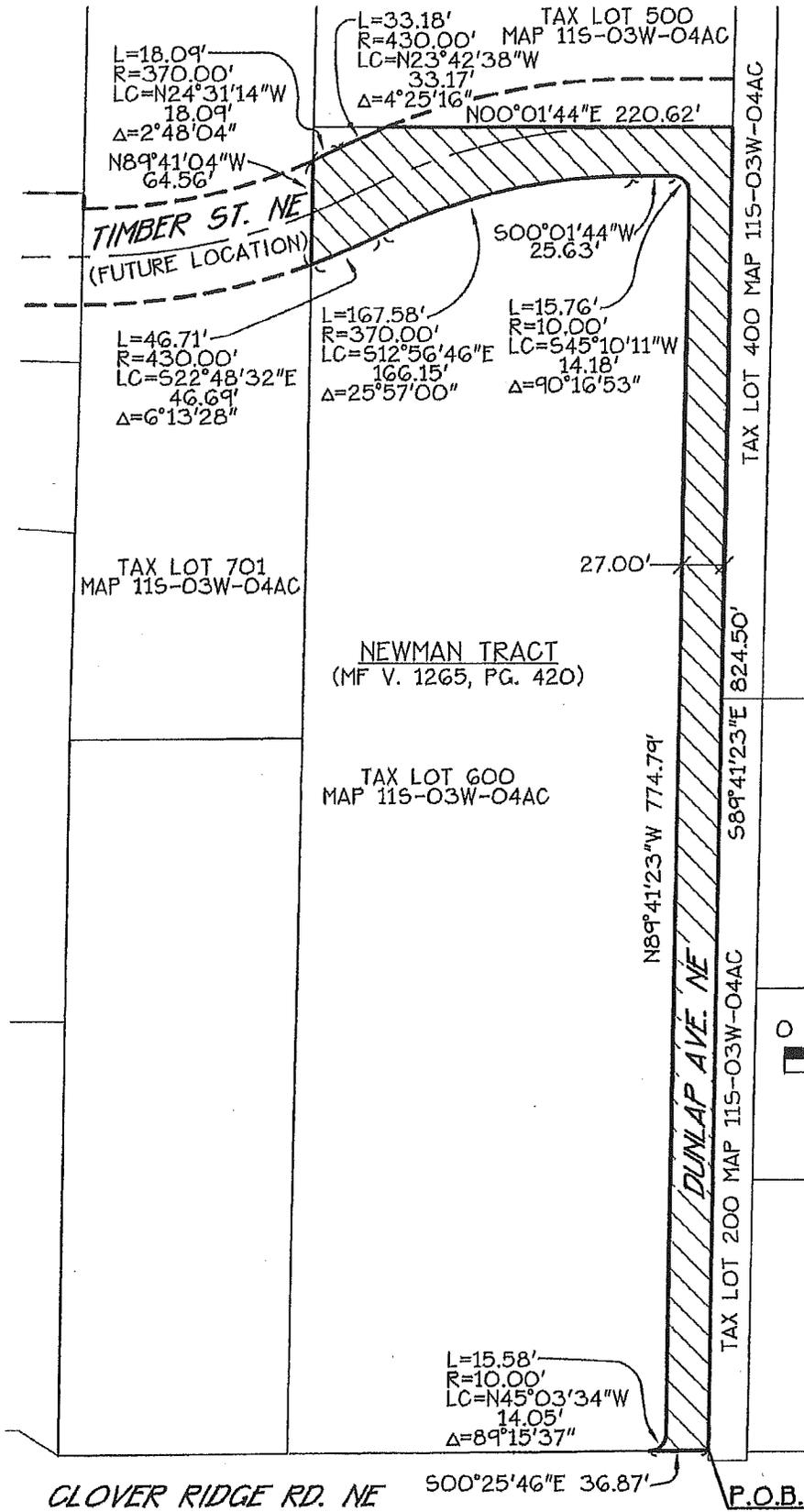
# EXHIBIT B

## RIGHT-OF-WAY DEDICATION MAP FOR DUNLAP AVE. NE + TIMBER ST. NE

NOVEMBER 4, 2014

### TAX LOT:

TAX LOT 600  
MAP 115-03W-04AC



SCALE: 1" = 100'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 9, 2002  
**JOE J. COTA**  
#58561LS

