



**NOTICE OF PUBLIC MEETING**  
**CITY OF ALBANY**  
**CITY COUNCIL**  
**Council Chambers**  
**333 Broadalbin Street SW**  
**Wednesday, April 13, 2016**  
**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. PROCLAMATION
  - a. Earth Day. [Page 3]  
 Action: \_\_\_\_\_
5. SCHEDULED BUSINESS
  - a. Communication
    - 1) Presentation of the 2015 Human Relations Commission (HRC) Annual Report by HRC Chair Javier Cervantes. [Pages 4-13]  
 Action: \_\_\_\_\_
  - b. Public Hearing
    - 1) Authorizing the sale of surplus property on 39th Avenue SW, Assessor's Map No. 11S-04W-24, Tax Lot 200. [Pages 14-17]  
 Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_
  - c. Business from the Public
  - d. Second Reading of Ordinance
    - 1) Amending Albany Municipal Code Chapters 12.01.010, Intent and purpose, and 12.01.040, Definitions, and creating Chapter 12.30, Stormwater utility. [Pages 18-23]  
 Action: \_\_\_\_\_ ORD. NO. \_\_\_\_\_
  - e. Adoption of Resolutions
    - 1) Approving an extended property tax abatement agreement for Viper Northwest, Inc. in the South Santiam Enterprise Zone. [Pages 24-27]  
 Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_
    - 2) Modifying downtown parking regulations. [Pages 28-31]  
 Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_

f. Adoption of Consent Calendar

1) Approval of Minutes

- a) September 24, 2014, Industry Request Council Ad Hoc Subcommittee minutes. [Pages 32-33]
- b) January 27, 2016, Regular Session minutes. [Pages 34-39]
- c) February 8, 2016, Work Session minutes. [Pages 40-45]
- d) February 10, 2016, Regular Session minutes. [Pages 46-48]

2) Approving the following liquor licenses:

- a) Full on-premises, commercial establishment, change ownership liquor license application for 3 M's LLC, d/b/a La Roca Mexican Restaurant, located at 1727 Hill Street SE. [Page 49]
- b) Full on-premises, commercial establishment, new outlet liquor license application for ZNE Corp., d/b/a Perfect Pizza, located at 650 Hickory Street NW. [Page 50]

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

g. Award of Bid

- 1) MS-16-02-D-110, Demolition of Fire Station 11 Building. [Pages 51-53]

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

6. BUSINESS FROM THE COUNCIL

7. NEXT MEETING DATE: Work Session: April 25, 2016  
Regular Session: April 27, 2016

8. ADJOURNMENT

**PROCLAMATION**

**EARTH DAY**

**April 22, 2016**

WHEREAS, the global community now faces extraordinary challenges such as global health issues, food and water shortages, and economic struggles; and

WHEREAS, all people, regardless of race, gender, income, or geography, have a moral right to a healthy sustainable environment with economic growth; and

WHEREAS, it is understood that the citizens of the global community must step forward and take action to create a green economy to combat the aforementioned global challenges; and

WHEREAS, a green economy can be achieved on the individual level through educational efforts, public policy, and consumer activism campaigns; and

WHEREAS, it is necessary to broaden and diversify this global movement to achieve maximum success; and

WHEREAS, Earth Day is the beginning of a new year for environmental stewardship commitments and to implement sustainability efforts; and

WHEREAS, let it be known that Albany, Oregon, encourages its residents, businesses, and institutions to use Earth Day to celebrate the Earth and commit to building a sustainable and green economy.

NOW, THEREFORE, I, Sharon Konopa, Mayor of the City of Albany, hereby proclaim April 22, 2016, to be

**EARTH DAY**

in Albany, Oregon, and I encourage all residents to support green economy initiatives and to encourage others to undertake similar actions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Albany to be affixed this 13th day of April 2016.

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Sharon Konopa, Mayor

## Albany Human Relations Commission Annual Report (January – December 2015)

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

A brief review of Commission activities during 2015 is set forth below. A history of Commission membership and attendance is attached to this report.

### January 2015

- Graham Kislingbury joined the Commission, replacing Nancy Greenman.
- Commission members hosted and participated in reading Martin Luther King, Jr.’s “I Have a Dream” speech at City Hall on January 15, 2015.
- The Commission introduced and passed a Limited English Proficiency Plan to assist community members who have limited English when visiting and doing business with the City.
- The Commission explored the viability of a Latino Business Economic Impact Study given the rise in Latino owned- and minority-owned businesses in Albany.
- The Commission examined the results of the failed Measure 88 proposal, which would have granted driving privileges to undocumented residents of Oregon and Albany.

### February 2015

- The Commission began the process of electing a new chair for the HRC. Postponed until more commissioners could attend.
- The Commission heard testimony of a community member who was the victim of graffiti in the form of a swastika spray painted at their residence. Commission suggested the creation of community policing and a community watch program.
- The Commission examined updates of the Sunrise Park project. It had run into a wetlands issue that needed to be studied. Commissioner Dodge Vera requested the issue of making the viability of making the park “smoke free.”
- Commissioners Dodge Vera and Cervantes in tandem with the Hispanic Advisory Committee met with the Corvallis Chamber of Commerce to discuss acquiring an internship to conduct a survey on the economic impact of minority businesses.
- Commissioner Cervantes attended the Linn-Benton Community College Unity Celebration on February 25. During the event, the LBCC Poetry Club performed spoken-word poetry and honored recipients of the Analee Fuentes Diversity and Social Justice Award as well as the Gary Westford Community Connections Award.

### March 2015

- The Commission took the recommendation of City Councilman Rich Kellem that the HRC Award be expanded to include private businesses in addition to nonprofit agencies and the individual recognitions.
- Commissioner Kislingbury researched and documented how the HRC came to be as a commission. It was recommended that the history be added to the HRC website.
- Commissioner Kislingbury commented that he attended the Black-Jew Dialogues hosted at Linn-Benton Community College. He noted the program as very useful and “well done”!
- Commissioners Berg and Equinoa made the 2014 Human Relations Award presentations at the March 11 City Council meeting. Commissioners Whitley and Cervantes also attended the presentation. The recipients were: **Individual Category:** *Winner:* Jim Lawrence; **Nonprofit Category:** *Winner* – Linn-Benton Hispanic Advisory Committee ; *Runner-up* – Albany Historic Carousel and Museum.

### **April 2015**

- The Commission's 2014 Annual Report was received by the Albany City Council on April 8.
- Javier Cervantes was elected as the new HRC Chair.
- Testimony was heard regarding the eviction of two residents from the New Heritage Apartments. The Commission, via Wes Hare, offered to facilitate connecting the residents to community resources.

### **May 2015**

- Data was shared by Wes Hare regarding minority-owned business and their impact on Albany. The data was taken from the 2007 Economic Census Survey. It also showed that 272 minority-owned businesses are located in the city of Albany.
- Commissioners Whitley and Berg represented the HRC at the HEART to Heart Resource Fair on May 14.
- Wes Hare attended the Coffee with a Cop event on May 21.
- Commissioner Kislingbury attended the LBCC OneVibe Diversity Day event at the college on May 13 on behalf of the HRC.

### **June 2015**

- No meeting due to lack of a quorum.
- Commissioners Cervantes and Equinoa attended the Community Forum – Educational Equity for Latino Families on June 4.

### **July 2015**

- Denise Hughes-Tafen joined the Commission, replacing Debbie Berg, who resigned.
- Commissioners Equinoa and Kislingbury attended and volunteered at the River Rhythms concert series as greeters and donation collectors.

### **August 2015**

- August meeting was canceled.
- Commissioner Equinoa volunteered at a River Rhythms concert as a greeter and donation collector.

