



Revised

NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
Council Chambers
333 Broadalbin Street SW
Wednesday, February 25, 2015
7:15 p.m.

OUR MISSION IS

Providing quality public services for a better Albany community.

OUR VISION IS

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

AGENDA

Rules of Conduct for Public Meetings

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ROLL CALL

4. SPECIAL PRESENTATION

a. National Guard award. [verbal]

Action: _____

5. SCHEDULED BUSINESS

a. Communication

1) Police and Fire facilities final design report. [Item will be walked in.]

Action: _____

b. Business from the Public

c. Second Reading of Ordinances

1) Declaring a street name change for a public street dedicated and named on the Edgewood Estates Subdivision Plat in Linn County and declaring an emergency: [Pages 3-6]

a) Wilt Avenue SE.

Action: _____ ORD. NO. _____

b) Bartley Street SE.

Action: _____ ORD. NO. _____

2) Amending the Albany Municipal Code Title 7.90 Secondhand Dealers and Transient Merchants; repealing Ordinance No. 5837; and declaring an emergency. [Pages 7-18]

Action: _____ ORD. NO. _____

d. First Reading of Ordinance

1) Amending Albany Municipal Code Chapter 2.27, Community Development Commission and declaring an emergency. [Pages 19-21]

Action: _____ ORD. NO. _____

e. Adoption of Consent Calendar

1) Approval of Minutes

a) December 10, 2014, City Council Regular Session. [Pages 22-27]

b) January 12, 2015, City Council Work Session. [Pages 28-30]

2) Certifying properties exempt from property taxation:

a) Songbird Village. [Pages 31-32] RES. NO. _____

b) Periwinkle Place. [Pages 31 & 33] RES. NO. _____

c) ParkRose Properties. [Pages 31 & 34] RES. NO. _____

d) 1680-1682 Oak Street SE. [Pages 31 & 35] RES. NO. _____

e) 515 Geary Street SE. [Pages 31 & 36] RES. NO. _____

Adoption of Consent Calendar *continued*

- 3) Approving contract renewal for Municipal Court Judge Robert Scott. [Pages 37-40]
- 4) Appointing Municipal Court Judge Pro Tems and repealing Resolution No. 6306. [Page 41] RES. NO. _____
- 5) Releasing four sewer and water easements to MWIC Albany, LLC. [Pages 42-46] RES. NO. _____
- 6) Accepting the following easements from Oregon Metallurgical, LLC: [Pages 47-59]
 - a) A variable width sewer easement on Tax Lot 11S-03W-19 00402. RES. NO. _____
 - b) A variable width sewer easement on Tax Lot 11S-03W-19 00400. RES. NO. _____

Action: _____

f. Award of Contract

- 1) Authorizing the Finance Director to enter into a contract with Novatime Technology, Inc., for time and attendance software. [Pages 60-61]

Action: _____

6. BUSINESS FROM THE COUNCIL

7. RECESS TO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION OR LITIGATION LIKELY TO BE FILED IN ACCORDANCE WITH ORS 192.660 (2)(h)

8. RECONVENE

- 9. NEXT MEETING DATE: Work Session: March 9, 2015
Regular Session: March 11, 2015

10. ADJOURNMENT

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

Passed by the Council: _____

Approved by the Mayor: _____

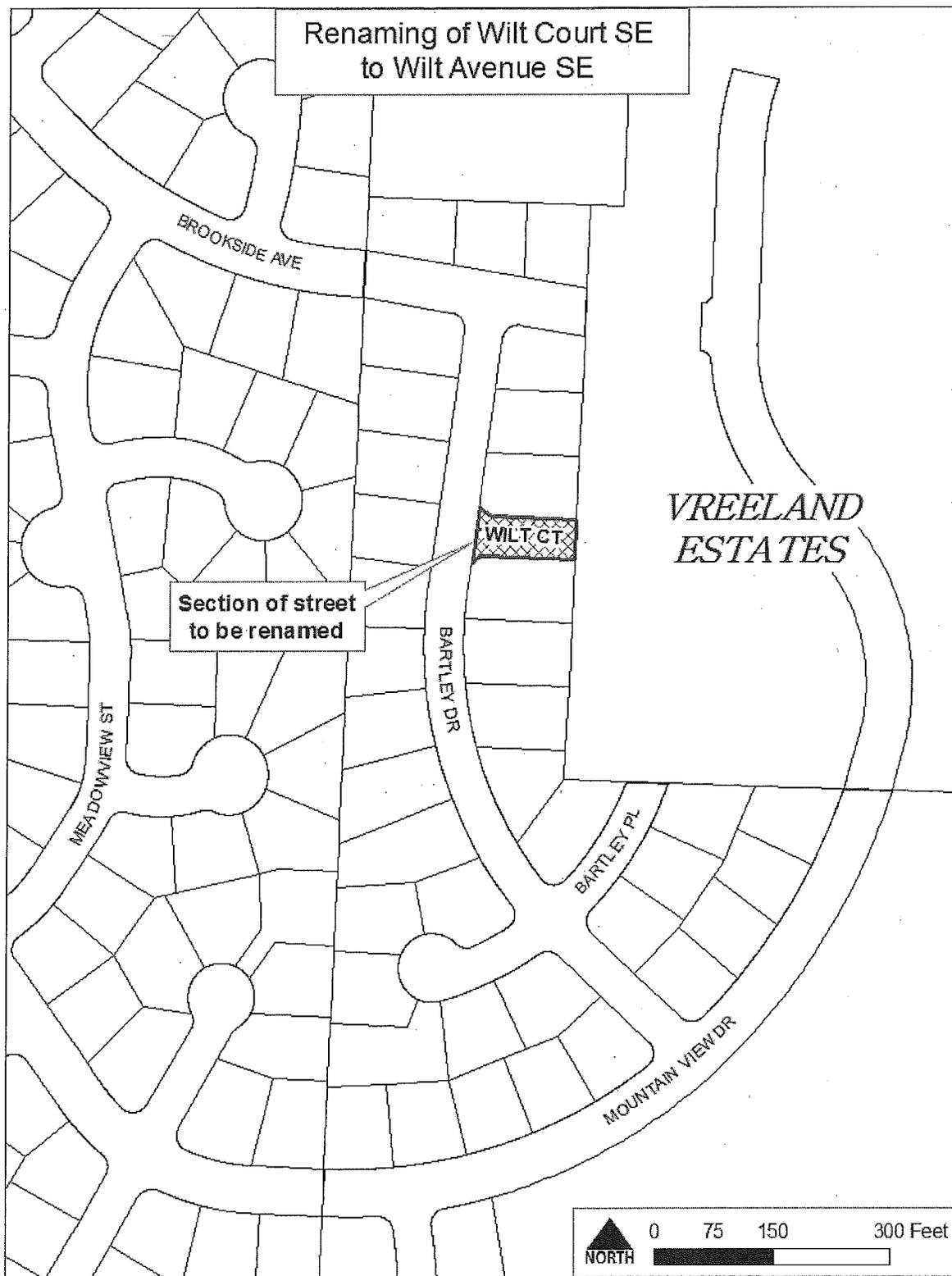
Effective Date: _____

Mayor

ATTEST:

City Clerk

ORDINANCE EXHIBIT A



ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

Passed by the Council: _____

Approved by the Mayor: _____

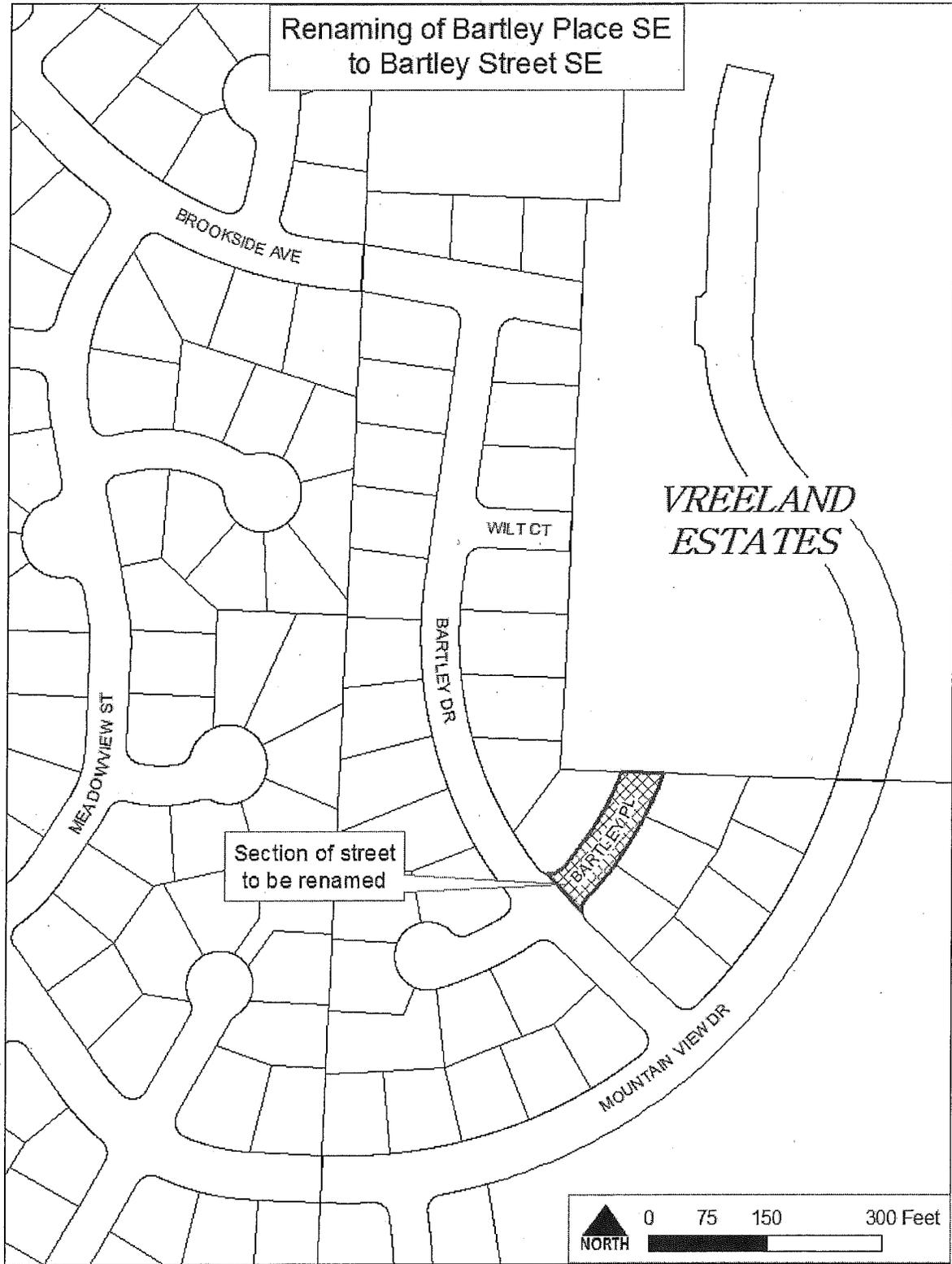
Effective Date: _____

Mayor

ATTEST:

City Clerk

ORDINANCE EXHIBIT A



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

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

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

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

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

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

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

Sections:

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

7.90.010 Purpose.

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

7.90.020 Definitions.

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

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

Occasional Secondhand Dealers, and Pawnbrokers unless specifically stated otherwise.

c. "Dealer" does not include:

- (1) A business whose acquisitions of regulated property consist exclusively of donated items and/or purchases from 501(c)3 organizations; or
- (2) A person whose only business transactions with regulated property in the city of Albany consist of the sale of personal property acquired for household or other personal use; or
- (3) A person whose only business transactions with regulated property in the city of Albany consist of a display space, booth, or table maintained for displaying or selling merchandise at any trade show, convention, festival, fair, circus, market, flea market, swap meet, or similar event for less than 14 days in any calendar year.
- (4) A scrap metal recycling business as defined in ORS 165, in which regulated property is returned to base component and not resold as regulated property.

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

in the Police Department.

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

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

7.90.030 Special License Required.

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

7.90.035 Minimum Standards.

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

7.90.040 Application for Special License.

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

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

7.90.045 Transient Merchants-Surety Bond Required.

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

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

7.90.050 Issuance and Renewal of Special License.

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

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

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

7.90.070 Subsequent Locations.

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

7.90.080 Reporting of Secondhand Dealer Transactions.

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

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

7.90.090 Regulated Property Sale Limitations.

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

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

7.90.100 Tagging Regulated Property for Identification.

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

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

7.90.110 Inspection of Property and Records.

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

7.90.120 Prohibited Acts.

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

7.90.130 General Penalties

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

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

7.90.140 Revocation or Suspension of License.

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

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

7.90.150 Appeals.

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

7.90.155 Administrative Policies and Procedures.

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

7.90.160 2014 List of Regulated Property

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

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

2. New items

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

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

Passed by Council: _____

Approved by Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Recorder



TO: Albany City Council

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

FROM: Bob Richardson, Planning Manager *BR*
Anne Catlin, Planner III *alc*

DATE: February 16, 2015, for the February 25, 2015, City Council Meeting

SUBJECT: Amendments to the Community Development Commission By-Laws

RELATES TO STRATEGIC PLAN THEME: ● GREAT NEIGHBORHOODS

Action Requested:

The Community Development Commission (CDC) recommends that the City Council adopt the attached ordinance that would amend the CDC by-laws, giving the Mayor the ability to appoint replacement members and fill Commission vacancies with City Council ratification.