Renewal: 12/31/15



**K & D ENGINEERING, Inc.**  
276 N.W. Hickory Street P.O. Box 725  
Albany, Oregon 97321  
(541) 928-2583

Date: 10/1/2013  
Scale: 1=100(P.S.)  
File: dwg\2008\08-129-c\08-129c-exhbt.dwg (lan)

Time: 11:15

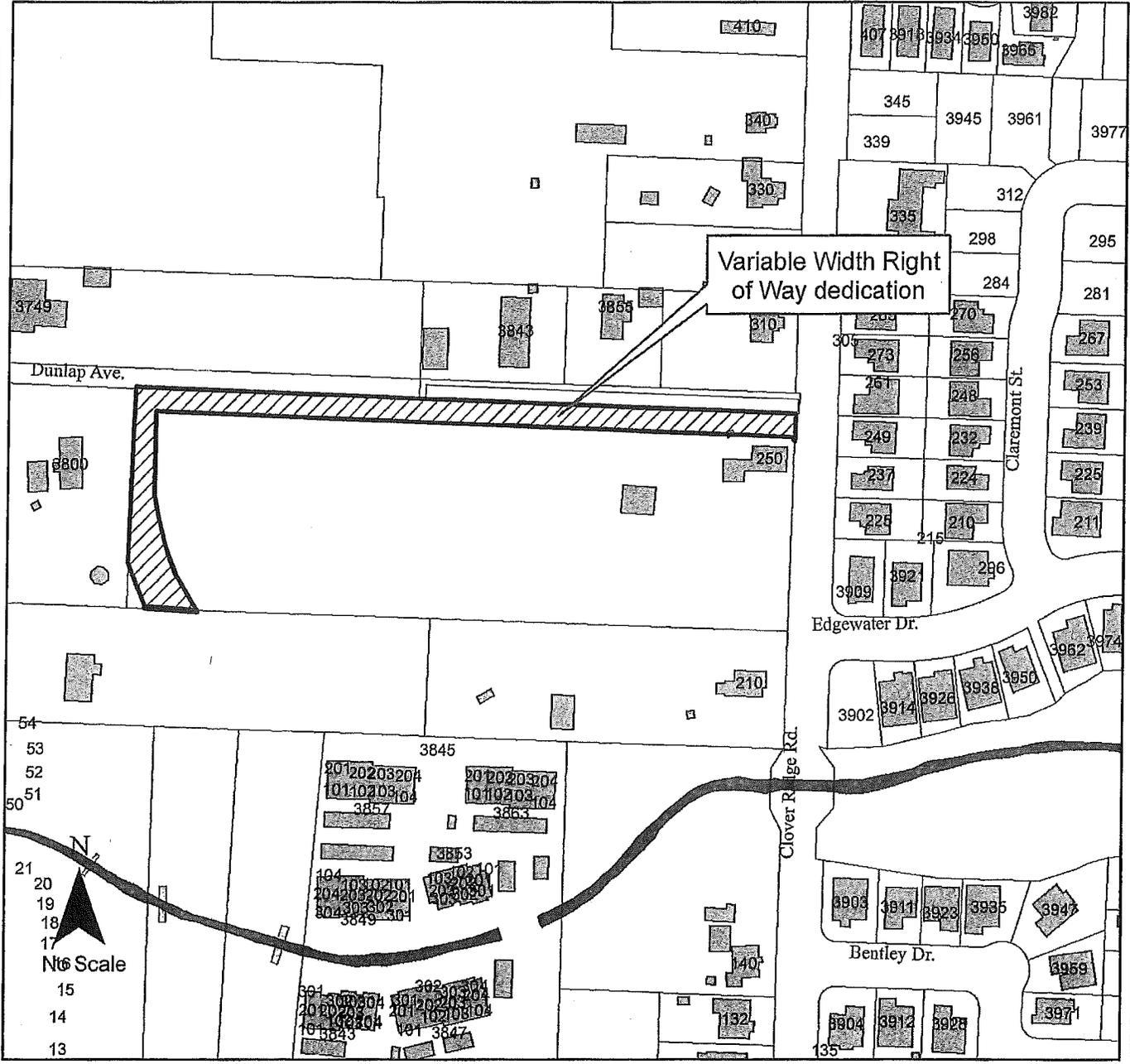
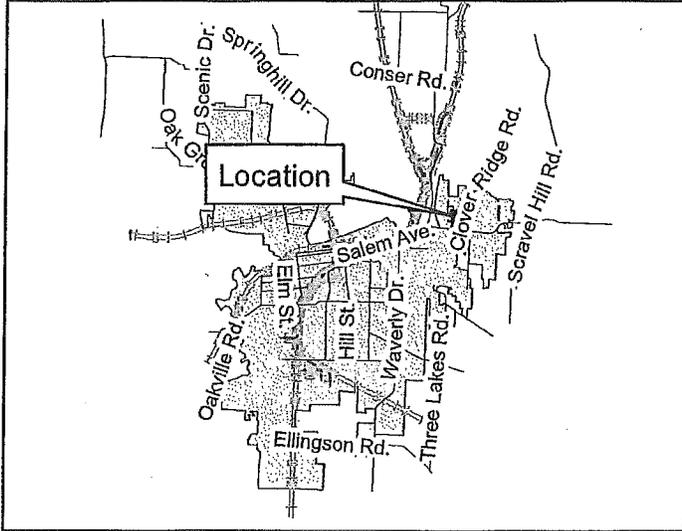
# EXHIBIT C