### **September 2015**

- The Commission endorsed the Mental Health Awareness Week Proclamation scheduled to be read at the September 23 City Council meeting put forth by the Linn County Mental Health Program Manager.
- Commissioners Dodge Vera, Kislingbury, and Equinoa participated in Festival Latino on September 20.
- The Commission discussed a misunderstanding between the APD and a Corvallis motorist that escalated into accusations of possible discrimination due to racial difference. During the discussion, it was revealed that not every car driven on patrol by APD is equipped with dashboard cameras. This unfortunate incident happened to involve a patrol car that did not have a dashboard camera in this unfortunate interaction. The Commission further discussed body cameras as a protective measure for both APD officers and the public.

### October 2015

- The Commission held its annual joint meeting with the Hispanic Advisory Committee (HAC) of Linn and Benton Counties. The groups discussed how the City and the HAC could support each other's mission moving forward. The meeting also featured discussions about expanding the support of the Festival Latino, the relationship with Albany Parks and Recreation Department. The HRC and HAC decided that it would be beneficial to have semiannual joint meetings instead of just one.
- Community members brought forth an issue related to the lack of valid identification for many members of the community, particularly undocumented residents of Albany. The residents described living in fear, not being able to volunteer for their children's school, nor give blood due to the lack of ID.
- The Commission began planning for the fourth reading for honoring MLK in January. It was offered that the speech would be MLK's Nobel Peace Prize Acceptance Speech.
- The Commission began the process of seeking nominations for the 2015 Human Relations Awards.
- The Commission cosponsored the film showing of Tim Wise's *White Like Me*. Commission Chair Cervantes facilitated the discussion after the screening. Approximately 60 community members were in attendance.
- Members of the Commission, Parks & Recreation, Albany Police Department, LBCC, and the public attended a public lecture from author, essayist, and antiracist advocate Tim Wise held at LBCC. Approximately 400 people were in attendance.

### November 2015

- Commissioner Cervantes attended the November 2 Coffee with a Cop event.
- Commissioners Whitley, Equinoa, Kislingbury, and Cervantes attended the Annual Summit on Homelessness on November 4.
- Captain Eric Carter (Albany Police Department), Dr. Don Nelson (Linn County Sheriff's Office), and Captain Todd Vian (Linn County Sheriff's Office) described how their agencies engage individuals with mental illness including the process of going through jail, community access to services, and stigmas.
- The Commission discussed exploring municipal identification cards and if it was a feasible alternative for vulnerable members of the Albany public. The lack of I.D. issue was raised by public attendees at the Summit on Homelessness. The issue was raised that homeless people sometimes do not have valid I.D. which poses a difficult problem for them. One person at the summit even noted that he got out of jail and had no I.D. and used his prison-issued I.D. to identify himself. Further discussion was to be scheduled.
- The MLK commemoration speech was to be the acceptance of the Nobel Peace Prize.

### December 2015

- Commissioner Kislingbury volunteered for the Annual Mental Health Association Christmas Dinner on December 7.
- Commissioner Cervantes attended the OSU Extension Services holiday potluck on December 16.
- Commissioners Kislingbury and Equinoa attended the Homeless Persons' Memorial Day observance on December 21.
- The Commission recommended that for the January 13, 2016, City Council meeting the City Council consider removing the term limit for HRC members.

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

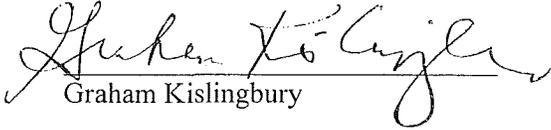
Respectfully submitted,

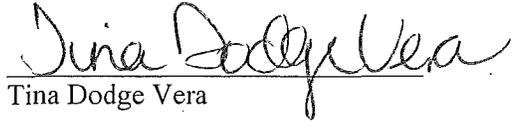
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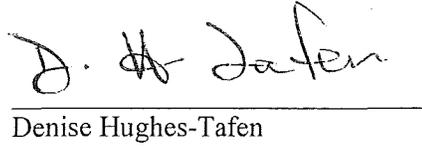
Javier Cervantes, Chair

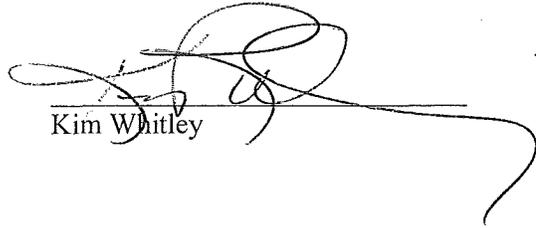
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Chris Equinoa

  
Graham Kislingbury

  
Tina Dodge Vera

  
Denise Hughes-Tafen

  
Kim Whitley

# Human Relations Commission

## Commission Established

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

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

Council adopted Ordinance No. 5866, January 13, 2016, amending AMC 2.25.030, Term of office and initial appointment, removing the following restriction: *Members may not serve more than six consecutive years on the Commission. After serving six consecutive years, a member must leave the Commission for one year before being eligible for reappointment.*

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

## First Commissioners

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

## First Meeting/First Officers

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

## Subsequent Commissioners

### Resignations/Reappointments/New Appointments

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

- Denise Hughes-Tafen was appointed 7-22-2015 by Councilor Kopczynski replacing Debbie Berg, who resigned; term expires 12-31-2017.
- Tina Dodge Vera was reappointed 2-24-2016 by Councilor Coburn; Tina's three-year term expires 12-31-2018.
- Kim Whitley was reappointed 2-24-2015 by Councilor Johnson; Kim's three-year term expires 12-31-2018.
- Jay Sluiter's term expired 12-31-2015; he did not want to be considered for reappointment. This vacant position is Councilor Kellum's to fill; the three-year term expires 12-31-2018.

**Current HRC Roster (as of March 18, 2016)**

<b>Name</b>	<b>Appointment By</b>	<b>Term Expiration Date</b>
Javier Cervantes	Councilor Floyd Collins	12-31-2016
Chris Equinoa	Mayor Sharon Konopa	12-31-2016
Debbie Berg	Councilor Ray Kopczynski	12-31-2017
Graham Kislingbury	Councilor Dick Olsen	12-31-2017
Tina Dodge Vera	Councilor Bill Coburn	12-31-2018
Kim Whitley	Councilor Bessie Johnson	12-31-2018
<i>Vacant</i>	Councilor Rich Kellum	12-31-2018

**Visitors who attended an HRC meeting in 2009**

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

**Visitors who attended an HRC meeting in 2010**

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

**Visitors who attended an HRC meeting in 2011**

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

Students attending classes at Community Services Consortium.

**Visitors who attended an HRC meeting in 2012**

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

### Visitors who attended an HRC meeting in 2013

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

### Visitors who attended an HRC meeting in 2014

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

**Visitors who attended an HRC meeting in 2015**

Peter Goodman, representing Community Action for Racial Equality (C.A.R.E.)  
Sue Goodman, representing Community Action for Racial Equality (C.A.R.E.)  
Catherine Miller, representing Community Action for Racial Equality (C.A.R.E.)  
Carmen Moody, representing Community Action for Racial Equality (C.A.R.E.)  
Rich Kellum, City Councilor  
Tony Howell, Linn County Alcohol & Drug Program Manager  
Todd Noble, Linn County Mental Health Program Manager  
Jeff Blackford, CHANCE Executive Director  
Leonor Rodriguez, Hispanic Advisory Committee  
Captain Eric Carter, Albany Police Department  
Dr. Don Nelson, Psychologist, Linn County Sheriff's Office/Linn County Mental Health  
Captain Todd Vian, Linn County Sheriff's Office  
Kalin Salinas



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Ed Hodney, Director of Parks and Recreation *EH*  
DATE: April 6, 2016 for the April 13, 2016 City Council Meeting  
SUBJECT: Public Hearing and Resolution on Sale of Property  
RELATES TO STRATEGIC PLAN THEME: ● An Effective Government

Action Requested:

Conduct a Public Hearing on the proposed sale of City-owned property on Linn County Assessor's Map No. 11S-04W-24, Tax Lot 200; adopt a Resolution authorizing the sale of surplus property on 39<sup>th</sup> Avenue SW, not needed for public use.