Background Information:

The CDC was created by Ordinance 5822 in 2013, to assist with the oversight and management of Albany's Community Development Block Grant programs. The CDC is composed of 10 members, including three at-large members, and one representative each from the Planning Commission, City Council, and Human Relations Commission. The remaining four members represent the financial, housing, or social services industries, or have experience in economic development.

Currently, the CDC by-laws state that the City Council will appoint replacement members and fill vacancies. The CDC recommends that Council amend the by-laws, giving the Mayor the ability to appoint CDC commissioners, with City Council ratification (Attachment A). Changing the by-laws as proposed would allow Commission vacancies to be filled more efficiently, and would make the CDC appointment process consistent with the process used to appoint members to most other City commissions.

The CDC reviewed the proposed amendments to the by-laws at their February 2, 2015, meeting and recommended the Council accept the amendments as presented in the attached ordinance.

Budget Impact:

None.

ALC:rk

ORDINANCE NO. _____

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 2.27, COMMUNITY DEVELOPMENT COMMISSION; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Albany created the Community Development Commission on September 11, 2013 by Ordinance 5822 to provide recommendations regarding Albany's Community Development Block Grant programs and policies; and

WHEREAS, the Mayor makes appointments to most of the City of Albany's commissions with ratification by the City Council.

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

Section 1: The Albany Municipal Code Chapter 2.27 is hereby amended to read as follows:

2.27.010 Creation of Community Development Commission. The Community Development Commission for the ~~city~~ City of Albany is created pursuant to provisions of this chapter.

2.27.020 Purpose. The Community Development Commission is established to review and recommend housing, neighborhood revitalization, and community development policies, actions and programs to the City Council that could be supported primarily with Community Development Block Grant (CDBG) funding provided by HUD.

2.27.030 Terms of Office and ~~Initial~~ Appointments. The initial membership of the Community Development Commission shall be established by the Mayor and approved by the City Council. Four of the initially appointed members shall serve a three-year term, three of the initially appointed members shall serve a two-year term, and three of the initially appointed members shall serve for a one-year term. Initial terms of appointment will be staggered according to the alphabetical order of the appointee's surname, beginning with three-year terms for those closest to the beginning of the alphabet. Thereafter, as the terms expire, the ~~Council~~ Mayor shall appoint replacement members **with City Council ratification. Members shall be appointed** for three-year terms or until their successors are appointed and qualified. All members of the Community Development Commission will serve at the pleasure of the Council and may be removed from their position by the Council at any time without cause. Any vacancies in the Commission shall be filled **by the Mayor and** ~~through ratification~~ by the City Council. Members shall serve without compensation.

2.27.040 Community Development Commission Composition. All Community Development Commissioners shall have their principal residence within the jurisdictional limits of the City of Albany. The City Council shall endeavor to ensure low- and moderate-income persons and minorities are represented on the Commission. The Commission shall consist of at least ten (10) members as follows:

- (a) Three at-large members from the general public
- (b) One representative from the financial industry
- (c) One representative from the housing industry
- (d) One representative with experience in economic development
- (e) One representative from the social services or affordable housing ~~agency~~ industries
- (f) One representative from the Human Relations Commission
- (g) One representative from the Planning Commission
- (h) One representative from the City Council

2.27.050 Duties and Responsibilities. The Community Development Commission shall have the following responsibilities related to the City's CDBG program and other programs as directed by the City Council:

- (a) Review and consider policy, programming and funding recommendations to the City Council regarding the City's needs related to community development and affordable housing that primarily benefit low- and moderate-income, minority, and special needs populations.
- (b) Review and make recommendations regarding City applications for federal, state or other funding sources related to the purpose of the Commission as the Council may direct including the five-year Consolidated Plan, Annual Action Plan and any substantial amendments proposed to those plans.
- (c) Review the Consolidated Annual Performance Evaluation Report (CAPER) each year to examine the performance of the projects funded in whole or in part with CDBG funds.
- (d) Review proposals for funding from CDBG funds, and make recommendations to the Council for final action.
- (e) Serve as the review and appeal body for CDBG housing loan and grant programs.
- (f) Monitor and evaluate planning, programming, and implementation of housing and community development activities related to the City's CDBG programs.

2.27.060 Procedures. The Community Development Commission shall elect a chair and a vice chair **at its first meeting of each year.** A majority of the members shall constitute a quorum. The Commission shall keep minutes of its proceedings which shall be kept on file in the office of the City Recorder. The Commission's meeting shall be open to the public and held within the corporate limits of the city of Albany subject to customary state and City requirements for public access and notice. The Commission shall meet at least quarterly and at such other times as the Commission shall determine useful to the conduct of its business.

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

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk

CITY OF ALBANY
 CITY COUNCIL
 Council Chambers
 Wednesday, December 10, 2014
 7:15 p.m.

MINUTES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge of allegiance to the flag.

ROLL CALL

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

Councilors absent: None.

PROCLAMATION

Homeless Persons' Memorial Day.

Konopa read the proclamation on the dais (see agenda file).

Konopa noted that there will be a memorial service in the City Hall Plaza where the names will be read of those homeless persons who have died. This event is put on by Helping Hands, Signs of Victory, and the HEART Board. The event will be December 19, 2014, at 10:00 a.m. This is the fifth year for this event.

SCHEDULED BUSINESS

Communication

Public Safety Facilities Review Committee's final report and recommendation.

Public Safety Facility Review Committee (PSFRC) Co-chairs Dave Burright and Frank Morse thanked the Council for an opportunity to speak. Morse said they are here tonight to put the final touches on the work the PSFRC did. Morse will make some general comments and then Burright will provide more detail.

Morse said that when Councilor Floyd Collins called him requesting that he co-chair the PSFRC he was delighted, but he didn't realize how much work it would be. He said it was a very good committee and their work was diligent, thorough, and thoughtful. They didn't always agree but they worked through processes to build consensus as best they could. There were some overriding themes in the work they did: first, to determine what the needs are of the community in respect to the public safety facilities and the programs that they support. They also considered the long-term need. They did not want to put forth a recommendation that met just the short-term need. He said, that was borne out of the circumstance we find ourselves in with the current Police facility which was built to available dollars, not to long-term needs, and therein we have a problem. Morse said he is hoping the full Council will adopt the PSFRC's recommendations. He appreciates that as the PSFRC has progressed, the Council has also taken progressive actions along the way. Morse said the PSFRC did not have consensus regarding putting both facilities on the same ballot and/or using the same election dates; but they did have a strong majority on how to conduct the election. Morse said the vote on where to build facilities and how to finance the projects was supported by all the members.

Morse said another overarching theme was how to reduce the cost to the taxpayers. They started down that path and the Council will see in Mackenzie's recommendation, they started with a large contingent allowance; and as it is designed with input from staff, the two Chiefs, and the community about how the buildings will eventually look and function, there should be opportunity to reduce the cost further. He said they hope to further reduce the amount they are asking for from the citizens. Morse said he loves this community and knows all the members of the PSFRC do as well.

Burright said he would speak to some of the highlights in the staff report that is in the agenda packet. Over the last 12 meetings a number of recommendations came out, and one of the things that the group did was spend a lot of time looking at the programming needs. For example, what the buildings should have in them, how they should function, and their square footage. As a result, the recommendation is actually a reduction from previous programming. The Albany Police Department (APD) had theirs done very recently so it is relatively up-to-date; the Albany Fire Department (AFD) probably needs to be reviewed again. The PSFRC felt strongly that if there were any significant changes to the Fire program, that they would come back to the Council so they are aware of them and so that everyone can be in agreement that that is what needs to be done.

Burright recalled that the PSFRC recommended that the downtown Fire Station stay in its current location. If needed, they could close Sixth Avenue. The preliminary design that Mackenzie presented shows it closed. Burright added that, in reality, given the square footage needed, it probably will happen. The City has already acquired additional property to the north.

Burright said for APD, the total square footage needed for 40 years out was reduced. There are some recommendations for reductions; although they also recognized there may be some opportunity to shell out some space but not finish it, and realize some cost savings that way. Burright said they asked for that potential to be looked at closely during design/development. As to the location of the APD, Burright said it was a tough call. If the world was perfect, the PSFRC would want it to stay where it is; but the reality is that there is not enough property with what the City owns now, and there are not enough willing sellers to achieve the minimum amount of property to make a functional building on that site. Staff tried to work with the property owners, but the price did not match what was acceptable. It got to be too expensive, so the PSFRC decided it was time to move to the Pacific Boulevard site. Burright said he is glad the City already had that site available because he thinks it will work out well.

Burright said, as far as the funding strategy, the PSFRC thought it should be a three-legged stool: PepsiCo settlement money, urban renewal funds, and a General Obligation (GO) bond. They were unable to identify any other reasonable ways to finance this project. They talked about the Central Albany Revitalization Area (CARA) piece at length, and the final recommendation of the PSFRC was to use the maximum amount allowed under the minor amendment to the area plan. They also asked them to consider that as the buildings develop, there may be other opportunities to use CARA dollars such as street reconstruction or other utilities, or things that would naturally fit under the CARA umbrella. But at the moment, the urban renewal piece is about \$1.4 million and he understands that is what the Council decided on. The amount will probably increase a little bit between now and when it is actually needed.

Burright said, tonight you will be asked to sign a contract with Mackenzie. That process worked out really well; he credited committee member Bill Ryals with suggesting the idea. From the City's and its citizens perspective it worked great, though Morse is not sure the firms that bid would agree because they put a lot of time and effort into the process while the City will reap the benefit. Morse said they are very pleased with the selection of Mackenzie.

Burright said a key component to selecting Mackenzie is to give them a solid estimate for the project, which they now have, at \$24.4 million. He said \$24.4 million is a target for both facilities; it includes the cost associated with the bond issuance and does not include the property that has already been acquired. Morse said there is \$1.4 million from CARA and perhaps a little more. There is \$2.43 million left in the public safety facilities portion of the PepsiCo settlement fund, and the PSFRC recommends adding another \$2.5 million from that fund. The third piece is \$18 million in a GO bond, for a total of \$24.4 million. Burright said this generated debate in the PSFRC. He said the members support economic development. The PSFRC recommends the Council take the \$2.5 million from the PepsiCo settlement fund now, so they know at what level to set the GO bond for; and then at their earliest opportunity, backfill that money from receivables and the sale of the current APD building. Burright said the staff report discusses the money and shows there are more than enough economic dollars to backfill that amount.

Burright said the proposed GO Bond is \$18 million, down from \$20.3 in the previous request. They would like to see it even lower as the costs are further defined. There will be a time where the Council will need to make a decision and set the GO Bond; approximately February. As opportunities to save money arise beyond that point and if it reduces Mackenzie's contingency, the PSFRC recommends that the amount it is reduced by be set aside for early repayment of the bond so that they keep the faith of the citizens; it shouldn't be used for other items.

Burright said that, as to the method of construction, the PSFRC did not reach a decision. They are leaving that up to the Council because it will depend on a lot of things. He thought it was interesting that they heard the entire continuum of ideas in the firms that presented to them. Mackenzie recommends the traditional design/build method.

Morse stated that the PSFRC's work is now complete, and the Committee is now dissolved.

Collins thanked Morse and Burright and all the PSFRC members. The process was not easy. They had 12 separate meetings, averaging three hours each, which results in over 360 hours of citizens looking at the question. It wasn't the Council looking at it, but citizens with a cross-section of skills and expertise. He said, if we had to pay for that in a contractor, it would be \$30,000-50,000. He thanked them all for their contribution as it will serve the community long-term.

Councilor Ray Kopczynski commended Public Information Officer/Management Assistant Marilyn Smith for her excellent minutes throughout the process.

Councilor Bessie Johnson said this process shows that the Council wanted transparency in this process. The PSFRC was so diverse, and it showed that the Council stayed out of it while the PSFRC determined what was needed. She hopes what the PSFRC did will help to build the facilities Albany needs badly.

Morse said they spent 11 months working on this, yet the next phase is very compressed. In talking to Mackenzie this afternoon, they said the typical preparation for a bond levy is 12 months. They now have four months. Ron Loney and former committee member Mike Martin will be co-chairing a campaign committee, and their work will be paramount.

Burright said there is reason to be optimistic. He said they addressed the concerns of the people, and thinks they can see now what the City is asking for. He hopes the public understands how critically the buildings are needed, and noted that was one of the first decisions the PSFRC made and they made it easily. He said AFD obviously needs to be replaced; APD is harder, only because when people drive by the building, it doesn't look bad, but when they go inside they realize the magnitude of the problem, and that the building is not fulfilling the City's needs. As many citizens as they can get to take a tour inside that building would be helpful.

Burright said the last election in November 2013 for the GO bond lost by 668 votes, which is not that many. He said the citizens he has spoken with have been pleased with the work the PSFRC has done; however, there is not a lot of time to get the information out.