11S03W04AC- 00600

A variable width Right of Way dedication for Dunlap Avenue NE and Timber Street NE as part of the Grace Point Church development project



Geographic Information Services





TO: Albany City Council

VIA: Wes Hare, City Manager  
Mark Shepard, PE, Public Works Director *MWS*

FROM: Jeff Blaine, PE, CWRE, City Engineer *JB*  
Gordon Steffensmeier, PE, PLS, Civil Engineer III *G.S.*

DATE: January 20, 2015, for the January 28, 2015, City Council Meeting

SUBJECT: Converting barrier strips to right-of-way

RELATES TO STRATEGIC PLAN THEME: ● Effective Government

Action Requested:

Staff requests that Council approve the attached Resolution that would convert five 1-foot wide barrier strips from the 1976 "Edgewood Estates" subdivision into street and utility right-of-way.

Discussion:

Barrier strips are narrow parcels of property placed at the end of a street right-of-way that prevent the abutting neighbor from legally accessing the end of the stubbed-out street. Currently the City of Albany owns five barrier strips at the edges of Edgewood Estates subdivision. The City owns those barrier strips as parcels of land, not as public right-of-way. In the past the City would require those barrier strips to control access at the ends of stubbed-out new streets.

A new subdivision, Vreeland Estates, is currently being recorded north and east of Edgewood Estates. The Linn County Surveyor's Office has asked that we eliminate these barrier strips as public streets are extended. City staff supports the County Surveyor's request to eliminate these barrier strips.

Budget Impact:

None

GPS:kw  
Attachment

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

A RESOLUTION GRANTING AND ACCEPTING THE FOLLOWING STREET AND UTILITY RIGHT-OF-WAY DEDICATION:

Grantor

City Of Albany, Oregon

Purpose

Five 1-foot wide barrier strips in Edgewood Estates subdivision being converted into public right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby grant and accept this right-of-way dedication.