Discussion:

In late 2013, the City received a gift of land for park and open space purposes in the Oak Creek area of southwest Albany (Exhibit 1). This donation was made for "parks, recreation and open space purpose" but without conditions or restrictions. The land has been managed as an unimproved preserve and mowed two or three times each year.

At a work session in March 2016, the City Council was made aware of interest by adjacent landowners on 37<sup>th</sup> Avenue to purchase a part of the previously donated tract. Two lots are proposed for sale: a 6,597 square foot lot to be sold to Merlan W. and Cecilia R. Swanson and an 18,858 square foot lot to be sold to Jamison M. and Kristi L. Smith.

The City has not identified any public use for the property except to the extent that it could be combined with other adjoining property owned by the aforementioned Smith and Swanson through a Replat of the existing residential lots. The Swanson lot will be sold for an amount of \$2,836.71. The Smith lot will be sold for an amount of \$8,108.94. These sales were negotiated at the Council's previous direction, based on a valuation by an independent fee appraiser.

Budget Impact:

In keeping with the donor's stated purpose, sale proceeds would accrue to the Parks & Recreation Fund to support ongoing management of the remainder of the donated property.

Attachment: Area Map  
Drawing of proposed lots  
Resolution to Authorize Sale

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

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY ON 39<sup>TH</sup> AVENUE SW, NOT NEEDED FOR PUBLIC USE.

WHEREAS, in 2013 the City of Albany acquired by gift a 62.79-acre tract of land, Linn County Assessor's Map No. 11S-04W-24; Tax Lot 200, located at the north side of 39<sup>th</sup> Avenue SW; and

WHEREAS, the owners of two adjacent residential lots have proposed to purchase from the City two lots out of the original parcel, a 6,597 square foot lot to be sold to Merlan W. and Cecilia R. Swanson and a 18,858 square foot lot to be sold to Jamison M. and Kristi L. Smith; and

WHEREAS, a Public Hearing was conducted on the sale of these lots on April 13, 2016; and

WHEREAS, the Albany City Council has determined that the proposed sale lots have little value for public purposes.

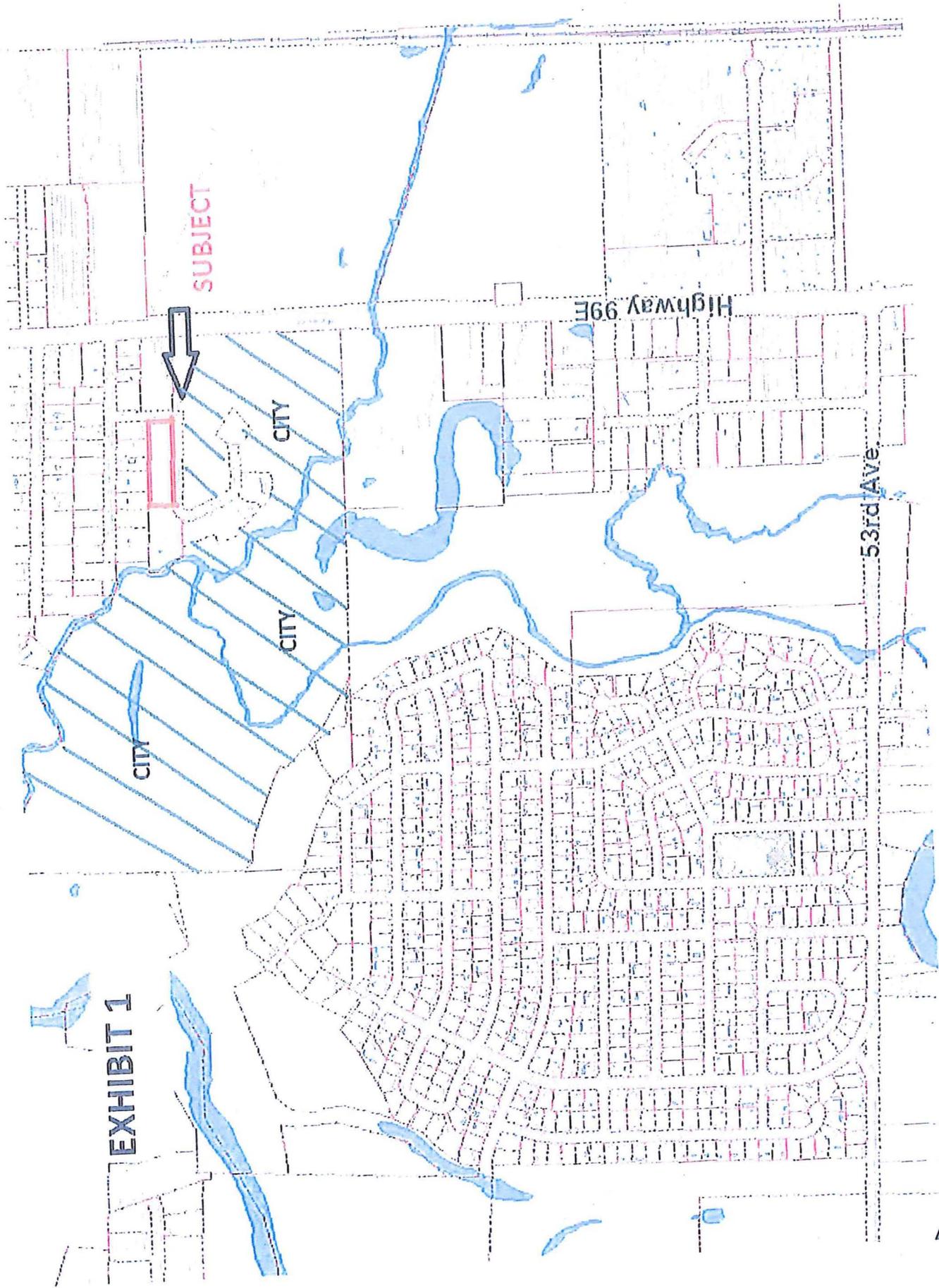
NOW, THEREFORE, BE IT RESOLVED that the Albany City Council authorizes the City Manager to convey the subject property to Swanson and Smith at the price agreed upon.

DATED AND EFFECTIVE THIS 13<sup>TH</sup> DAY OF APRIL 2016.

\_\_\_\_\_  
Mayor

ATTEST:

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



SUBJECT



Highway 99E

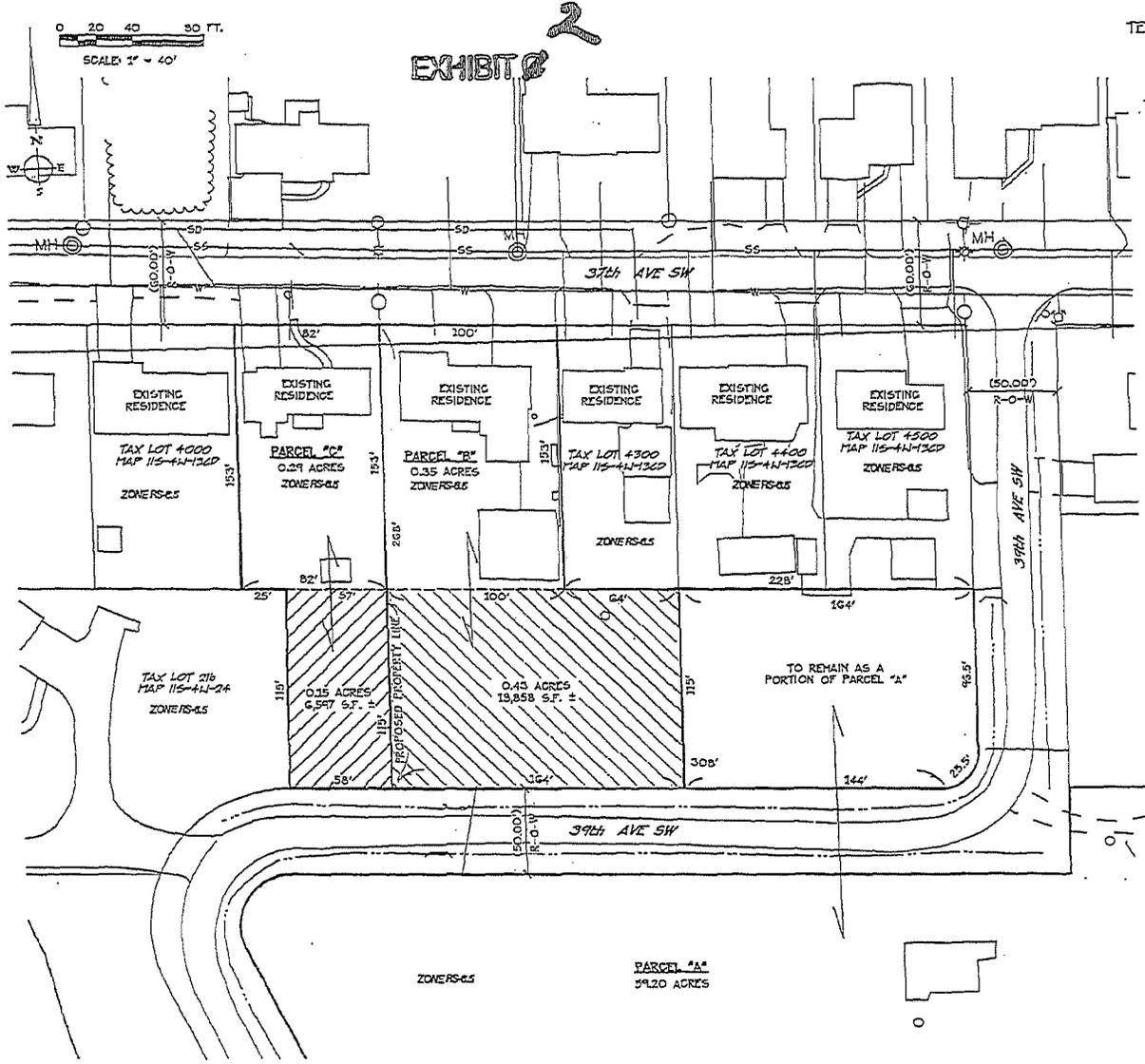
53rd Ave

EXHIBIT 1

CITY

CITY

CITY



TENTATIVE PROPERTY LINE ADJUSTMENT \ REPLAT  
 FOR  
 TAX LOTS: 4100, 4200 [115-04W-13DC]  
 + 200 [115-04W-24]  
 LOCATED IN THE  
 S 1/2 SEC. 13 T. 11 S., R. 4 W., W.M.  
 CITY OF ALBANY, LINN COUNTY, OREGON  
 SEPTEMBER 1, 2015

APPLICANT:  
 ED HODNEY  
 P.O. BOX 490  
 ALBANY, OR 97321

ENGINEER/SURVEYOR:  
 K & D ENGINEERING, INC.  
 276 NW HICKORY STREET  
 ALBANY, OREGON 97321  
 (541) 928-2583

PROPERTY INFORMATION:

- PROPERTY "A":**  
 CITY OF ALBANY  
 333 BROADALBIN STREET SW  
 ALBANY, OREGON 97321  
 TAX LOT 200 (MAP 115-4W-24)
- PROPERTY "B":**  
 JAMISON M + KRISTI L SMITH  
 112 37TH AVENUE SW  
 ALBANY, OREGON 97321  
 TAX LOT 4200 (MAP 115-04W-13DC)
- PROPERTY "C":**  
 MERLAN W + CECELIA R SWANSON  
 1120 37TH AVENUE SW  
 ALBANY, OREGON 97321  
 TAX LOT 4100 (MAP 115-04W-13DC)

- LEGEND:**
- AREA TO BE TRANSFERRED FROM PROPERTY "A" TO PROPERTY "B" = 0.43 ACRES
  - AREA TO BE TRANSFERRED FROM PROPERTY "A" TO PROPERTY "C" = 0.15 ACRES
  - EXISTING WATER MAIN PER CITY OF ALBANY GIS.
  - EXISTING SEWER MAIN PER CITY OF ALBANY GIS.
  - EXISTING STORM MAIN PER CITY OF ALBANY GIS.

**PROPERTY "A"**

ORIGINAL AREA	59.20 ACRES
TRANSFER AREA "B"	-0.43 ACRES
TRANSFER AREA "C"	-0.15 ACRES
NEW AREA	58.62 ACRES

**PROPERTY "B"**

ORIGINAL AREA	0.35 ACRES
TRANSFER AREA	+0.43 ACRES
NEW AREA	0.78 ACRES

**PROPERTY "C"**

ORIGINAL AREA	0.29 ACRES
TRANSFER AREA	+0.15 ACRES
NEW AREA	0.44 ACRES

EXHIBIT 2

EXHIBIT 2

K & D ENGINEERING, Inc.  
 276 NW HICKORY STREET, P.O. BOX 702  
 ALBANY, OREGON 97321  
 (541) 928-2583

Date: 8/5/2015 Time: 13:33  
 View: PLOT Scale: 1"=40'  
 File: d:\p\2015\15-04\15-04.dwg (Brian)



TO: Albany City Council

VIA: Wes Hare, City Manager  
Jeff Blaine, P.E., Public Works Engineering and Community Development Director *9B*  
Chris Bailey, Public Works Operations Director *9B for*

FROM: Mark A. Yeager, P.E., Utility Services Manager *(W)*

DATE: March 31, 2016, for the April 13, 2016, City Council Meeting

SUBJECT: Amend Albany Municipal Code to Create a Stormwater Utility

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

Action Requested:

Staff requests Council adopt the attached ordinance to amend the Albany Municipal Code to create a stormwater utility, establish a stormwater fund, and provide authority to impose a service charge.

Discussion:

At the March 7, 2016, Council Work Session, Council reviewed the draft ordinance amending the Albany Municipal Code to create a stormwater utility, establish a stormwater fund, and provide authority to impose a service charge. At the March 23, 2016, Council Meeting, there was not a unanimous vote of the Council for a second reading in the same meeting.

The ordinance is attached for Council's consideration for a second reading and adoption. Adoption of the ordinance does not result in the implementation of any new fees for stormwater services. If the Council ultimately decides to implement a stormwater fee, that fee would be adopted by Council resolution at a later date.

Budget Impact:

There is no budget impact at this time.

JR:kw

Attachment

c: Kristin Preston, Wastewater Superintendent (via e-mail)  
Staci Belcastro, P.E., City Engineer (via e-mail)  
Jeni Richardson, P.E., Civil Engineer III (via e-mail)  
Jeff Babbitt, Senior Accountant (via e-mail)

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

AN ORDINANCE AMENDING CHAPTER 12.01.010 INTENT AND PURPOSE, AND AMENDING CHAPTER 12.01.040 DEFINITIONS, AND CREATING CHAPTER 12.30, STORMWATER UTILITY, OF THE ALBANY MUNICIPAL CODE.