MOTION: Collins moved to accept the Public Safety Facilities Review Committee's final report; to acknowledge the dissolution of the Committee; and to send a thank-you letter to each member for the tremendous amount of work they did. Kopczyński seconded the motion and it passed 6-0.

Public Hearing

Setting rates for water use and repealing Resolution No. 6289.

Open: The public hearing was opened at 7:45 p.m.

Assistant City Manager/Public Works and Community Development Director Mark Shepard said he will be telling the Council what the water department does. He said there is not a lot of understanding about what it takes to provide water when the customer turns on the faucet.

Shepard gave a PowerPoint presentation (see agenda file).

There was a public hearing sign-up sheet (see agenda file).

Councilor Bill Coburn asked about the cryptosporidium episode in Baker City and what it means. Shepard explained that it is an intestinal parasite. Coburn asked how the water gets contaminated. Shepard said contamination in the water was due to a contamination event in the reservoir, or a water line break, or the water wasn't treated properly. Collins said it is commonly called "beaver fever" and explained what it is.

Shepard continued the PowerPoint.

Councilor Rich Kellum asked what the leak rate is, what they are striving for, and when they will reach their goal. Shepard said the estimate is 17%, and the industry standard is 10%. He said, our strategy is to repair the old steel lines because they leak the most. Also, it may not just be a leak; it could also be that someone is getting free water. These issues are resolved by replacing old meters and repairing big leaks. Discussion followed. Konopa said, when we adopted the plan, we were at 34% water loss, so an improvement has been made.

Collins said, the point is the capital cost never goes to zero because the life of a pipe is 50-100 years old. At best they should be replacing 4 miles of pipe per year; so now they are just playing catch up on a system that was purchased several decades ago.

Walter Johnson, 1930 SE Main, is a concerned citizen. He said, when talking about water and raising rates, the Council must remember the effect a price increase would have on some households. There are many citizens, considered the working poor, who have problems paying the bills they already have. When talking about just one increase it may seem like it won't have much effect, but consider other utilities, food, and rent increases that these families will face in the upcoming years. The City does offer some relief to the disabled and seniors, but nothing in the form of help for water services to the working poor. The City does offer extensions but they are for short periods of time, not like the ones offered by the power company. He said he recognizes the great job that Shepard is doing, and agrees with the price increase, but asked the Council that if they do the increase to add a quarter percent to go toward an endowment which could help the working poor. Two years ago he prepared a document sent by FISH of Albany regarding this request. He wants the Council to reconsider the letter when thinking about price increases. Johnson submitted the letter for the record (see agenda file).

Tom Cordier, 2240 Park Terrace, said he is not concerned about Albany's costs that are higher than other cities; rather he is concerned about how the budget process is done, and particularly how operations and maintenance costs of the water and sewer system is calculated. He said his sense is that the budget process is upside down from what he thinks it should be. He described what he thinks the process is. He said the American Water Works Association (AWWA) has a process that looks at the true cost of utilities and the way they do that is painstaking but invaluable. Although Shepard shows lots of data, Cordier said he doesn't know how frequently the tests have to be done or the work-hours, the travel time, etc. They need to figure out what needs to be done

by state law and then figure out how many work-hours it would take, and then calculate costs to find the true cost of service. He said, you may find out that you have more people than you really need. He thinks rarely folks in departments would offer to work with less staff. He said he doesn't believe the City has ever done that in water and sewer. He said the City does a good job with the financial side but with operations side, he doesn't see that being done. He thinks the City should do that before they ask for the next rate increase. He is glad the proposed rate increase is two percent instead of four, but he doesn't think it should be raised until they know what the true costs are. Cordier shared a short story about his previous work and how he calculated a way to drop the number of shifts and become more efficient in order to compete with some strong competition.

Konopa said when the City updated the Facility Plans, it took three years; Coburn was on that committee and they did a thorough study. Cordier said it may not need to be staff; maybe a consultant should be hired. Konopa said they did hire a consultant and all those needs were reviewed for water and sewer. The plans have been adopted and implemented. Cordier said he is not talking about a facility plan, but a process of understanding true costs.

Collins said they did do a portion of what Cordier is suggesting, but it wasn't AWWA; it was the American Public Works Association (APWA). With APWA, they brought folks from other utilities in to audit Albany's operational functions with specific criteria. They gave the City an APWA certification that states we are meeting all of the pieces. Shepard added that in 2012, during the budget process, Public Works cut four positions from operations and eliminated seven supervisory positions. In 2014, they added two back. He said, we cut until we found the bottom. He said, we track our work through a work order system which documents when something is assigned, the equipment used, and when the task is done. Cordier asked Collins to meet with him to explain further.

Close: The public hearing was closed at 8:28 p.m.

Councilor Dick Olsen asked Shepard about the staff reductions. Olsen said it is too bad we had to layoff.

MOTION: Johnson moved to adopt the resolution setting water rates and Coburn seconded it. The motion passed 6-0 and was designated Resolution No. 6373.

Business from the Public

Tom Cordier, 2240 Park Terrace, said the PSFRC report that was made to the Council tonight was good, and the two co-chairs did a great job presenting it. He said that one issue that was brought up early in the discussions but never got resolved because it tended to be outside their scope, was the issue of efficiencies of the operations in the design of the buildings that are going to be constructed. They didn't talk about the desire to build a building that can be efficiently run. He gave an example. They didn't talk about how to design the layout so people can multitask.

Cordier said that in 2006, the taxpayers approved a .95/1000 public safety levy and in 2012 it was increased by 21%, to 1.15/1000. He said this year it will generate about \$2.6 million for fire and police. Between fire and police the cost of those two systems are \$24.5 million and most is for staff. He doesn't know if there is a line item in the contract that is on this agenda that says that the City wants Mackenzie to design the buildings so that staff can work efficiently. He described some of the items they saw during a tour of the Scio fire buildings. He suggested the Council consider how to make them efficient for staff, lest they need another public safety levy. The levy that passed in 2012 added to the compression woes and another would do it again. He spoke to jail cells and regulations and suggested they talk to Municipal Court Judge Robert Scott to understand the operational efficiencies. Discussion followed.

Shepard said that even in the proposal stage when the different architectural firms made presentations, they looked at "adjacencies"; which is to consider which people work with other people; he gave some examples. How people will function in the building is one of the first places they start in the design process. Cordier said he saw some of that, but it needs to be paid attention to. Cordier said he was on the PSFRC and he is asking the Council to address this.

Konopa noted that the police and fire levy was first approved in 2002.

Collins said that Cordier's point is the charge they give to staff and the consultants: to balance capital costs with operating costs. They need to keep an eye on future costs, and do what they can within the budget defined to minimize the long-term costs. The "adjacencies" question is only one component. Collins thinks they have given that clear message to staff and the consultants.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) September 24, 2014, City Council Regular Session.
 - b) October 6, 2014, City Council Work Session.
 - c) October 8, 2014, City Council Regular Session.
 - d) October 20, 2014, City Council Work Session.

- e) November 13, 2014, Public Safety Facilities Review Committee.
- 2) Readopting an Investment Policy and repealing Resolution No. 6278. RES. NO. 6374
- 3) Readopting the Risk Management Policy and repealing Resolution No. 6279. RES. NO. 6375
- 4) Adopting Financial Policies and repealing Resolution No. 6277. RES. NO. 6376
- 5) Approving a liquor license for Gary, Inc., d/b/a U.S. Mini Mart #21, located at 2515 Geary Street.

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

Award of Contract

Professional services contract for preliminary engineering for the Police Station and Fire Station 11.

Shepard said this contract doesn't require Council approval since it is not over \$150,000, but given the nature of the contract he wanted to bring it to the Council for transparency.

Engineering Manager Staci Belcastro said this is the award of the contract to Mackenzie for the Phase 1 Design Work. It will include site investigations to develop concept design plans; and visioning and public outreach. Then Mackenzie will finalize the design and develop a cost that can be used going forward with the bond measure. All the Phase 1 work will take place in a short time frame so there will be a cost estimate and design concept by the end of February. Belcastro said their proposal does include items Cordier mentioned such as life cycle costs for HVAC systems, and working with the Chiefs and staff to make sure there are efficiencies and adjacencies. Phase 2 is completing the design contract documents, and Phase 3 is for construction services. The cost for the two projects combined came in at about 10% cost savings compared to the cost that was included in the proposal. The savings is almost \$200,000. The contract includes a 20% contingency so hopefully that will be reduced as the design is developed.

Johnson asked if Phase 2 and 3 will be funded as part of the bond measure. Belcastro said yes.

Approval of Contract Increase

ST-13-03, North Albany Road Reconstruction.

Shepard said the North Albany bridge design has been a moving target. Their initial hope was to use the existing structure, perhaps widen it. It is an iterative process with impacts to the floodway and it turns out they will have to replace the bridge. The cost for the design work is higher than just adding onto the existing bridge. Belcastro said they wanted to use the existing substructure of the bridge to raise it, but when they did the floodplain analysis they realized they would not be able to meet the floodplain criteria with the existing footprint. They need a 65 foot span. They talked with WH Pacific, and they thought they could do a new bridge within the existing budget but missed some costs. With a 65 foot span, they can't use a precast slab. It has to be a thicker slab which means there is more impact to adjoining properties which would require retaining walls and more right-of-ways. Instead they decided to do a steel bridge which requires considerably more structural engineering costs.

Coburn asked if the original bid was a Request for Proposal. Belcastro said yes. Coburn asked if the City has a way to quantify the additional costs or if we are at the mercy of the contractor. Belcastro said at the point it was realized the bridge would need to be steel, they had 30% plans complete and \$20,000 was expended. She explained the extra costs associated with a steel bridge. The contractor's hours are broken out into geotech, structural inspection services, etc. Staff has reviewed it and it is what will be needed to finish the project.

MOTION: Coburn moved to approve an increase to the engineering services contract with WHPacific, Inc., for \$81,767.52 for the additional engineering costs of redesigning the bridge. Kopczynski seconded the motion and it passed 6-0.

Report

Dumbeck Lane Domestic Water Supply District revised service agreements.

Shepard said staff is seeking Council authorization to enter into new agreements. There is not a substantive change; the City was approached by Dumbeck. When the agreement was developed, it was a prospective agreement which spelled out certain things each party had to do. Many of those items have been completed, so this is housekeeping in nature. The agreement was due for renewal in 2016. Dumbeck came to the City early and asked for its review. Staff and the City Attorney have reviewed it along with the Dumbeck Board.

Collins said back in the 1970s, Dumbeck was one of several water districts that considered combining with the North Albany County Service District. Twelve of the thirteen water districts did combine, but Dumbeck did not. Water bills for residents in the district for water only are about \$122. Collins said they have significant capital replacement costs.

MOTION: Collins moved to approve the Dumbeck Wholesale Domestic Water Sales Agreement and the Dumbeck Water Distribution System Maintenance Services Agreement. Kellum seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Johnson said that during a downpour, the portion of Pacific Boulevard across from Pop's Branding Iron always floods. She asked who responsible for that road. Shepard said it is ODOT, although he is not sure what storm drain system it is connected to. He will do some research. Collins noted that about five years ago, there was a catch basin by the Chevron station that flooded; staff found it was installed by the state as part of couplet project, and they forgot to connect it to the storm drain. Discussion followed.

Olsen said the Annual Christmas Parlor Tour is next Sunday. His home is on the tour. The proceeds go to repair the Monteith House. The tour can draw up to 1,000 people.

Kellum said there was discussion and a motion at the November 17, 2014, Work Session Transient Lodging Tax (TLT). He said there has been some confusion about that motion. He read the motion from the Work Session Summary: "Motion to agree in principle with the draft proposal including a potential added pay incentive for increasing overnight stays, and to have staff talk to the county to see if they agree in principle and report back, passed 5-1 with Councilor Olsen voting no."

Kellum said there has been a question of how much money it was. Staff had suggested \$50,000, and it was the consensus of the five people who voted that it was about \$40,000, and an additional possible \$50,000 for performance; and that staff was supposed to check with the Linn County to clarify questions about transferability and responsibilities. Kellum wants to confirm with those Councilors who voted yes to confirm that is in fact what they remember. Johnson, Kopczyński, Coburn, and Collins concurred that they remembered it that way. Collins said that adequately represents the discussion; they said to go talk to Linn County using the document from the Work Session and see if they can reach an agreement which incorporated those principals, and bring it back to the City Council. It could lead to a one-year initial cost of up to \$90,000. Kellum said he also agrees.

Kellum spoke about the Time Capsule which he has sealed up and is transferring to the City.

Kellum spoke to recent national events involving hate crimes which resulted in riots. He said that here in Albany, he sees us doing the right thing. He spoke to recent events in Albany, where the perpetrator was prosecuted. He spoke about perceptions versus facts.

Kopczyński commended blogger Hasso Hering for his recent column on the value of libraries in the community. He strongly agrees that libraries are needed in every community.

Shepard gave an update about Bonneville Power upgrades in North Albany. He got a letter on Monday with the schedule. They will be replacing two power lines; the first between July 2015 and November 2015, and the second between July 2016 and November 2016. He doesn't have details on the plans yet. Discussion followed.

Smith said the Carnegie Library will have Open House, from 2:00 p.m. to 7:00 p.m., as part of the ongoing 100 year anniversary.