DATED AND EFFECTIVE THIS 28TH DAY OF JANUARY 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

**RIGHT-OF-WAY DEDICATION**

KNOW ALL MEN BY THESE PRESENTS, that, **the City of Albany, Oregon, a Municipal Corporation**, hereinafter referred to as Grantor, hereby dedicates to the City of Albany, a Municipal Corporation, hereinafter called "City" for street and utility right-of-way purposes, all of that real property situated in Linn County, Oregon, conveyed to Grantors by deed recorded in MF 675-402, Linn County deed records, and accepted by grantors pursuant to City of Albany Resolution 3316, and being more particularly described as follows:

See legal description on attached Exhibit A and map on attached Exhibit B.

The Grantor covenants that they are lawfully seized and possessed of the real property above described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the same against all persons who may lawfully claim the same.

The right-of-way dedicated herein is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.

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

**GRANTOR:**

City of Albany

\_\_\_\_\_  
Wes Hare

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

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015,  
by Wes Hare, City Manager, on behalf of the City of Albany.

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

**CITY OF ALBANY:**

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

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number \_\_\_\_\_ do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

ATTEST:

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

# Exhibit A

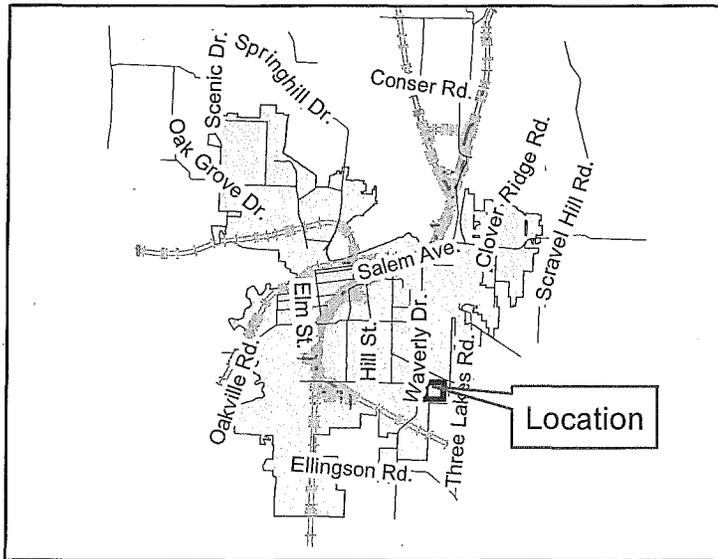
Legal Description for Edgewood Estates 1-foot wide Barrier Strips right-of-way dedication

Parcels A, B, C, D, and E in Edgewood Estates subdivision, recorded in Linn County, Oregon, Records Book of Plats Volume 15 Page 45 on March 15, 1976. Also recorded as Linn County, Oregon, County Survey number 14535. As shown on the attached map labeled Exhibit B.