WHEREAS, the Federal Environmental Protection Agency and the State Department of Environmental Quality will require Albany to prepare a National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Phase II permit application and management plan to reduce stormwater pollution under the authority of the Federal Clean Water Act; and

WHEREAS, the City of Albany, as a designated management agency (DMA), is required to manage stormwater to minimize impacts to the Willamette River in accordance with the City's Water Quality Management Plan adopted to comply with the State Department of Environmental Quality's Willamette River Total Maximum Daily Load (TMDL); and

WHEREAS, the City Council finds that in order to properly manage and maintain the stormwater system, and to comply with regulatory requirements such as the Willamette River TMDL and NPDES MS4 Phase II requirements, the City's stormwater system must be funded in a manner enabling on-going maintenance, operation, regulation, and improvement of the system; and

WHEREAS, the City Council finds that if not properly managed, existing stormwater may cause property damage and erosion; may carry concentrations of nutrients, heavy metals, oil and toxic materials into receiving waters and ground water; may degrade the integrity of City streets and the transportation system; may reduce citizen access to emergency services; and may pose hazards to both residents and property; and

WHEREAS, the City Council of the city of Albany (the "City") has determined that the City's physical growth and urban development will continue to increase the volume of stormwater collected in and routed through the City's man-made and natural stormwater facilities and system; and

WHEREAS, the City Council has determined that stormwater must be managed in a manner that protects the public health, safety, and welfare; and

WHEREAS, the City Council has determined that there is inadequate funding available to properly operate, maintain, repair, or replace the existing stormwater system in Albany.

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

Section 1: Albany Municipal Code Chapter AMC 12.01.010, Intent and Purpose, is hereby amended:

The intent and purpose of this title is **to enable the City of Albany to comply with applicable State and Federal laws**; to provide for the **effective management of stormwater to protect the health, safety, and general welfare of the citizens of the City of Albany**; **and to protect the health and safety of City employees working in the stormwater system**; **to facilitate the orderly development and extension of the stormwater system**; to protect and enhance the water quality and natural functions of watercourses and water bodies through the regulation of stormwater discharges; to set forth uniform requirements for direct and indirect contributors to the stormwater system; **and to help meet the City of Albany's environmental stewardship responsibilities.** ~~and to enable the City of Albany to comply with applicable State and Federal laws.~~

**Formation of a stormwater utility with appropriate resources, responsibility, and authority is the most effective way to manage, improve, and control the stormwater system and to address the purposes set forth herein.**

Notwithstanding the forgoing, nothing herein shall be deemed to impose a duty on the City to protect the property, health, or safety of third parties. (Ord. 5727 § 1, 2010; Ord. 5498 § 1, 2001).

Section 2. Albany Municipal Code Chapter AMC 12.01.040, Definitions, is hereby amended as follows:

(1) "Agricultural activity" means private or commercial activities directly engaged in the production of nursery stock, sod, fruits, vegetables, forages, cover crops, field crops (grain, corn, oats, beans, etc.), timber, and livestock, or other related activities determined by the Director to conform to this definition, but shall not include construction or other activities for structures associated with agricultural activities.

(2) "Best management practices (BMPs)" means schedules of activities; prohibitions of deleterious practices; general good housekeeping practices; physical, structural, or chemical interventions; pollution prevention and educational activities; maintenance activities; and other management practices that prevent or minimize to the greatest extent practicable the discharge of pollutants directly or indirectly to public rights of way, the municipal stormwater system, receiving waters, or Waters of the State.

(3) "City" means the City of Albany, a municipal corporation of the State of Oregon.

(4) "City Manager" means the person chosen by the Albany City Council to meet the requirements of Section 22 of the Albany Charter or such person as may be designated by the City Manager to act in his/her name and capacity.

(5) "Clean Water Act" means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and any subsequent amendments thereto.

(6) "Construction activity" means activities related to any land development or construction project, including but not limited to clearing and grubbing, grading, excavating, and demolition.

(7) "Director" means the person designated by the City Manager to supervise the Public Works Department and who is charged with certain duties and responsibilities by this title, or the duly authorized representative.

(8) "Discharger" means any person who discharges or causes to be discharged any pollutant onto public rights of way or into the municipal stormwater system, receiving waters, or Waters of the State.

(9) "Floodplain" means the relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other water body that has been, or may be, inundated temporarily by floodwater.

(10) "Hazardous materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(11) "Illegal discharge" means any direct or indirect pollutant-bearing discharge to the municipal stormwater system, receiving waters, or Waters of the State, except as exempted by AMC 12.10.010.

(12) "Illicit connection" is defined as either of the following:

(a) Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the stormwater system including, but not limited to, any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the stormwater system and any connections to the stormwater system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or

(b) Any drain or conveyance connected from a commercial or industrial land use to the stormwater system that has not been documented in drawings, maps, or equivalent records and approved by the City.

(13) "Impervious surface" means an improved, altered, or constructed surface which generally prevents infiltration of surface water, including but not limited to paved streets, graveled or paved areas such as parking lots and driveways, oiled, macadam or other treated surfaces, walkways, roof surfaces, and patios.

(14) "Land-disturbing activity" means any activity that exposes the soil to erosion.

(15) "National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit" means a permit issued by the Environmental Protection Agency or the State of Oregon that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(16) "New development" means a project that creates and/or expands the area of impervious surfaces, including but not limited to:

(a) Structural development, including construction of a new building or other structure;

(b) Expansion or alterations of an existing structure that result in an increase in the area of impervious surfaces;

(c) Construction of new parking lots, roads, alleys, pathways, and other impervious surfaces; and

(d) Expansion or alterations of parking lots, roads, alleys, pathways, and other impervious surfaces that results in an increase in the area of impervious surfaces.

(17) "Nonpoint source" means any source of water pollution that is not associated with point sources. Generally, a nonpoint source is a diffuse or unconfined source of pollution that can either enter into or be conveyed by the movement of water into the municipal stormwater system, receiving waters, or Waters of the State.

(18) "Non-stormwater discharge" means any discharge to the stormwater system that is not composed entirely of stormwater.

(19) "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.

(20) "Point source" means any discernible, confined, and discrete conveyance, including but not limited to pipes, ditches, channels, tunnels, or conduits from which pollutants are or may be discharged to a receiving water(s).

(21) "Pollutant" means any material or substance that may alter the chemical, physical, biological, and/or radiological condition of the Waters of the State.

(22) "Pollution" means the human-made or human-induced contribution of any pollutant into the municipal stormwater system, receiving waters, or Waters of the State.

(23) "Post-construction stormwater quality" means the quality of stormwater runoff, after construction is complete, from a development or redevelopment project.

(24) "Post-construction stormwater quality facility" means permanent stormwater infrastructure incorporated into a development or redevelopment project designed to reduce pollutant loads and runoff velocity from impervious surfaces, and which may also include improvements constructed to reduce the quantity of stormwater runoff leaving the site.

(25) "Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(26) "Property owner (owner)" means the person(s) or entity(ies) holding legal title to the subject property.

(27) "Redevelopment" means a project that alters or improves the "footprint" of an existing site and/or building. Redevelopment includes the replacement, alteration, or upgrade of an impervious surface that is not part of a routine maintenance activity.

**(28) "Stormwater Fund" means an Enterprise fund through which the cost of providing utility service will be primarily user fee financed and is analogous in its structure and operation to other Enterprise funds maintained by the City, such as the sewer and water funds.**

~~(2829)~~ "Stormwater system" means any watercourse or facility by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems or ditches, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures. The municipally-owned portion of the stormwater system may also be referred to as a municipal separate storm sewer system (MS4).

~~(2930)~~ "Stormwater" means any surface flow, runoff, and drainage consisting entirely of water from precipitation events.

(3031) "Toxic" means any substance or combination of substances listed as toxic in regulations promulgated by the Environmental Protection Agency in Section 307(a)(1) of the Clean Water Act or Title III Section 313 of the Superfund Amendments and Reauthorization Act.

(3132) "Vegetated post-construction stormwater quality facility" means a post-construction stormwater quality facility wherein the primary means of stormwater treatment is by filtration through soil and plant material. This may also be referred to as a low impact development (LID) facility.

(3233) "Water or Waters of the State" means all natural waterways, intermittent streams, constantly flowing streams, lakes, wetlands, and all other navigable and nonnavigable bodies of water which are wholly or partially within or bordering the State or within its jurisdiction.