Smith said that on Friday, the Corp of Engineers, the National Weather Service, and others will be at the Montieith Riverpark installing three high-water signs near Ellsworth Bridge, to mark the flood levels for 1861, 1964, and 1996. They will speak about flood mitigation work that has been done. The public is invited to attend.

Smith said the Woodland Square will be renamed. The prize is \$200. This project is really changing that part of town and it looks great.

NEXT MEETING DATE: Work Session: December 15, 2014, and January 12, 2015
Regular Session: January 14, 2015

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
City Clerk

Mark Shepard
Assistant City Manager/
Public Works and Community Development Director

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, January 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 Bill Coburn, Floyd Collins, Bessie Johnson, Rich Kellum, Ray Kopczynski, and Dick Olsen.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

None.

NORTH ALBANY FLOODPLAIN STUDY UPDATE

Assistant Public Works Director/City Engineer Jeff Blaine said it has been four years since staff first talked to Council about the Albany floodplain study. He said staff has done public outreach, submitted the study to the Federal Emergency Management Agency (FEMA), and FEMA has concluded the study review. This update will remind Council about what the study was, why the study was conducted, what the results are, what to expect in the coming months, and what the impacts mean for some North Albany residents. He said Civil Engineer III Jeni Richardson has done most of the work with FEMA over the last couple of years to make sure this project kept moving. Blaine introduced Gail Moldovan-Trujillo of Hagan Hamilton Insurance Services. He said staff doesn't work with floodplain insurance so it was important to work with someone who is knowledgeable in this field to help identify what information is important to residents and to answer their questions.

Blaine gave a PowerPoint presentation [see agenda file]. He said FEMA is responsible for floodplain management at a national level. In an attempt to identify potential flood hazard areas, they created flood insurance rate maps (FIRMs). The recent study was done in response to development pressure, and there was concern regarding the impact development would have on the floodplain. He said as staff received public testimony, heard concern about past flood events, received detailed engineering studies from firms in support of land-use applications; it appeared that there was an unmapped floodway through North Albany. Staff believed that the FEMA maps were in error because the floodway wasn't identified in the maps.

Blaine distributed the 2015 FEMA Floodway maps [see agenda file]. He said the study results did reveal an unmapped floodway. He indicated that the pink sections on the map are areas that are being mapped out of the floodplain and the red sections are the areas that will be newly mapped into the floodplain. He said the red section is 104 acres and the pink section is 102 acres, so there is about as much area coming in as going out. He said staff has confidence in the results because the detailed photos from the 1964 flood correspond with the study results as well as more than 100 years worth of data from the river gauge on the Willamette River. An open house will be held on February 17, 2015, at 7:00 p.m. at North Albany Middle School to inform the public of the changes. Existing residents will be better informed about the risks of living in the floodplain and will be better protected against unintended consequences associated with future development. There will be potential changes in flood insurance in both the number of properties required to carry floodplain insurance and the cost of insurance premiums.

Blaine said there are many variables outside of the City's control in regards to flood insurance. The requirement to buy flood insurance is usually tied to federally backed mortgages. He said the property owners being newly mapped into the floodplain will have a new requirement to obtain flood insurance that they haven't previously had. He anticipates 60-120 homes being moved into the floodplain while 50-120 homes will be moved out of the floodplain. FEMA calculates a site specific rate for each property based on the risk. For the first three years, FEMA gives property owners an opportunity to get subsidized insurance rates. After the third year, FEMA raises the rates 15-18% each year until the risk-based rate is reached.

Councilor Ray Kopczynski asked if the insurance is a separate policy that has to be purchased by the homeowner. Moldovan-Trujillo said flood policies are regulated by congress and have to be purchased outside of the standard homeowners' policy. Kopczynski asked if homeowners can refuse to purchase it. Moldovan-Trujillo said then the bank is required to provide it and can charge the property owner three times the amount of what FEMA charges if they refuse to purchase insurance. Konopa asked if the insurance cost is applied to the dwelling's real market value or for the overall property including the land. Moldovan-Trujillo said it is just for the dwelling.

Councilor Floyd Collins said he is concerned with the houses in the Springhill area. He said when those properties come on the market, most people buy them and the need for flood insurance comes up when an individual applies for a loan.

He said the flood insurance could possibly cost an additional \$500 per month. This could surprise both the purchaser and the seller and could inhibit the seller from putting their property on the market for market value. Moldovan-Trujillo said there are almost always mitigation options for folks to be able to lower the cost of the premium.

Councilor Dick Olsen asked if a person who sells their house on contract would have to purchase flood insurance. Moldovan-Trujillo said no because flood insurance is only required on federally backed mortgages. It is optional for those who own their home or if it's on contract. Collins said individuals who don't purchase flood insurance would run the risk of paying out-of-pocket costs if there is a flood and it caused damage.

Blaine said it will be advantageous for residents to complete an elevation certificate because it is used to document the site- and building-specific information as compared to the mapped flood elevations. An elevation certificate will help property owners understand what the potential impacts are from the new maps and what they might be able to do to reduce their insurance premiums. Staff is requesting Council approval to use up to \$100,000 of Sewer Economic Development funds to complete elevation certificates for property owners facing potential negative financial impact. He said elevation certificates cost approximately \$500 each and that cost may be substantially lower if the certificates are grouped together. The City doesn't have a legal obligation to fund elevation certificates or provide assistance. Blaine said he feels like there is a moral obligation to help property owners because the City initiated the study even though it is FEMA's errors that are being corrected. He said he is requesting Council move forward with the elevation certificate program, so the City can help people understand the situation and offer suggestions for them to consider with their insurance agents.

Collins suggested sending out this information to all area realtors and appraisers to make them aware of the changes. Blaine said he will make sure they receive the information.

Konopa asked if staff needs action on this item today. Blaine said action would be helpful so staff can tell property owners about the program.

Kopczynski asked if this would be a first-come, first-serve program. Blaine said he doesn't anticipate the funds running out. He said the program would be specifically for North Albany properties facing potential negative financial impacts as a result of the new floodplain maps. Moldovan-Trujillo said owners of properties coming out of the floodplain only need a free, smaller map of the FIRM, which demonstrates there is a new map that has been filed that shows their structure out of the floodplain. The property owner sends the map to their lender, the lender sends them a release, and then the property owner can cancel the flood insurance.

Councilor Bill Coburn asked if there are grants or programs available through FEMA to help people with this situation. Blaine said he's not sure about annual flood insurance rates and the perception is that they use the subsidized rates in the interim years to help. Coburn asked if this is happening everywhere. Blaine said it happens when new maps are released. City Manager Wes Hare said FEMA's maps have improved over time as technology has changed and as flood events have occurred and been recorded.

Councilor Rich Kellum said he is concerned with setting a precedent of giving people something when another agency is responsible for the mistake. He suggested offering a loan program for property owners. Hare said he doesn't believe it would be setting a precedent because the Council has chosen to fund other similar situations such as reimbursing past costs of individual sewer overflows and water leaks. He said the Council has the right to make individual decisions about when it is and isn't appropriate to reimburse residents.

Assistant City Manager/Public Works Director & Community Development Director Mark Shepard said staff is careful with the City's money. He said the City doesn't have the responsibility to pay for the certificates, but we did initiate the study and that's the reason staff brought this forward for consideration.

Councilor Bessie Johnson asked why the study was initiated instead of waiting for FEMA to update the maps on their own. She thinks people know what they are getting into when they build near a waterway. Blaine said the main reason for the study was to respond to development pressures and to understand where the floodway is in order to protect life and property. Johnson said she feels uncomfortable about paying for the certificates because the City didn't create the problem. Hare said his view of this is that the City is responsible for assisting citizens with services. He said the question is, do we as a community want to help those who are now subjected to some fairly expensive changes in their living conditions. He said the City would be subsidizing the elevation certificates, not the flood insurance premiums.

Konopa suggested having this item come back as a resolution at a future meeting so the Council can take action on it then. Olsen and Johnson agreed that it should be brought back as a resolution.

Coburn asked if the properties moving out of the floodplain have to have an elevation certificate in order to remove their flood insurance. Blaine said no. Collins said he would like time to think about this issue more.

Staff will prepare a resolution for Council consideration at the January 28, 2015, City Council meeting.

STORMWATER DISCUSSION

Shepard said there has been a lot of recent discussion about stormwater and there have been a couple of new regulations that the City has adopted. He said in reality, Albany hasn't changed the way its treated stormwater for over 40 years

Albany City Council Work Session
January 12, 2015

which is a long time to operate the same way. He said staff wants to look at stormwater and find ways to deal with it in order to protect existing development, minimize the potential impacts of localized flooding, plan and facilitate continued growth in the community, manage costs, protect creeks and rivers, and comply with regulations. The strategy to accomplish this will include a series of discussions about stormwater at City Council Work Session meetings. He said staff is looking for direction to see if they are okay with moving this plan forward. Council agreed with moving forward with the plan.

Kopczynski asked if there have been any ramifications for cities that aren't in compliance with the regulations. Shepard said he doesn't believe so, but there is the potential for third party lawsuits.

COUNCILOR COMMENTS

Kellum said, Go Ducks!

CITY MANAGER REPORT

None.

ADJOURNMENT

There being no other business, the meeting was adjourned at 5:05 p.m.

Respectfully submitted,

Reviewed by,

Diana Eilers
Administrative Assistant I

Stewart Taylor
Finance Director



TO: Albany City Council
 VIA: Wes Hare, City Manager
 FROM: Stewart Taylor, Finance Director
 Mary Dibble, City Clerk

DATE: February 11, 2015, for the February 25, 2015, City Council Regular Session

SUBJECT: Certifying Properties Exempt from Taxes

RELATES TO: ● Create and sustain a city of diverse neighborhoods where all residents can find and afford the values, lifestyles, and services they seek.

Action Requested:

By separate resolutions, certify to the Linn County Assessor properties exempt from taxation.

Discussion:

The City Council annually considers resolutions to exempt low income and transitional housing properties from property tax per ORS 307.543. The properties include five low-income housing properties owned by the Albany Partnership for Housing and Community Development: Songbird Village, Periwinkle Place, Park Rose, 1680-1682 Oak Street SE, and 515 Geary Street SE.

The 133 low-income apartments and three transitional housing units that these properties provide are an integral part of providing an affordable quality of life in Albany. The Partnership depends on the tax exemption to keep their rental costs affordable to residents earning less than 60 percent of the area median income. Details of the requested exemptions are presented in the table below.

Exempt Properties Estimate of Taxes *

	2014 Market Value	2014 Assessed Value	2015 Estimated City Tax
Songbird Village	2,625,180	1,761,890	13,299
Periwinkle Place	1,639,650	1,296,410	9,786
ParkRose	1,254,060	826,830	6,241
1680-1682 Oak Street	169,060	95,010	717
515 Geary Street SE	128,430	73,220	553
Total	\$5,816,380	\$4,053,360	\$30,596

* Estimates provided by the Linn County Assessor's Office.

Budget Impact:

The exemptions reduce the property tax that the City would otherwise receive.

RESOLUTION NO. _____

A RESOLUTION CERTIFYING TO THE LINN COUNTY ASSESSOR THAT THE SONGBIRD VILLAGE PROPERTY SHALL BE EXEMPT FROM PROPERTY TAXATION.

WHEREAS, the Albany City Council in 1993 adopted the provision of ORS 307.540 to 307.547, which allows for a low-income housing tax exemption when specific standards are met; and

WHEREAS, the Albany Partnership for Housing and Community Development is the senior partner of Albany Family Housing Limited Partnership, the owner of Songbird Village, an affordable housing project located at 215-245 21st Avenue SE and 2020-2040 Lyon Street SW (Assessor's Map No. 11S-3W-7CD, Tax Lot 901); and

WHEREAS, the Albany Partnership has submitted an application for property tax exemption; and

WHEREAS, the owner meets the requirements of ORS 307.541 and their application meets the requirements of ORS 307.545.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council certifies to the Linn County Assessor that the property on which the Songbird Village project is located (Map No. 11S-3W-7CD, Tax Lot 901) shall be exempt from taxation under the City's tax levy as provided in ORS 307.543.

DATED AND EFFECTIVE THIS 25th DAY OF FEBRUARY 2015.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION CERTIFYING TO THE LINN COUNTY ASSESSOR THAT THE PERIWINKLE PLACE PROPERTY SHALL BE EXEMPT FROM PROPERTY TAXATION.

WHEREAS, the Albany City Council in 1993 adopted the provision of ORS 307.540 to 307.547, which allows for a low-income housing tax exemption when specific standards are met; and

WHEREAS, the Albany Partnership for Housing and Community Development is the owner of Periwinkle Place, an affordable housing project located at 1700-1860 Periwinkle Circle (Assessor's Map No. 11S-3W-8DB, Tax Lot 5200); and

WHEREAS, the Albany Partnership has submitted an application for property tax exemption; and

WHEREAS, the owner meets the requirements of ORS 307.541 and their application meets the requirements of ORS 307.545.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council certifies to the Linn County Assessor that the property on which the Periwinkle Place project is located (Map No. 11S-3W-8DB, Tax Lot 5200) shall be exempt from taxation under the City's tax levy as provided in ORS 307.543.