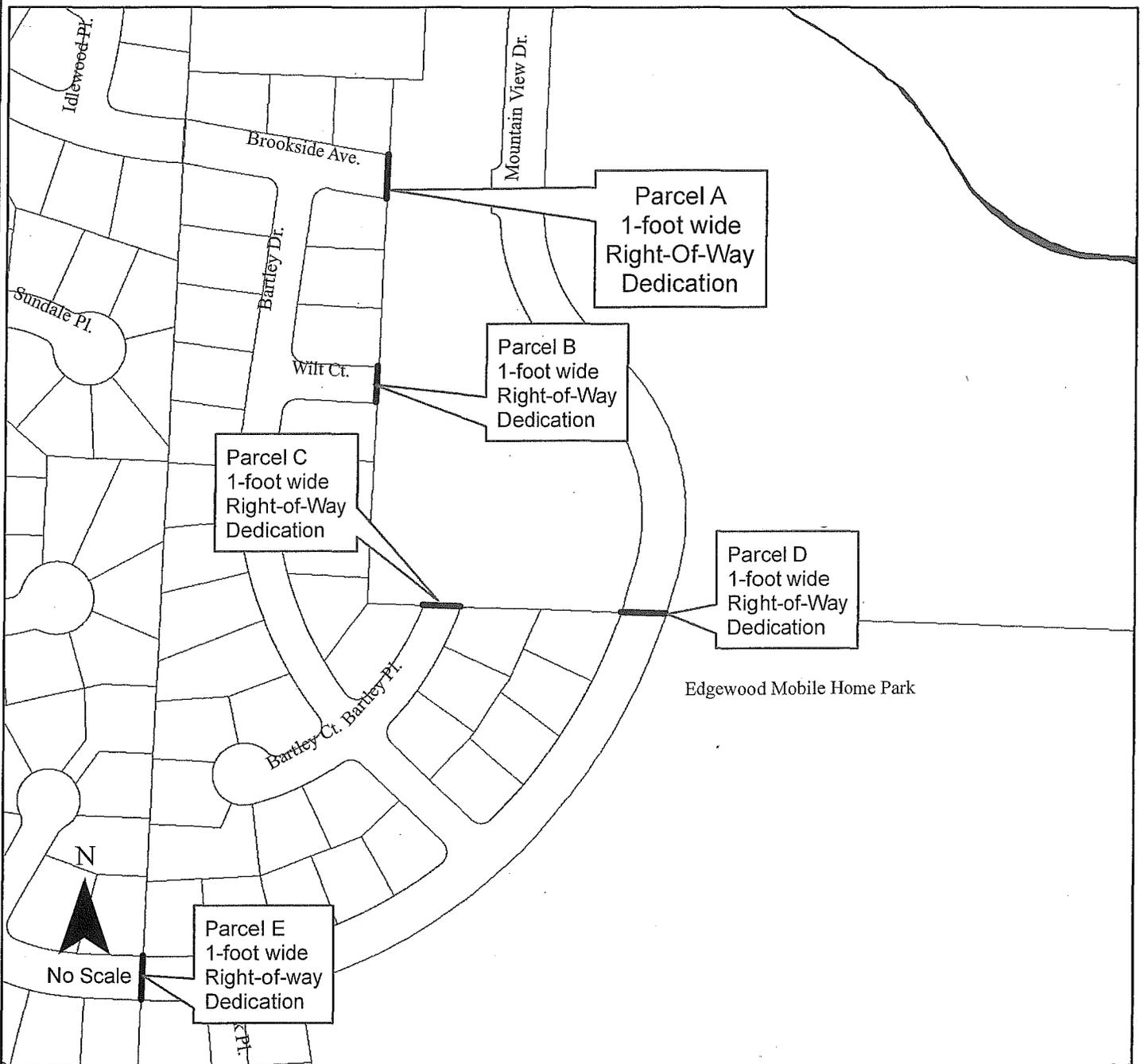
# EXHIBIT B

11S03W16CC- 300, 500, 700, 900, 1100

Five 1-foot wide barrier strips in Edgewood Estates subdivision being converted into public right-of-way



Geographic Information Services





TO: Albany City Council

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

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

DATE: January 15, 2015, for the January 28, 2015, City Council Meeting

SUBJECT: Award of Bid for SS-15-03, Century Drive Lift Station Improvements

RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Staff recommends that Council award this contract in the amount of \$194,900 to the low bidder, Pacific Excavation, Inc. of Eugene, Oregon.

Discussion:

On Tuesday, January 6, 2015, bids were opened for SS-15-03, Century Drive Lift Station Improvements. There were five bids submitted for this project, ranging from \$194,900 to \$301,300. The Engineer's estimate was \$267,200. A bid summary is included as Attachment 1.

*Project Description*

This project includes the removal of a package pump station and replacement with two new submersible pumps. In addition to the replacement of the pumps, the wetwell will be extended to the ground surface and supporting instrumentation will be replaced. Rehabilitation of this lift station will improve the station's reliability and decrease the cost and frequency of maintenance and emergency repairs. A project vicinity map is included as Attachment 2.