(3334) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently and, if the latter, with some degree of regularity. Watercourses may be either natural or artificial. (Ord. 5841 § 3, 2014; Ord. 5727 § 1, 2010; Ord. 5498 § 1, 2001).

Section 3. Albany Municipal Code Chapter AMC 12.30, Stormwater Management Fees, is hereby created as follows:

Chapter 12.30, Stormwater Management Fees is hereby re-titled to **Stormwater Utility**.

#### **12.30.010 Stormwater Utility**

There is created and established a stormwater utility with the assets, authority, and responsibility for administration, planning, design, construction, maintenance, and operation of stormwater conveyances and facilities. Additional specific mandates, authority, and delegations may occur, from time to time, by appropriate City Council actions. All references to "the Utility" in this title refer to the Stormwater Utility. The administration of the Utility shall be as set forth herein.

#### **12.30.020 Stormwater Fund.**

The "stormwater fund" is created and established.

- (1) **Service Charge Imposed.** A stormwater service charge shall be imposed on all persons or premises that contribute to the stormwater system or that otherwise use or benefit from the stormwater system, and said persons shall be responsible for paying the stormwater service charge. All monies received from stormwater service charges shall be deposited into the Stormwater fund.
- (2) **Service Charge Rates Set by Council Resolution.** Stormwater service charge rates will be set by Council resolution. The stormwater service charge shall be developed and implemented such that it is not a tax subject to the property tax limitation of Article XI, Section 11b of the Oregon Constitution. The Director shall recommend adjustments to the stormwater service charge rates to the City Council as it becomes necessary. The City Council shall consider such recommendations and may approve or further adjust the stormwater service charges as the Council deems necessary to meet policy objectives, to meet the Utility's revenue requirements, or to meet the overall financial needs of the Utility.
- (3) **Customer Classification.** Customer account classification and other stormwater charge-related calculations shall be determined by the Director or the duly authorized representative. Any appeal of the Director's determination shall be made in writing to the City Manager. The City Manager's determination will be final.

#### **12.30.030 Adjustments, back-billing, and refunds.**

The Utility may make adjustments, back-bill, pay refunds, or waive fees and charges in accordance with City Council policy. If no Council policy exists, the Utility may make adjustments where it is deemed necessary on a case-by-case basis as determined by the Director for the proper conduct of the business of the Utility. A full explanation of the reason for the adjustment or refund must be filed with the office records and will be made available upon request. Refunds are to be made to the party that made the payment.

**12.30.040 System Development Charges.**

**When adopted in accordance with Chapter 15.16 of the Albany Municipal Code, all monies received from stormwater system development charges shall be deposited into the stormwater fund. Such funds shall be accounted for separately from those received from stormwater service charges.**

Section 4. Utility Assets. Relevant stormwater-related property and assets assigned to the Public Works Department, including but not limited to real property, easements, pipes, manholes, inlets, outfalls and equipment, known by the City to exist, are hereby transferred to the Utility and shall be separately accounted for in official City records per customary municipal accounting principles. Stormwater-related property and assets may from time to time be added to or removed from the Stormwater Utility asset inventory, and the authority to make those changes is hereby delegated to the Public Works Director or the duly authorized representative.

Section 5. Effective Date. Because this ordinance is intended to provide a complete legislative framework for the creation and administration of the Utility, this ordinance shall take effect and be in force thirty (30) days after its passage and approval.

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

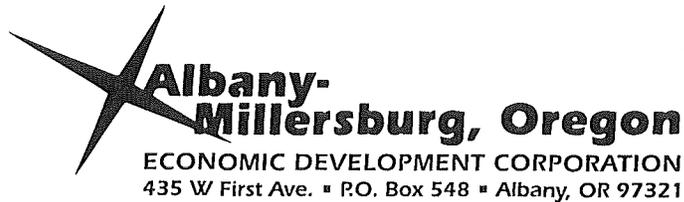
Approved by the Mayor: \_\_\_\_\_

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

\_\_\_\_\_  
Mayor

ATTEST:

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



## Memo

Date: March 29, 2016

To: South Santiam Enterprise Zone Co-Sponsors  
Roger Nyquist      Linn County  
Wes Hare            City of Albany  
Gary Marks         City of Lebanon  
Barbara Castillo   City of Millersburg

From: John Pascone, President

Subject: Viper Northwest, Inc. Enterprise Zone Application  
And Extended Abatement Agreement

Viper is planning a \$2.9 million investment in Albany which includes facility improvements and new equipment. The company had previously purchased property including an office and the manufacturing space which will be rebuilt. They have completed an Enterprise Zone Authorization Application dated January 15, 2016.

Under regular enterprise zone exemption rules the company is required to add 10% to their workforce, which would be 9 people, the exemption is 3 years. The company plans on hiring over 23 new employees.

For companies that agree to hire and pay wages and benefits in excess of 150% of Linn County's Average Annual Wage, the firm can qualify for an additional 2 years.

Attached is a draft resolution which needs to be passed by each co-sponsor. The zone manager (me) and the county assessor's representative (Mark Wilkinson) cannot officially approve the company's application until the extended resolution is approved by the co-sponsors.

Please contact me if you have any questions. When you have the matter scheduled let me know and if desired, I could attend to present it on behalf of the company.

Thank you,

John

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

A RESOLUTION APPROVING AN EXTENDED PROPERTY TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF ALBANY, A COSPONSOR OF THE SOUTH SANTIAM ENTERPRISE ZONE, AND VIPER NORTHWEST, INC.

WHEREAS, Viper Northwest, Inc., is expanding and investing in plant construction and equipment; and

WHEREAS, Viper Northwest, Inc., intends to add 23 new employees; and

WHEREAS, Viper Northwest, Inc., anticipates providing average pay and benefits to these employees equal to or greater than 150 percent of the Linn County average, as required under ORS 285C.160; and

WHEREAS, Viper Northwest, Inc., which is located in the city of Albany, has applied to extend the property tax abatement for which it qualifies through its inclusion in the South Santiam Enterprise Zone; and

WHEREAS, the City of Albany has requested support of this agreement from the other cosponsors of the South Santiam Enterprise Zone; and

WHEREAS, the City of Albany is a cosponsor of the South Santiam Enterprise Zone.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council, representing the City of Albany, which is a cosponsor of the South Santiam Enterprise Zone, hereby approves the Extended Abatement Agreement attached as Exhibit A.

DATED AND EFFECTIVE THIS 13TH DAY OF APRIL 2013.

\_\_\_\_\_  
Mayor

ATTEST:

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

## Agreement for Oregon Enterprise Zone Extended Abatement

### AGREEMENT WITH THE SOUTH SANTIAM ENTERPRISE ZONE SPONSORS TO EXTEND PROPERTY TAX EXEMPTION TO FIVE CONSECUTIVE YEARS IN TOTAL FOR CAPITAL INVESTMENT BY VIPER NORTHWEST, INC.

The sponsors of the South Santiam Enterprise Zone comprising the governing bodies of the Cities of Albany, Lebanon, Millersburg and Linn County (hereinafter "The Zone Sponsor") and Viper Northwest, Inc. (hereinafter "The Firm") do hereby enter into an agreement for extending the period of time in which The Firm shall receive an exemption on its investment in qualified property in the South Santiam Enterprise Zone contingent on certain special requirements, under ORS 285C.160 (2003).

The Zone Sponsor and The Firm jointly acknowledge: that subject to submission and approval of an application for authorization and the satisfaction of other requirements under ORS 285C.050 to 285C.250, The Firm is eligible for three years of complete exemption on its qualified property; that nothing in this agreement shall modify or infringe on this three-year exemption or the requirements thereof, and that this agreement becomes null and void if The Firm does not qualify for these three years of the exemption.

The Zone Sponsor extends The Firm's property tax exemption an additional two years on all property that initially qualifies in the South Santiam Enterprise Zone in the assessment year beginning on January 1, 2017 and, thus, sets a total period of exemption of five consecutive years during which statutory requirements for the standard three-year enterprise zone exemption must also be satisfied and maintained.