DATED AND EFFECTIVE THIS 25th DAY OF FEBRUARY 2015.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION CERTIFYING TO THE LINN COUNTY ASSESSOR THAT THE PARKROSE PROPERTIES SHALL BE EXEMPT FROM PROPERTY TAXATION.

WHEREAS, the Albany City Council in 1993 adopted the provision of ORS 307.540 to 307.547, which allows for a low-income housing tax exemption when specific standards are met; and

WHEREAS, the Albany Partnership for Housing and Community Development is the owner of ParkRose, an affordable housing project associated with the Pacific Boulevard/9th Avenue Couplet Project of the Oregon Department of Transportation; and

WHEREAS, the Albany Partnership has submitted an application for property tax exemption; and

WHEREAS, the owner meets the requirements of ORS 307.541 and their application meets the requirements of ORS 307.545.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council certifies to the Linn County Assessor that the properties on which the ParkRose project is located (Map No. 11S-3W-8BA Tax Lot 3101) shall be exempt from taxation under the City's tax levy as provided in ORS 307.543.

DATED AND EFFECTIVE THIS 25th DAY OF FEBRUARY 2015.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION CERTIFYING TO THE LINN COUNTY ASSESSOR THAT THE PROPERTY LOCATED AT 1680-1682 OAK STREET SE SHALL BE EXEMPT FROM PROPERTY TAXATION.

WHEREAS, the Albany City Council in 1993 adopted the provision of ORS 307.540 to 307.547, which allows for a low-income housing tax exemption when specific standards are met; and

WHEREAS, the Albany Partnership for Housing and Community Development is the owner an affordable transitional housing project located at 1680-1682 Oak Street SE (Assessor's Map No. 11S-3W-7DA, Tax Lot 4000); and

WHEREAS, the Albany Partnership has submitted an application for property tax exemption; and

WHEREAS, the owner meets the requirements of ORS 307.541 and their application meets the requirements of ORS 307.545.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council certifies to the Linn County Assessor that the property located at 1680-1682 Oak Street SE (Map No. 11S-3W-7DA, Tax Lot 4000) shall be exempt from taxation under the City's tax levy as provided in ORS 307.543.

DATED AND EFFECTIVE THIS 25th DAY OF FEBRUARY 2015.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION CERTIFYING TO THE LINN COUNTY ASSESSOR THAT THE PROPERTY LOCATED AT 515 GEARY STREET SE SHALL BE EXEMPT FROM PROPERTY TAXATION.

WHEREAS, the Albany City Council in 1993 adopted the provision of ORS 307.540 to 307.547, which allows for a low-income housing tax exemption when specific standards are met; and

WHEREAS, the Albany Partnership for Housing and Community Development is the owner of the affordable transitional housing project located at 515 Geary Street SE (Assessor's Map No. 11S-3W-5CD, Tax Lot 3200); and

WHEREAS, the Albany Partnership has submitted an application for property tax exemption; and

WHEREAS, the owner meets the requirements of ORS 307.541 and their application meets the requirements of ORS 307.545.

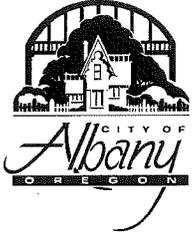
NOW, THEREFORE, BE IT RESOLVED that the Albany City Council certifies to the Linn County Assessor that the property located at 515 Geary Street SE (Map No. 11S-3W-5CD, Tax Lot 3200) shall be exempt from taxation under the City's tax levy as provided in ORS 307.543.

DATED AND EFFECTIVE THIS 25th DAY OF FEBRUARY 2015.

Mayor

ATTEST:

City Clerk



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Stewart Taylor, Finance Director

DATE: February 18, 2015, for the February 25, 2015, City Council Meeting

SUBJECT: Approval of Contract Renewal for Municipal Court Judge Robert Scott and Approval of Pro Tem Resolution

RELATES TO STRATEGIC PLAN THEME: ● An Effective Government

Action Requested:

Council approval of a contract renewal for Municipal Court Judge Robert Scott and approval of a resolution appointing Municipal Court Judge Pro tems.

Discussion:

The contract was reviewed at the February 23, 2015, City Council Work Session.

The resolution appointing Municipal Court Pro Tems provides for a continuation of workflow in Municipal Court in the event of Judge Robert Scott's absence.

Budget Impact:

There will be an increase to the budget of \$774, as non-bargainers received a 2% cost-of-living adjustment on July 1, 2014.

ST:md
Attachment

CONTRACT TO PROVIDE MUNICIPAL COURT SERVICES

THIS AGREEMENT is made and entered into this 25th day of February 2015 by and between the CITY OF ALBANY, Oregon, a municipal corporation, hereinafter referred to as "CITY" and ROBERT T. SCOTT, Attorney at Law.

WITNESSETH:

WHEREAS, the CITY desires the services of ROBERT T. SCOTT as Municipal Judge, pursuant to Section 23 of the Charter of the CITY OF ALBANY; and

WHEREAS, ROBERT T. SCOTT desires to serve in said capacity; and

WHEREAS, the Internal Revenue Service defines a Judge as a public official and an employee of the government for whom he or she serves and, therefore, the CITY is responsible for withholding and paying Federal income tax, social security and Medicare taxes, and issuing a Form W-2 Wage and Tax Statement to the public official; and WHEREAS, it is the desire of both parties hereto to establish and set forth their mutual responsibilities one to the other.

NOW, THEREFORE, in consideration of the mutual promises contained herein, it is hereby agreed as follows:

Duties. The CITY hereby contracts with ROBERT T. SCOTT to perform all functions and duties specified in Section 23 of the Charter of the CITY OF ALBANY and to perform such other legally permissible and proper duties and functions as said position shall require. These duties shall include, but are not limited to, the following:

- a. Provide an overview of the Municipal Court judicial function, including pretrial conferences, scheduling of pro tem judges, and annual reviews of the financial condition of the Municipal Court system;
- b. Preside over criminal, traffic, parking cases, arraignments, trials, and hearings and set forth the courtroom calendar;
- c. Develop and carry out policies for trial procedures, including the adoption of an appropriate bail schedule;
- d. Coordinate with the City Attorney to reduce or eliminate backlog of pending cases;
- e. Review annually, data gathered by the CITY regarding cases generated by the Albany Police Department which are being filed in the Municipal Court;
- f. Prepare an annual report concerning Municipal Court operations and personally present that report to the Council;
- g. Annually review and recommend changes to the Albany Municipal Code which relate to Municipal Court; and
- h. Make recommendations to the CITY to improve the financial or other operating conditions of the Court.

Independent. In performing the duties of Municipal Court Judge, ROBERT T. SCOTT shall serve as a 0.25 FTE Nonbargaining employee of the CITY. However, the CITY shall have no right or responsibility to control or influence the manner in which he carries out his judicial responsibilities, save and except that

ROBERT T. SCOTT agrees to carry out his duties in a timely, consistent, and impartial manner. ROBERT T. SCOTT shall have no management or administrative responsibility or authority over other City employees.

Pro Tem Services. While it is agreed that ROBERT T. SCOTT shall personally serve as Municipal Judge and shall be available to fill the duties of that office generally not less than eighty percent of the time, it is anticipated that ethical conflicts, scheduling conflicts, vacations, illness, etc., will occasionally require the employment of pro tem municipal judges. It is understood that it is in the interest of both parties to maintain an active pool of pro tem judges so that the work for the Municipal Court will not be interrupted when ROBERT T. SCOTT must be absent from that position. Therefore:

- a. On or before the 1st of January of each and every year this contract remains in effect, ROBERT T. SCOTT shall submit to the City Council the names of those persons whom he wishes to nominate as pro tem judges for the 12 months following the date of such appointment. These persons shall all be members of the Oregon State Bar, in good standing, and must be satisfactory to the City Council of the CITY. Upon receiving such list of proposed pro tem judges, the City Council shall, at its next regularly scheduled meeting, or as soon thereafter as may be convenient, review the list of persons nominated by ROBERT T. SCOTT and approve or deny their appointment as pro tem municipal judges. Any pro tem municipal judge shall also be an independent contractor and not an employee of the City of Albany and shall exercise the same functions, duties, powers, and responsibilities as those assumed by ROBERT T. SCOTT pursuant to this agreement.
- b. When the services of pro tem judges are required because Robert T. Scott is on vacation, ill, or has a scheduling conflict, the City shall pay the pro tem judges' fees for services rendered, up to a maximum expenditure of \$3,000 during the calendar year 2015. Robert T. Scott shall be responsible for negotiating with the pro tem judges and setting their per hour fee for services rendered, which shall not exceed \$150 per hour. In the event the total cost of pro tem services exceeds \$3,000 in the calendar year 2015, ROBERT T. SCOTT shall pay the excess over \$3,000 and shall hold the City harmless therefrom.

When a conflict of interest requires the services of a pro tem judge, or when Albany Municipal Court business or the professional development of the Municipal Judge requires that ROBERT T. SCOTT be away from the Court, compensation of a pro tem judge shall be at the same rate as established for other pro tem use, and shall be paid by the City. The amount so paid shall not be included in the \$3,000 contracted for by the City in the preceding paragraph.

- c. ROBERT T. SCOTT shall make a reasonable effort to maintain a pool of at least three pro tem municipal judges that all will be reasonably familiar with Municipal Court procedures should their service be necessary.
- d. ROBERT T. SCOTT shall instruct all pro tems concerning procedures and customary sentences in order to promote uniformity to the greatest extent possible.

Term. This Agreement shall commence January 1, 2015, and shall continue until December 31, 2015.

This contract may be renewed annually upon the terms set forth herein or upon any other terms mutually acceptable to both parties. Notwithstanding the foregoing, ROBERT T. SCOTT shall serve at the pleasure of the City Council. No rights, responsibilities, salary, or other benefits shall extend beyond the term of this Agreement and nothing in this Agreement shall be deemed to vest in ROBERT T. SCOTT any property interest in the duties, responsibilities, or compensation provided in this contract or any right to the continuation thereof. Either party may, at any time, terminate this Agreement, with or without cause, upon thirty (30) days' written notice, in which event ROBERT T. SCOTT shall be entitled to all compensation then due.

Compensation. Effective January 1, 2015, ROBERT T. SCOTT would be entitled to have his compensation increased by the cost-of-living adjustment granted to the Nonbargaining employees

during the previous calendar year, 2014.

For his service during the calendar year 2015, ROBERT T. SCOTT shall be paid gross compensation of \$6,598 per month. All other benefits and conditions of employment will be consistent with those of a 0.25 FTE Nonbargaining employee.

Hours of Work. It is recognized that the hours devoted by the judge in the performance of his responsibilities may vary with the caseload of the Court. The judge shall file a monthly timesheet with the Court Clerk describing the amount of time he is devoting to his judicial duties.

Periodic Review. The City Council may review the performance and compensation of the Municipal Court Judge by such method and at such times as the Council shall deem appropriate.

Dues and Subscriptions. The Municipal Court Judge shall maintain membership in the Oregon Municipal Judges Association and all fees required for such membership shall be paid by the CITY. In addition, the CITY encourages the Municipal Judge to participate in national, regional, and state and local associations and organizations necessary and desired for his continued professional growth and advancement and to improve his performance as Municipal Judge of the CITY OF ALBANY. Should the Municipal Judge desire to incur any expenditure for any of the proposed activities outlined above, he may obtain prior consent from the Mayor of the CITY OF ALBANY, in which event the CITY shall be obligated to reimburse for such pre-authorized expenses, or the Municipal Judge may submit a request for reimbursement without prior authorization, in which event the CITY, in the exclusive exercise of discretion, may reimburse for such expenses.

Professional Development. The CITY agrees to reimburse the Municipal Judge for registration, travel, and subsistence expenses for professional and office travel, meetings, and occasions deemed necessary or desirable to continue the professional development of the Municipal Judge. The procedures for reimbursement shall be the same as those for Nonbargaining employees.

General Provisions. This Agreement shall constitute the entire agreement between the parties and supersedes any previous agreements or understandings. If any provisions or a portion thereof contained in this Agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect. No other benefits, consideration, or compensation of any kind shall be due from CITY to ROBERT T. SCOTT or any pro tem judge other than as set forth herein.

CITY OF ALBANY:

JUDGE:

By _____
Sharon Konopa, Mayor

_____ Robert T. Scott, Municipal Judge

Date: _____

Date: _____

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION APPOINTING MUNICIPAL COURT JUDGE PRO TEMS AND REPEALING
RESOLUTION NO. 6306.

WHEREAS, an active pool of pro tem judges shall be maintained so that the work for the Municipal Court will not be interrupted when the Judge is absent from his position; and

WHEREAS, the contract between the City of Albany and Judge Robert T. Scott specifies that he shall submit to the City Council the names of persons whom he wishes to nominate as pro tem judges for the duration of a new contract; and these persons shall be members of the Oregon State Bar and in good standing.

NOW, THEREFORE, BE IT RESOLVED that the following persons are hereby appointed as Judge Pro Tems for the Albany Municipal Court of the City of Albany, Oregon:

- Doug Moore
- Gary Norman
- Mark Taleff
- Paul Kuebrich

BE IT FURTHER RESOLVED that Resolution No. 6306 is hereby repealed.