*Summary of Total Estimated Project Costs*

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

Project Components	Estimated Cost
<b>I. Costs</b>	
a. Engineering	\$ 18,000
b. Construction Management	\$ 10,000
<i>Engineering Subtotal</i>	\$ 28,000
<b>II. Construction Costs</b>	
a. Construction Contract	\$194,900
b. Contingency	\$ 19,500
<i>Construction Subtotal</i>	\$214,400
<i>Total Estimated Project Cost</i>	\$242,400
<i>Project Budget</i>	\$500,000
<i>Under/(Over) Project Budget</i>	\$257,600

Budget Impact:

The estimated total project cost of \$242,400 is approximately \$257,600 under budget. This project will be funded from the Sewer Capital Projects Fund (601-50-2500).

NN:kw  
 Attachment

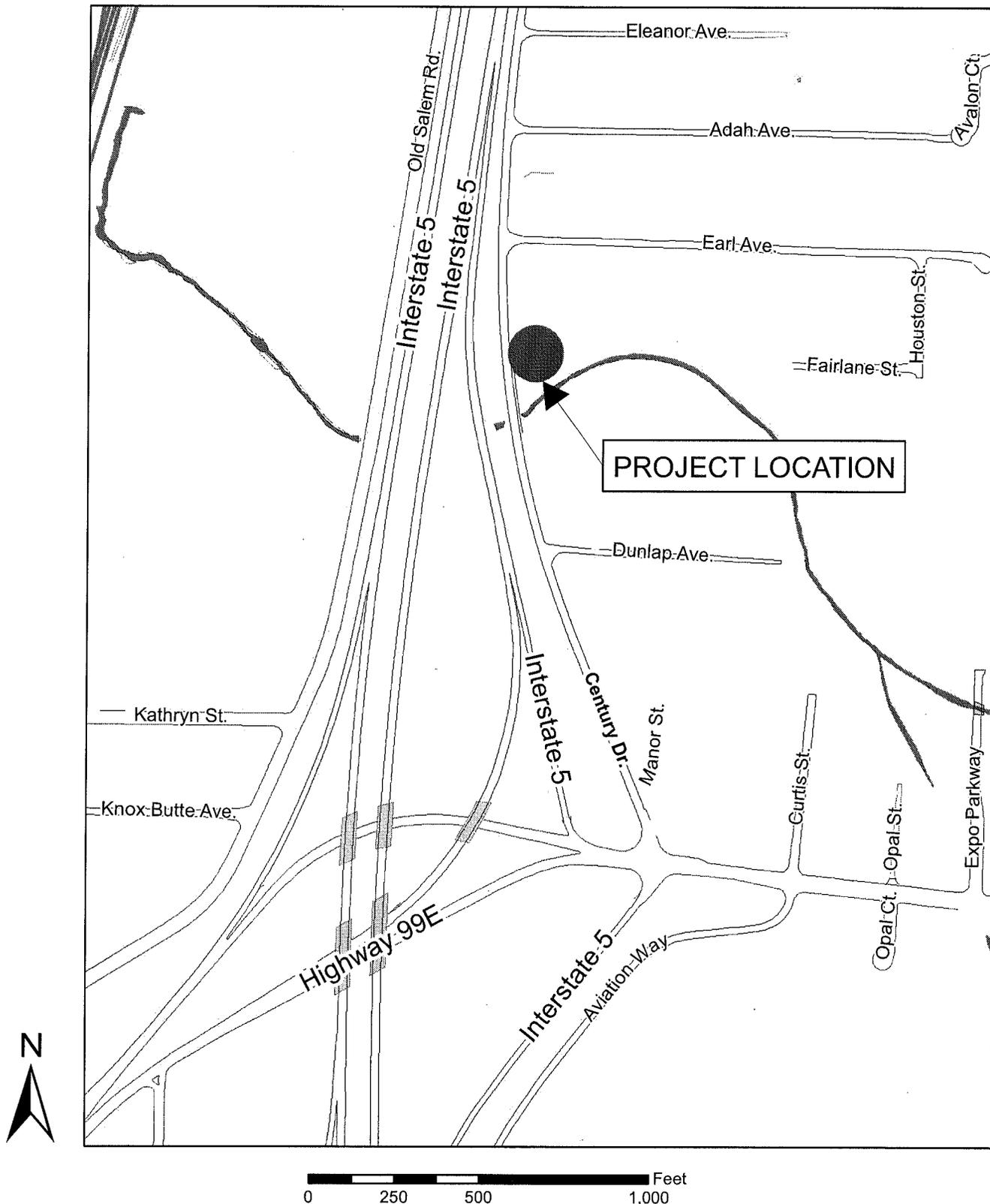


**CITY OF ALBANY, OREGON**  
**Public Works Department**  
**Construction Contract Bids**

**Project:** SS-15-03, Century Drive Lift Station Improvements

**Bid Opening:** Tuesday, January 6, 2015

<b>Engineer's Estimate</b>	<b>Pacific Excavation, Inc. (Eugene, OR)</b>	<b>R. L. Reimers Co. (Albany, OR)</b>	<b>Marine Industrial Construction (Wilsonville, OR)</b>	<b>R&amp;G Excavating (Scio, OR)</b>	<b>Emery &amp; Sons Construction Group (Salem, OR)</b>
\$267,200	\$194,900	\$197,875	\$221,711	\$257,460	\$301,300



**ATTACHMENT 2: PROJECT VICINITY MAP  
SS-15-03, CENTRURY DRIVE LIFT STATION IMPROVEMENTS**



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Marilyn Smith, Management Assistant/Public Information Officer *mms*  
DATE: January 22, 2015, for the January 28, 2015, City Council Meeting  
SUBJECT: Code Enforcement Team Semiannual Report, Fiscal Year 2014-2015  
RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods  
• A Safe City  
• An Effective Government

The Code Enforcement Team is halfway through its 16<sup>th</sup> year. The Team received 117 new complaints in the last six months of 2014 and closed 121 cases.

We continue to focus on properties that create problems for entire neighborhoods or the community at large. Often, these properties and neighborhoods are also on the Police Department's short list for concentrated response and follow-up. All of us direct our efforts at improving neighborhood safety and livability. Police have trained a small cadre of earnest volunteers who, among many other tasks, have recently taken on proactive junk-and-trash patrol. They are looking at neighborhoods throughout the city randomly and sending letters to properties where they observe junk and