#### CONFIRMATION OF STATUTORY PROVISIONS

In order to receive the additional two years of enterprise zone exemption granted herein, The Firm agrees herewith under 285C.160(3)(a)(A) that for each year of the entire exemption period, all of The Firm's new employees shall receive an average level of compensation equal to or greater than 150 percent of the county average annual wage, in accordance with the specific definitions and guidelines in Oregon Administrative Rules (OAR), Chapter 123, Division 65 (123-065-41###), which provides that:

1. Such compensation may include non-mandatory benefits that can be monetized;
2. The county average annual wage is set at the time of authorization, except as pursuant to ORS 285C.160(4), according to the 2016\* Linn County average annual wage rate of \$ 38,313 for which 150 percent equals \$ 57,470.

\* Note: 2016 is the year this rate applies; it is published by the Oregon Employment Dept. as Average Annual Wage by County- 2014.

3. Only employees working at jobs filled for the first time after the application for authorization but by December 31 of the first full year of the initial exemption and performed within the current boundaries of the South Santiam Enterprise Zone are counted; and

4. Only full-time, year-round and non-temporary employees engaged a majority of their time in The Firm's eligible operations consistent with ORS 285C.135 & 285C.200(3) are counted, regardless if such employees are leased, contracted for or otherwise obtained through an external agency or are employed directly by The Firm.

LOCAL ADDITIONAL REQUIREMENTS

For The Firm to receive the additional two years of enterprise zone exemption granted herein, The City of Albany, a Zone Sponsor and The Firm agree that no additional requirements in addition to statutory requirements are being requested by The Zone Sponsor under ORS 285C.160(a)(B).

ACCEPTING FOR THE CITY of ALBANY, A ZONE SPONSOR OF  
THE SOUTH SANTIAM ENTERPRISE ZONE:

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ACCEPTING FOR VIPER NORTHWEST, INC.:

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The other Zone Sponsors; City of Lebanon, City of Millersburg and Linn County approve this Agreement by passing separate Resolutions. Copies of which are attached.



TO: Albany City Council

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

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

DATE: March 15, 2016, for the April 13, 2015, City Council Meeting

SUBJECT: Downtown Parking Regulation Modification

RELATES TO STRATEGIC PLAN THEME: • “A Safe City”

Action Requested:

Staff recommends Council approve the following modification to the downtown parking restrictions as described in the attached resolution:

- Designate five “3-Hour Customer Only” parking spaces on the north east side of 3<sup>rd</sup> Avenue just west of Lyon Street.
- Designate two “3-Hour Customer Only” parking spaces on the west side of Lyon Street just north of 3<sup>rd</sup> Avenue.

Discussion:

The Albany Downtown Association (ADA) has recommended Council consider a modification to the on-street parking restrictions in the downtown area (see Attachment 1). The ADA recommendation is in response to a request they received from the owner of a commercial building on the northwest corner of Lyon Street and 3<sup>rd</sup> Avenue.

The five parking spaces along the building’s frontage on 3<sup>rd</sup> Avenue include four “All Day Customer – Employee Permit” spaces and one “30 minute” space. In addition, there are two “30 minute” spaces on the Lyon Street frontage of the building just north of 3<sup>rd</sup> Avenue. The building has changed hands and the uses within it changed since the existing parking restrictions were established. The building no longer houses a coffee shop, and its retail tenants are transitioning to more customer intense uses. Because of those changes both the owner and Parkwise believe that “3-Hour Customer Only” parking is more appropriate than the current restrictions. A site map is included as Attachment 2.

Budget Impact:

None.

RGI:kw  
Attachments (3)

Ron Irish

City of Albany-Public Works

February 26, 2016

Dear Ron,

As the Park Wise Director, I would like to propose that the city consider changing three 30 minute customer parking spots to 3 hour customer parking spots and four All Day customer parking spots changed to 3 hour customer parking spots.

The location of these parking spots are located on Lyon Street near Furniture and Beds of Oregon, 230 Lyon Street and near Mother Goose Resale, 113 3<sup>rd</sup> Ave. I have spoken with Darren Clowser, owner of Furniture and Beds of Oregon, and he is requesting these changes to benefit the retail stores that rent space in his building. These changes should offer more options to customers frequenting the businesses near or around his building.

Please consider in making this change.

Thank you for your time and consideration in this manner.

Sincerely,

Peggy Burris

Executive Director

Albany Downtown Association

Parkwise

N



145

123

115

125

205

118

114

110

120

116

Lyon St.

231

127

231

145

230

234

113

236

3rd Ave.

Change to 3 Hour Customer Only Parking

128

110

A

B

315

Ellsworth St.

333

330

333

117

30  
4th Ave.

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

RESOLUTION AMENDING PARKING RESTRICTIONS WITHIN THAT AREA OF DOWNTOWN ALBANY WHERE PARKING ON PUBLIC PARKING LOTS AND STREETS IS ENFORCED AND MANAGED BY THE ALBANY DOWNTOWN ASSOCIATION.

WHEREAS, the Albany Downtown Association has been authorized by the City to provide management and enforcement services for parking in the downtown area of the City of Albany; and

WHEREAS, the Albany Downtown Association has requested certain modifications to parking restrictions in order to provide a more efficient utilization of parking resources.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the following parking restrictions:

- Designate five “3-Hour Customer Only” parking spaces on the north side of 3<sup>rd</sup> Avenue just west of Lyon Street.
- Designate two “3-Hour Customer Only” parking spaces on the west side of Lyon Street just north of 3<sup>rd</sup> Avenue.

DATED AND EFFECTIVE THIS 13<sup>th</sup> DAY OF APRIL 2016.

\_\_\_\_\_  
Mayor

ATTEST:

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



CITY OF ALBANY  
INDUSTRY REQUEST COUNCIL SUBCOMMITTEE  
Calapooia Room  
Wednesday, September 24, 2014

MINUTES

CALL TO ORDER

The meeting was called the meeting to order at 4:45 p.m.

ROLL CALL

Present: Councilors Floyd Collins, Rich Kellum, Dick Olsen

Absent: None

SCHEDULED BUSINESS

Business from the Public

There was no business from the public.

Reports

*Committee report – discussions with industry*

*Staff report – discussions with industry*

Councilor Rich Kellum referred to the request from Albany industry for funds for a work force development program through Linn-Benton Community College (LBCC, and the list of program requirements submitted by LBCC. After talking with people in local industry, he thinks that the list from LBCC is a wish list as opposed to a needs list. From his conversations, he believes that industry's greatest needs are an x-ray system and a titanium welding system. He suggested that the Subcommittee recommend that the City assist only with the most needed items. He also suggested that the assistance could be in the form of a loan and that LBCC could repay that from income from tuition and fees.

City Manager Wes Hare clarified that LBCC is going out for a specific bond measure and that money to repay the bond would come from taxation. He thought that LBCC would probably say the cost of running the program is higher than what is generated in revenue and that there is no revenue source to repay a loan from the City.

Kellum said another possibility is that the City could agree to fund only portions of the request. Hare said there are many ways the economic development money could be spent to benefit the community. He suggested that the next steps might be to communicate that there are some concerns about the size of the request and to try to come to some meeting of the minds that accomplishes what all of the parties would like to see – the money invested in a way that results in local workers being trained for jobs that are available locally.

Councilor Dick Olsen said he would prefer to loan the economic development funds rather than give them away.

Councilor Floyd Collins said he would like to see the request approved at some level. He would like to have a frank conversation with industry and LBCC representatives. He wants industry to be able to build their employment base and the City to be seen as assisting in that.

City Attorney Jim Delapoer suggested the potential of a joint meeting of the full City Council, industry, and LBCC representatives. The meeting could be held at a neutral location with a less structured format and perhaps utilizing a moderator. This could be a discussion-only meeting with the idea of getting to something that all the parties could support. Hare agreed with the concept and suggested that could be a recommendation of the Subcommittee to the City Council.