DATED AND EFFECTIVE THIS 25TH DAY OF FEBRUARY 2015.

Mayor

ATTEST:

City Clerk



TO: Albany City Council

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

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

DATE: February 11, 2015, for the February 25, 2015, City Council Meeting

SUBJECT: Relinquishing Four Sewer and Water Easements

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

Action Requested:

Staff recommends that Council adopt the attached Resolution releasing four sewer and water easements that are not needed due to a realignment of utilities.

Discussion:

In 1999 an addition to Edgewood Mobile Home Park was constructed. The improvements included an extension of Mountain View Drive north to Periwinkle Creek, a private storm drainage system and private streets within the manufactured home park, and public sewer and water lines throughout the development. After the infrastructure was completed, the City acquired a public street and utility right-of-way dedication over Mountain View Drive, and four sewer and water easements over the public sewer and water lines. No manufactured homes were ever moved into the addition and the site remained unoccupied for the past 15 years.

In 2014 Phase 1 of Vreeland Estates Subdivision was built. That subdivision plan uses the sewer and water lines west of and within Mountain View Drive, but eliminates the sewer and water lines east of Mountain View Drive. The lines east of Mountain View Drive have been disconnected and removed from the City of Albany system.

Attachment A shows where the sewer and water easements lay in relation to the Vreeland Estates lots. The existing three easements east of Mountain View Drive need to be eliminated because they lie over lots in Vreeland Estates Subdivision. The one existing easement west of Mountain View Drive is being eliminated because that easement has been replaced by a new street and utility right-of-way dedication.

In order to eliminate these unneeded City easements, staff recommends that Council adopt the attached Resolution (Attachment B) approving the Relinquishment of Easement document.

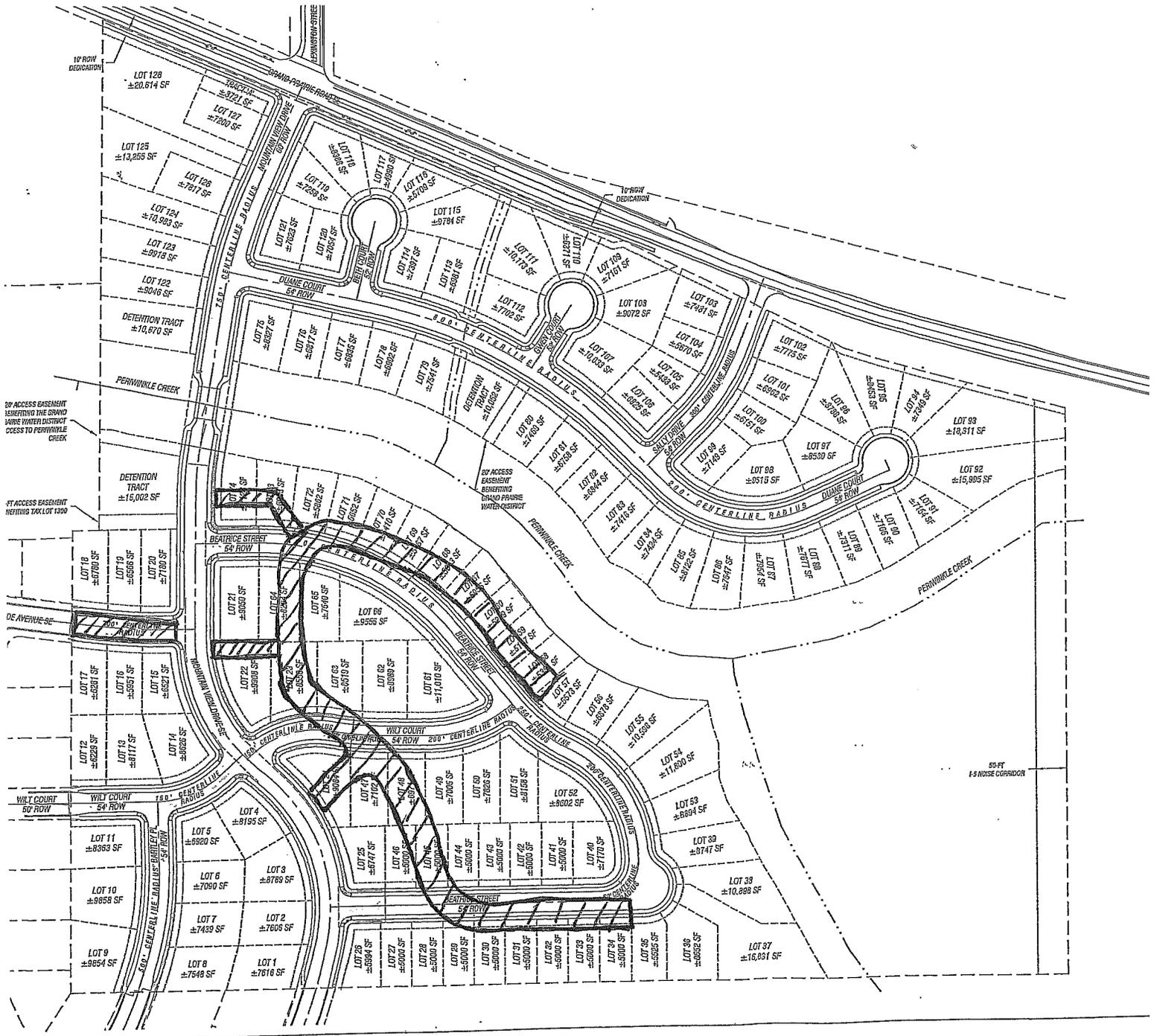
Budget Impact:

None.

GS:kw
Attachments

Attachment A

Four Easements (hashed areas) to be eliminated
Overlaid on the Vreeland Estates Subdivision plan



RESOLUTION NO. _____

A RESOLUTION DIRECTING STAFF TO EXECUTE THE ATTACHED RELINQUISHMENT OF SEWER AND WATER EASEMENTS DOCUMENT:

Grantor: City of Albany

Purpose

Grantees: MWIC ALBANY, LLC

Relinquishing four sewer and water easements due to realignments as part of the Vreeland Estates Subdivision.

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

DATED AND EFFECTIVE THIS 25TH DAY OF FEBRUARY 2015.

Mayor

ATTEST:

City Clerk

After Recording Return to:

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

RELINQUISHMENT OF SEWER AND WATER EASEMENTS

The City of Albany, a municipal corporation duly organized and existing under the laws of the state of Oregon (the "City") hereby terminates and releases any and all interest of the City in those 4 certain Sewer and Water Easements, dated May 25, 1999, recorded June 17, 1999, in Volume 1042 Page 587, Volume 1042 Page 592, Volume 1042 Page 596, and Volume 1042 Page 600, Linn County, Oregon, deed records. As shown on attached map labeled Exhibit A.

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

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

City Manager

STATE OF OREGON)
) ss.
County of _____)

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

Notary Public for Oregon
My Commission Expires: _____

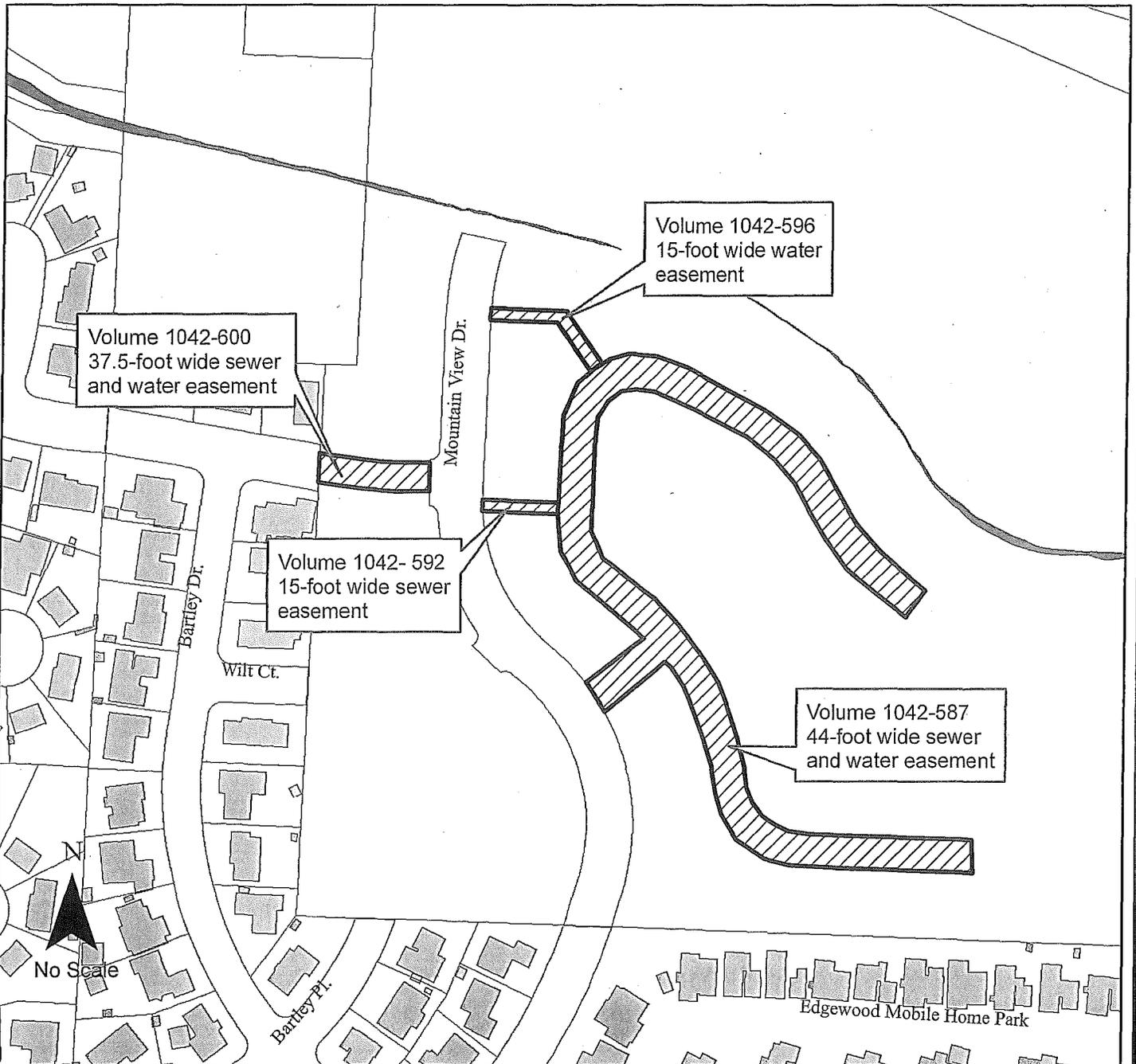
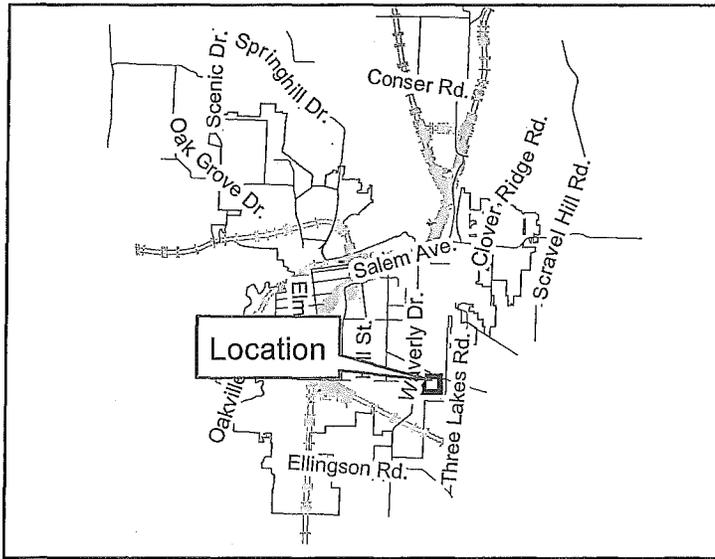
EXHIBIT A

11S03W16- 01400

Relinquishing 4 sewer and water easements due to realignments as part of the Vreeland Estates subdivision



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

DATE: February 18, 2015, for the February 25, 2015, City Council Meeting

SUBJECT: Accepting 2 Replacement Sewer Easements from Oremet

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

Action Requested:

Staff recommends that Council adopt the attached two Resolutions accepting two replacement sewer easements from Oremet.