trash in violation of the Municipal Code, asking for voluntary compliance. Of 50 letters mailed in October, for example, 25 properties complied and received follow-up letters thanking them for the clean-up. The volunteers have also offered to help with follow-up on complaints about tall grass and weeds, and maintenance and security of vacant properties to assist Mary Gaeta, whose primary focus is dangerous buildings.

Here are summaries and updates of some notable cases that were at the top of the Team's list at the end of December:

- 2215-2217 Jefferson Court SE: This duplex was foreclosed upon by lenders at the same time as the identical duplex next door at 2209-2211 Jefferson Court SE. Half of that duplex was destroyed in the rash of arsons in late 2010 and was later demolished; 2215-2217 has been abandoned, become a dumping ground for auto parts and other trash, has been heavily vandalized inside and out, periodically houses squatters, and poses an ongoing threat to neighborhood safety. Police, Fire, and Building officials agree that the structure is beyond redemption and should be demolished. An out-of-state property maintenance contractor claims to have responsibility for keeping it up to code, though we have not seen evidence of that. Foreclosure recently finished on this property. Deputy City Attorney Sean Kidd is pursuing options. **Status: Open.**
- 704 Fourth Avenue SE: This house was damaged by fire and required extensive repairs. Personal belongings emptied into the front yard resulted in a citation for keeping junk and trash. The property owner lived in a travel trailer in the backyard for more than a year; and neighbors reported as many as ten other individuals camping there as well, with loud, aggressive, threatening behavior there at night and construction activity that may have made the house more unsafe than it already was. The house is in foreclosure with ownership to transfer to FNMA in February. It has been posted as unsafe to occupy, and a realtor is keeping it secure. **Status: Open.**
- No address, Pitt Street SE at Knox Butte Road SE: Staff at Timber Ridge School alerted the Team to this long-vacant, dilapidated house missing doors and windows, open to the elements, structurally unsound, and being entered by trespassers including children. Out-of-town property owners were unaware of the state of the property (purchased sight unseen). Demolition was completed and site cleared in early November 2014. **Status: Closed.**