Discussion:

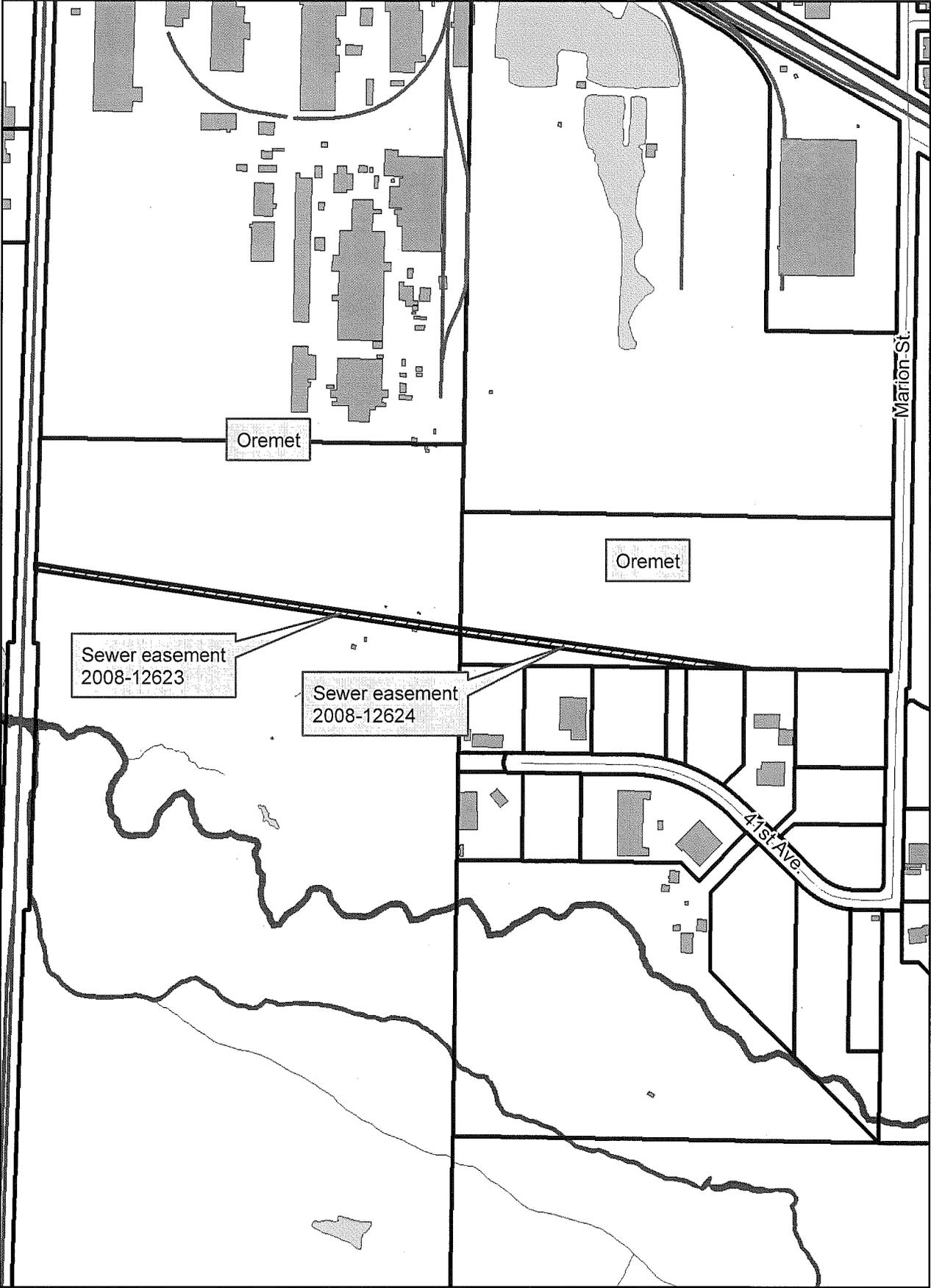
In 2007 staff began designing the Oak Creek sewer lift station and force main project, SS-07-05. As part of the design staff obtained two 20-foot wide easements over two Oremet parcels for the 24-inch diameter sewer force main, as shown on Attachment 1. When construction of the force main began in 2013-2014, Oremet objected to the alignment of the easement and force main because the planned alignment crossed a fenced-in storage area. Ultimately staff and Oremet agreed to re-route the sewer main and easements around the storage area. Attachment 2 shows the alignment of the new replacement easements. Attachments 3 and 4 are Resolutions accepting the replacement easements.

Budget Impact:

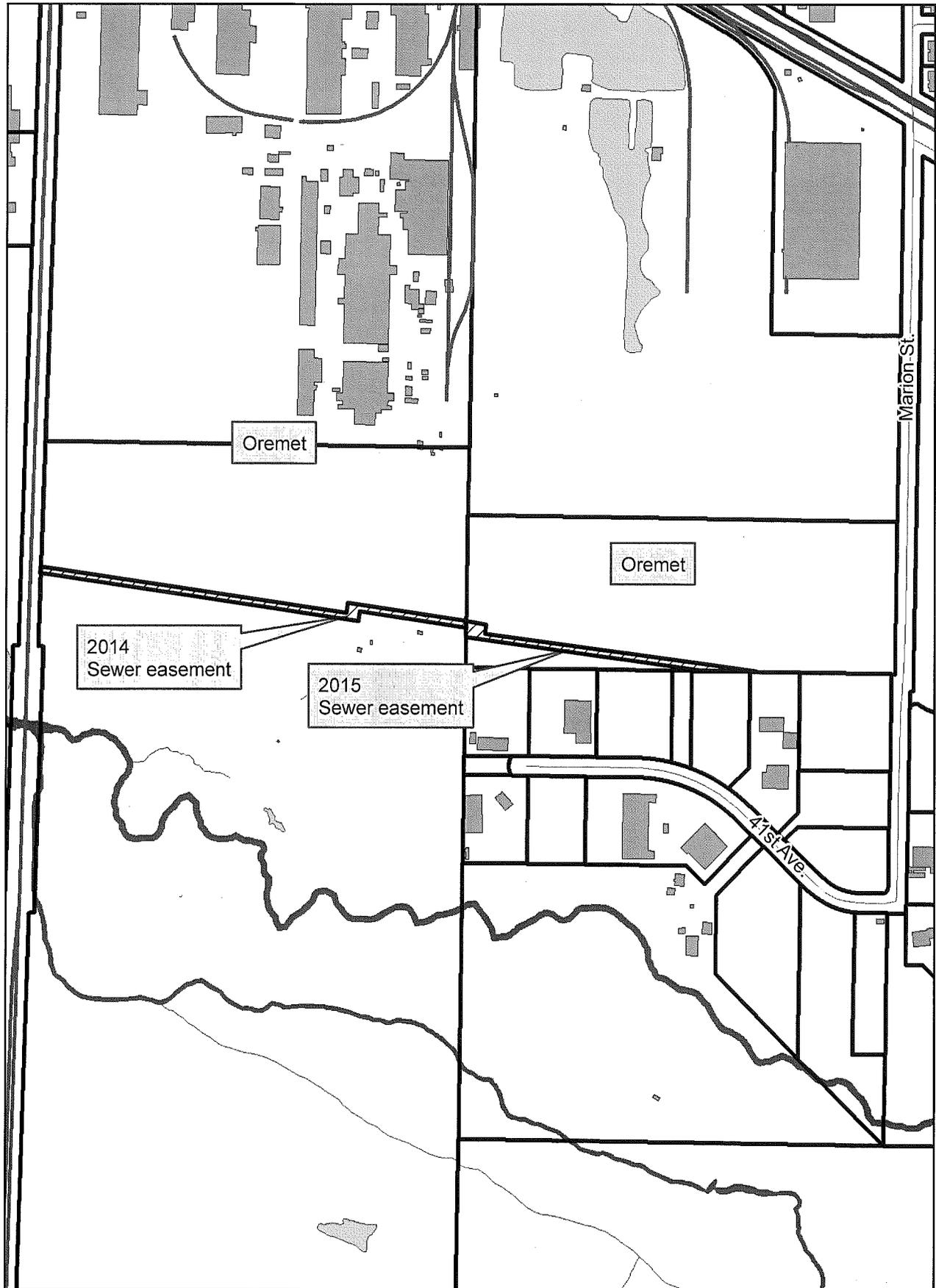
None.

GS:kw
Attachments

Attachment 1 - 2008 Sewer Easements



Attachment 2 - 2014/2015 Sewer Easements



Attachment 3

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Oregon Metallurgical, LLC

A variable width sewer easement on Tax Lot 11S-03W-19 00402, replacing a 20 foot wide sewer easement recorded in Linn County Deed Records 2008-12623.

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

DATED AND EFFECTIVE THIS _____ DAY OF _____ 2015.

Mayor

ATTEST:

City Clerk

SANITARY SEWER FORCE MAIN EASEMENT-CORRECTION EASEMENT

THIS AGREEMENT, made and entered into this 24TH day of MARCH, 2014, by and between Oregon Metallurgical LLC, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WHEREAS, on April 25, 2008, Grantor conveyed to City a Sanitary Sewer Force Main Easement across Grantor's property; and

WHEREAS, during the construction of the Sanitary Sewer Force Main, the parties have agreed that the easement location should be relocated to better serve the needs of the parties; and

WHEREAS, the parties desire, through this correction easement, to correct the legal description of the 2008 easement to conform to the revised location.

WITNESSETH:

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

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

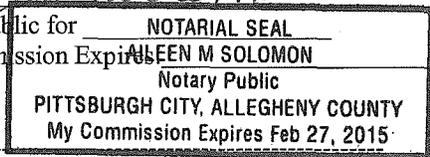
A 20-foot wide utility easement for the purpose of constructing a sewer force main and maintaining a sewer force main. See attached legal description labeled Exhibit A and map labeled Exhibit B.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.
7. This agreement supersedes and terminates the sanitary sewer force main easement across Grantors property dated April 25, 2008 with respect to the property described herein..

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

GRANTOR: Oregon Metallurgical Corporation LLC

~~Name: _____~~
~~Title: _____~~
~~STATE OF _____~~
~~County of _____~~
~~The instrument was acknowledged before me this ____ day~~
~~of _____, 2014, by _____,~~
~~as _____,~~
~~of _____.~~
~~Notary Public for _____~~
~~My Commission Expires: _____~~

Patrick J DeCourcey
Name: _____
President
Title: _____
STATE OF *Pennsylvania*
County of *Allegheny*
The instrument was acknowledged before me this *24th* day
of *March*, 2014, by
Patrick J DeCourcey, as *President*,
of *Oregon Metallurgical Corporation*
LLC
Allen M Solomon
Notary Public for _____
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 _____ 2014.

City Manager

ATTEST:

City Clerk

EXHIBIT A

Legal Description

City of Albany Sewer Force Main Easement

A portion of Tract 1 of that deed recorded in Volume 1135, Page 793 in the Linn County, Oregon Deed Records, said portion being in the Northwest 1/4 of Section 19, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon and is more particularly described as follows:

Beginning at a point at the intersection of the easterly line of the Southern Pacific Railroad right-of-way with the northerly line of the Bonneville Power Administration Easement (a 125.00 foot wide easement); thence South 02°11'16" West, along easterly line, 15.10 feet to a point that is 15.00 feet southerly when measured perpendicular to said north line of the Bonneville Power Administration Easement; thence South 81°22'30" East, parallel with said north line of the Bonneville Power Administration Easement, 995.84 feet to Station 31+74.14 (stationing based on the design plans completed by HBH Consulting Engineers dated April 4, 2013 for the City of Albany Oak Creek Lift Station Sewer Force Main Project); thence North 08°37'30" East 30.00 feet to a point that is 15.00 feet northerly when measured perpendicular to said north line of the Bonneville Power Administration Easement; thence South 81°22'30" East, parallel to said north line of the Bonneville Power Administration Easement, 333.36 feet to the east line of said Tract 1; thence North 02°11'16" West, along the east line of said Tract 1, a distance of 20.18 feet to a point that is 35.00 feet when measured perpendicular to said north line of the Bonneville Power Administration Easement; thence North 81°22'30" West, parallel to said north line of the Bonneville Power Administration Easement, 368.98 feet to Station 31+35.86 of said design plans; thence South 08°37'30" West 30.00 feet to a point that is 5.00 feet northerly when measured perpendicular to said north line of the Bonneville Power Administration Easement; thence North 81°22'30" West, parallel to said north line of the Bonneville Power Administration Easement, 959.81 feet to said easterly line of the Southern Pacific Railroad right-of-way; thence South 02°11'16" West 5.03 feet to the POINT OF BEGINNING.

The Bearings for the above described property are based on the north line of the Bonneville Power Administration Easement being South 81°22'30" East per said design plans completed by HBH Consulting Engineers dated April 4, 2013 for the City of Albany Oak Creek Lift Station Sewer Force Main Project

September 11, 2013
CITY OF ALBANY
SEWER FORCE MAIN EASEMENT
(13-55) JJC:ls
File Ref: Z:/Projects/2013/13-55/Legal Description.doc

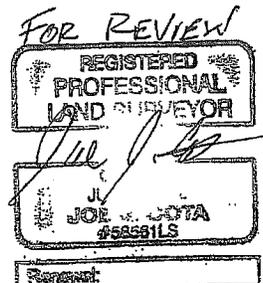
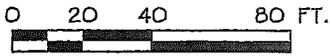


EXHIBIT MAP
CITY OF ALBANY SEWER FORCE MAIN
 LOCATED OVER
TAX LOT 402 MAP 115-3W-19
CITY OF ALBANY, LINN COUNTY, OREGON

SEPTEMBER 11, 2013

FOR REVIEW



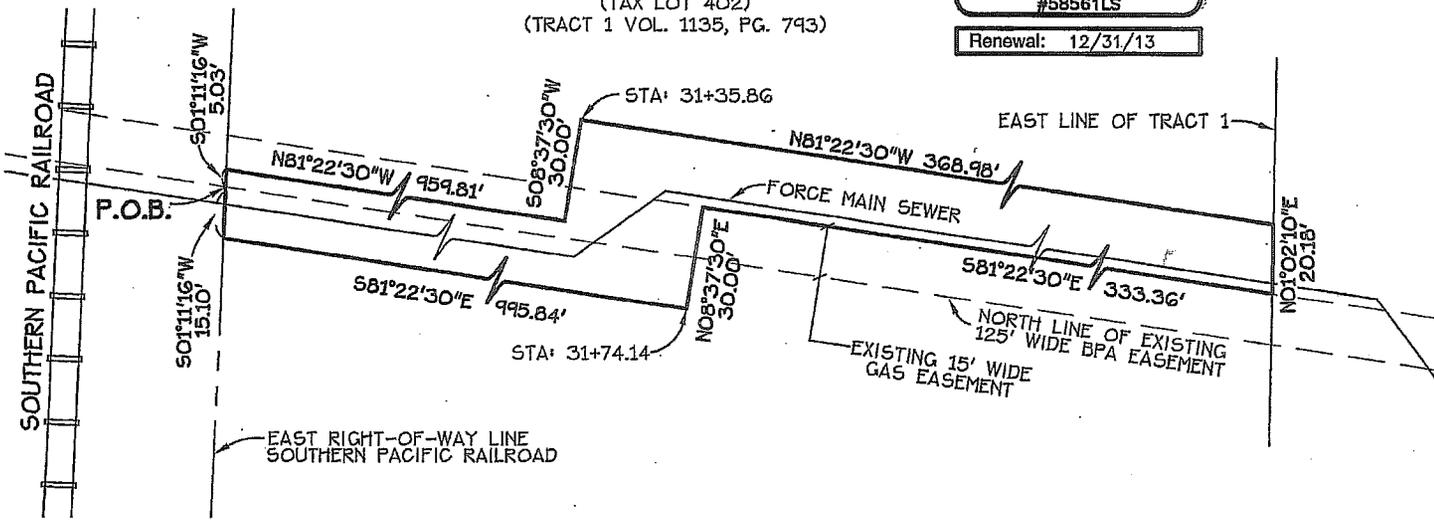
SCALE: 1" = 40'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

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

 Renewal: 12/31/13

OREMET
 (TAX LOT 402)
 (TRACT 1 VOL. 1135, PG. 793)



Date: 9/11/2013 Time: 15:53
 Scale: 1=40
 File: dwg\2013\13-55\1355_exhbt.dwg (Brian)



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

EXHIBIT B

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Oregon Metallurgical, LLC

A variable width sewer easement on Tax Lot 11S-03W-19 00400, replacing a 20 foot wide sewer easement recorded in Linn County Deed Records 2008-12624.

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

DATED AND EFFECTIVE THIS _____ DAY OF _____ 2015.

Mayor

ATTEST:

City Clerk

SANITARY SEWER FORCE MAIN EASEMENT

THIS AGREEMENT, made and entered into this 20TH day of JANUARY, ²⁰¹⁵~~2014~~, by and between Oregon Metallurgical LLC, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WHEREAS, on April 25, 2008, Grantor conveyed to City a Sanitary Sewer Force Main Easement across Grantor's property; and

WHEREAS, during the construction of the Sanitary Sewer Force Main, the parties have agreed that the easement location should be relocated to better serve the needs of the parties; and

WHEREAS, the parties desire, through this correction easement, to correct the legal description of the 2008 easement to conform to the revised location.

WITNESSETH:

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

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

A 20-foot wide utility easement for the purpose of constructing a sewer force main and maintaining a sewer force main. See attached legal description labeled Exhibit A and map labeled Exhibit B.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.
7. This agreement supersedes and terminates the sanitary sewer force main easement across Grantors property dated April 25, 2008 with respect to the property described herein..

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

GRANTOR: Oregon Metallurgical Corporation LLC

Elliot S. D.
Name: Senior Vice President
Title:
Commonwealth of Pennsylvania
STATE OF Pennsylvania
County of Allegheny

[Signature]
Name: Vice President
Title:
Commonwealth of Pennsylvania
STATE OF Pennsylvania
County of Allegheny

The instrument was acknowledged before me this 20 day of Jan, 2014, by Elliot S. D. as Senior V.P., of Oregon Metallurgical Corporation LLC

The instrument was acknowledged before me this 20 day of Jan, 2014, by Lauren M. Andrews, as V.P., of Oregon Metallurgical Corporation LLC

Aileen M. Solomon
Notary Public for
My Commission Expires: NOTARIAL SEAL
AILEEN M SOLOMON
Notary Public
PITTSBURGH CITY, ALLEGHENY COUNTY
My Commission Expires Feb 27, 2015

Aileen M. Solomon
Notary Public for AILEEN M SOLOMON
My Commission Expires: Notary Public
PITTSBURGH CITY, ALLEGHENY COUNTY
My Commission Expires Feb 27, 2015

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 _____ 2014.

City Manager

ATTEST:

City Clerk

EXHIBIT A

Legal Description

City of Albany Sewer Force Main Easement

A portion of Tract 1 of that deed recorded in Volume 266, Page 35 in the Linn County, Oregon Deed Records, said portion being in the Northwest 1/4 of Section 19, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon and is more particularly described as follows:

Beginning at the intersection of the west line of "Redfield's Land Plat" and the north line of the Bonneville Power Administration Easement, recorded in Book 232, Page 342, May 1953; thence North 02°11'16" East, along the west line of said "Redfield's Land Plat", 35.27 feet to a point that is 30.00 feet northerly when measured perpendicular to the north line of the Bonneville Power Administration Easement; thence South 81°22'30" East, parallel to the north line of said Bonneville Power Administration Easement, 63.59 feet; thence South 08°37'30" West 30.00 feet to a point that is 5.00 feet northerly when measured perpendicular to the north line of the Bonneville Power Administration Easement; thence South 81°22'30" East, parallel to the north line of said Bonneville Power Administration Easement, 303.85 feet; thence South 83°10'01" East, parallel to said north line a distance of 570.40 feet more or less to the north line of "Marion Industrial Park"; thence North 89°13'28" West, along said north line of "Marion Industrial Park" a distance of 189.53 feet to a point that is 15.00 feet southwesterly when measured perpendicular to the north line of the Bonneville Power Administration Easement; thence North 83°10'01" West, parallel to the north line of said Bonneville Power Administration Easement a distance of 382.24 feet; thence North 81°22'30" West, parallel to the north line of said Bonneville Power Administration Easement a distance of 362.11 feet more or less to the west line of "Redfield's Land Plat"; thence North 02°11'16" East along said west line a distance of 15.10 feet to the POINT OF BEGINNING.

The Bearings for the above described property are based on the north line of the Bonneville Power Administration Easement being South 81°22'30" East per said design plans completed by HBH Consulting Engineers dated April 4, 2013 for the City of Albany Oak Creek Lift Station Sewer Force Main Project.

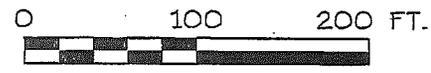
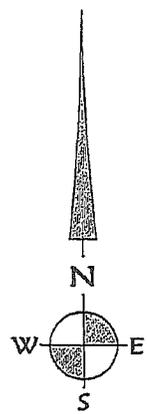
April 15, 2014
CITY OF ALBANY
SEWER FORCE MAIN EASEMENT #2
(13-55) JJC:ls

File Ref: z:/projects/2013/13-55/surveying/documents/Legal Description #3.docx

EXHIBIT MAP

CITY OF ALBANY SEWER FORCE MAIN LOCATED OVER TAX LOT 400 MAP 115-3W-19A CITY OF ALBANY, LINN COUNTY, OREGON

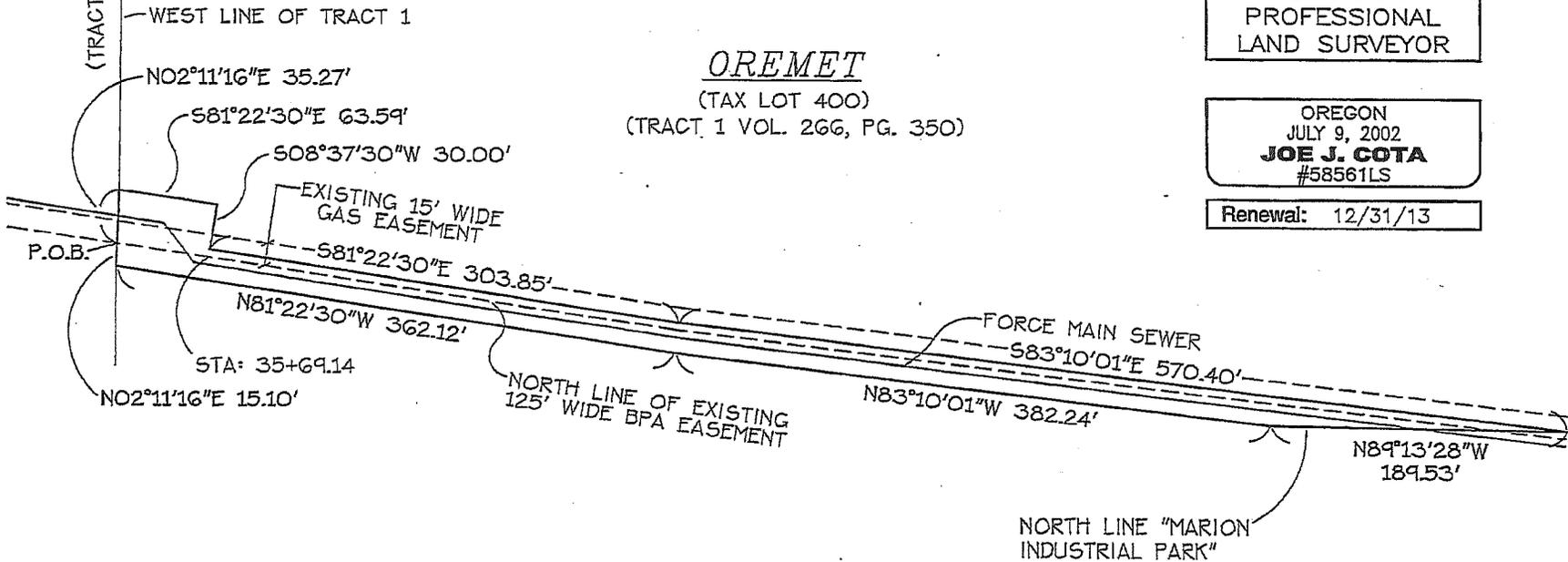
APRIL 15, 2014



SCALE: 1" = 100'

EXHIBIT B

OREMET
(TAX LOT 402)
(TRACT 1 VOL. 1135, PG. 793)



OREMET
(TAX LOT 400)
(TRACT 1 VOL. 266, PG. 350)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

Renewal: 12/31/13

Date: 4/15/2014 Time: 9:58
Scale: 1=40
File: dwg\2013\13-55\1355_exhbt.dwg (Justin)

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



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Stewart Taylor, Finance Director
DATE: February 16, 2015, for the February 25, 2015, City Council Meeting
SUBJECT: Time and Attendance Software
RELATES TO STRATEGIC PLAN THEME: ● Effective Government

Action Requested:

By motion, authorize the Finance Director to enter into a contract with Novatime Technology, Inc. for time and attendance software following a seven calendar day protest period as defined in OAR 137-047-0740 and ORS 279B.410.

Discussion:

Time and attendance software is a way to automate payroll timesheets and workforce management. Our current paper process is very cumbersome and redundant. It requires a tremendous amount of time by supervisors and timekeepers throughout all departments each pay period.

The following are advantages of automating time and attendance:

- Eliminates redundant time entry
- Allows multiple ways of inputting time
- Reduces chances of input errors
- Tracks project accounting by project and by shift
- Tracks leave requests and approvals
- Tracks compliance with FMLA, OFLA, and ACA
- Provides for exception reporting
- Creates a searchable audit trail for all time adjustments
- Provides a management dashboard and extensive reporting capability

The City requested proposals through a competitive process and received six responses for a time and attendance solution. A selection committee representing finance, public works, and IT reviewed all proposals and three online demonstrations. Novatime Technology, Inc. was selected as the proposer best suited to meet the needs of the City.

The following were identified as strengths of the Novatime proposal:

- Fixed cost for implementation is under \$36,000
- On-going maintenance costs are less than \$3,500 per year, less than \$0.70 per employee per month
- Unlimited education and training, upgrades, and technical support at no additional cost
- Second largest workforce management provider in the country
- In person and web-based training
- Scheduling features designed specifically for police, fire, and public works
- Thousands of private and public sector clients
- First call closure rate of 90%

Time and Attendance Software

Page 2

February 16, 2015

- Compatibility with Eden/Tyler financial information system
- Functional guarantee of full purchase price

The return on investment is expected to be within two years with savings and efficiencies beginning soon after implementation. The savings do not eliminate a position. Rather, they save hours of time entry and processing in each department each month. In addition, the process provides better tracking, review, and management of leave time and overtime.

Budget Impact:

Costs of the time and attendance software will be part of central service charges and will be allocated based on the number of employees in each department.

ST