- 181 34<sup>th</sup> Avenue SW: Neighbors have complained of accumulations of junk and reported people allegedly living in a collection of travel trailers, motor homes, and shipping containers. Property is the focal point of multiple investigations by Albany Police Patrol and Detectives and Code Enforcement. The most recent search warrant was served there in early January, resulting in drug and theft charges and further evidence of violations of the Development Code. Police are pursuing declaration of this address as a specified crime property, which would force out all occupants and use of the property for one year. Property has recently been posted for sale. **Status: Open.**

The numbers of cases closed, filed, and open may not be precise. Along with the Community Development Department, Code Enforcement team members are beginning to use the new web-based Accela software for tracking enforcement cases. The transition is being approached carefully and slowly. We often rely on simple e-mail messages to exchange information quickly, and follow that by recording details in an Accela case.

Budget	\$17,000
Expended	<u>\$ 3,114</u>
Balance	\$13,886

MMS:de

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TO: Albany City Council

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

FROM: Jon Goldman, Transportation Superintendent  
Chris Bailey, Assistant Public Works Director/Operations Manager

DATE: January 22, 2015, for the January 28, 2015, City Council Meeting

SUBJECT: Albany Municipal Airport Fixed Base Operator (FBO) Contract

RELATES TO STRATEGIC PLAN THEME: • Effective Government

Action Requested:

Staff recommends City Council authorize the City Manager to enter into an agreement with Infinite Air Center as the airport Fixed Base Operator.

Discussion:

Obtaining the services of a Fixed Base Operator (FBO) for the Albany Municipal Airport has been a goal for the City for several years. In May 2011, the City issued a Request for Proposals (RFP) for FBO Services. Two proposals were received. Staff and members of the Airport Advisory Commission reviewed both proposals and recommended that the RFP be closed without accepting either proposal. For nearly five years, the Airport has operated without an FBO. The City has managed the fueling system, leased the hangars attached to the FBO building, and provided general maintenance on the building in the absence of an FBO.

Recently, the City was approached by an interested party about establishing an FBO at the Albany Airport. Staff has met and been in discussions with the applicant, Tony Hahn, who intends to operate the FBO under the business name "Infinite Air Center." His proposal meets the requirements for an FBO that were developed by staff and the Commission as part of the original RFP. The contract describes the services the FBO will provide and includes: offering a courtesy car for visiting pilots; allowing 24-hour access to a pilot lounge and restrooms; providing aircraft storage, aircraft maintenance, aircraft rental, and flight instruction; access to computer stations for flight planning; management of the aviation fuel system; providing radio assistance to pilots; and promotion of the Airport. These services will be a distinct improvement for the Airport.

The proposed start date for Infinite Air Center is February 1, 2015, and the lease has a five-year term.

Budget Impact:

The net impact on the Airport operating budget is not significant. Expenditures will be sharply lower with a total loss of the expense associated with fuel purchase, and a reduction in utilities for the FBO building for a net reduction in expenditures of \$181,500. On the revenue side, the City will lose revenue from fuel sales and FBO hangar leases, but will add the FBO lease and fuel flowage payments for a net loss of revenue of \$180,200. Total impact to the Airport budget is predicted to be a gain of \$1,300.

JCG:kw