Olsen said the full Council should make a decision as to whether it supports the request at all and whether it wants to have the joint meeting.

Assistant City Manager/Public Works & Community Development Director Mark Shepard wondered whether industry has communicated effectively with LBCC regarding their needs. Kellum further reviewed his conversations with industry reps and said he felt that LBCC presented a list of things they needed for the program as opposed to what is needed by industry.

Economic Development & Urban Renewal Director Kate Porsche commented that LBCC representatives have been very good to work with and she believes there has been communication between LBCC and industry reps. She supports the idea of getting everyone around the table, and she urged that Council go into the discussion thinking of LBCC as a partner.

Additional discussion followed regarding timing and process, as well as potential meeting locations and structures.

It was agreed that staff will write a summary report for approval by the Subcommittee and then presentation to the City Council. The report will include a summary of Kellum's conversation with industry representatives and the idea that there may be an ability to scale down the request. If there are four votes in support of the basic request, Council will be asked if they want to have a meeting of all of the parties. If the answer is yes, staff will reach out to industry and LBCC representatives and look for a meeting location and a moderator.

#### BUSINESS FROM THE COMMITTEE

There was no additional business from the Committee.

#### NEXT MEETING DATE

The next meeting date is to be determined.

#### ADJOURNMENT

There being no other business, the meeting was adjourned at 5:45 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix  
Administrative Assistant

Wes Hare  
City Manager

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, January 27, 2016  
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: Mayor Sharon Konopa and Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Ray Kopczynski, Dick Olsen, and Floyd Collins.

Councilors absent: None.

SCHEDULED BUSINESS

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

SCHEDULED BUSINESS

Communications

Report from Linn County Expo contractor.

Roger Nyquist, Chair of the Linn County Board of Commissioners and a lifelong Albany resident, thanked the Council for their service; it's not an easy job. He introduced Greg Hansen, independent consultant in marketing and outside sales for the Linn County Expo Center. Nyquist said he has been a Commissioner for 15 years. His charge to the Expo marketing person was always, "make sales calls and book big events," but he never got much of a response. Hansen's response showed that they needed to determine a target market, who to call on, and their own strengths and weaknesses. There are lots of local events occupying portions of the Expo Center, but just ten weekends this year that it is completely free. The Center needs to be able to accommodate local events, but also a big event at the same time. That's why the County has made an offer on the National Guard armory next door to the Expo Center; they want to be able to get big events without displacing the local events that have been running for years.

Nyquist mentioned the reader board sign on the airport property. He thinks the sign could be used better than it is, and is interested in doing something jointly with the City. The sign could be used to get a lot of interest for City events as well as the Expo Center. He said Hansen is a good addition. He asks a lot of questions that others didn't realize needed to be asked. The Expo Center is operating better. He thanked the Council for their participation.

Hansen gave a brief update on events since his last appearance before the Council June 24, 2015. He gave a PowerPoint presentation (see agenda file). The contract signed on May 19 focused on the primary goal of increasing revenue at the Expo Center. In the seven months since then they have developed and started to execute plans to achieve their objectives.

First, they looked at the facility in its current location. Many thousands of vehicles travel north and south on I-5 but most people don't know the Expo Center is there. But its location makes it unique; no other facility in Oregon is on the freeway like this one is. He gave historical and current statistics for uses and events. He said it's necessary to consider the competition. Public, private, and non-profit groups all have venues that compete for non-local business. Even locally there are other choices. The Expo Center needs to focus efforts for success on the long term, to identify groups that will come on a regular basis over years.

Hansen listed target groups based on the Expo Center's history, including animal groups, trade groups, professional associations, franchise businesses, state and federal governments, and event promoters. He said the effort needs multiple partners to be successful. His accomplishments include reaching out to a lot of people and groups to learn about the community. He has identified specific improvements that can be made to facilities and services. They have contacted over 260 entities and bid on a few events.

They have also evaluated facility needs. The Linn County Commissioners have committed \$500,000 to improvements over five years. He recommends they make a facilities master plan. They can't stay static; they

have to be more attractive and competitive. Albany is not near major airports and population centers, so we have to convince people to come here. We have assets like community and recreational opportunities that aren't available in downtown Portland or Seattle, but the facility needs polishing.

Hansen said another goal is to bring in non-tax, non-general fund revenue, sponsorship revenue. Other venues get up to \$500,000 per year in non-county fair and non-tax revenue to support their operation and marketing. That could become a nice complement to existing efforts. His staff will present a plan to the Linn County Commissioners in the near future. They would like to help set up a foundation to receive funds that would be dedicated to the Expo Center.

Councilor Rich Kellum said he thinks the focus isn't so much to get new groups, but to get groups that will stay multiple days. Nyquist said when he became a Linn County Commissioner in 2000, he quickly learned that some goals were incompatible. For example, they had an opportunity to schedule a dog show that would run four to five nights and bring in about \$26,000 to the Expo, but they would have had to kick out two longstanding local events to do that. He does not want to displace local groups just to book major events. Acquiring the Armory will provide a way to ease that conflict.

Councilor Ray Kopczynski praised the Expo Center for a good job doing long-range planning. He asked when Nyquist thinks it will start generating additional revenue. Nyquist said revenue and sales are up already. The Expo has scheduled the County Fairs Association, which is moving from Salem and will book annually starting in October.

Hansen said Mother Earth News is coming back. They have only four regional events around the country. Big groups will book three to five years out, but we have to get on their radar.

Councilor Floyd Collins said the group has done a great job. They know what they have, they have a future focus, and they know what they have to do to make it and keep it competitive, which is further than we were a year and a half ago.

Hansen said they have considered whether they should self-produce events. Most don't because it doesn't pencil out. It also takes three to five years to get going. He has been advised not to by others with more experience. The Expo doesn't want to reinvent the wheel. They want to do what is unique to our area and venue.

#### University of Oregon Sustainable City Year Program.

Nico Largo, a professor at the University of Oregon and co-director of the Sustainable Cities Initiative, introduced Management Analyst Courtney Griesel, Management Analyst from the City of Springfield, and Megan Banks, program manager of the Sustainable City Year Program (SCYP). He thanked the Council for giving them time to talk about the program. The program works because universities have a knowledge base and students who are doing hypothetical projects, and there are cities around Oregon who need some of this expertise. Putting them together lets the cities benefit from the universities' knowledge and energy, and the students get real-world experience. The students work on real projects that cities are already working on. There are about 500 students available, translating to 40,000 to 60,000 hours of work. They work in many fields, including architecture, planning, law, geography, and arts administration.

Largo referred to two documents: "Sustainable Cities Initiative (SCI)," which describes the program (see agenda file); and another document that included examples from the cities of Redmond, Medford, Springfield, Salem, and Gresham (see agenda file). He explained the benefits of the program to cities, including an expanded range of options and the opportunity for community outreach. He described a project for the City of Salem and one for the City of Redmond.

Griesel said Springfield's staff had a list of projects that had been on staff desks for years. One of the projects was a new library. The University of Oregon brought in a visiting architect, who presented staff with images to engage the community on. The project received more positive dialogue than it had in previous years. The project did move to the side of the desk again for a while, but now that the economy is recovering, they are doing an Request for Proposal (RFP) for design. The work the students did will just about half the cost of the design contract.

Largo displayed a document titled "UO SCYP Proposed Projects with Dedicated Funding" (see agenda file). He said funding for the partnership can come from projects the City wants to get done anyway.

Councilor Bill Coburn asked if Largo saw items on the Council's list that they have done before, things they tried that didn't work, or things they've never done before. Largo said there are some of all those. It's a great list.

Griesel said some of the projects, such as the buildable lands inventory and comprehensive planning, will require staff to work alongside students. Largo said working with the students all the way through is one of the best products of the partnership.

Kopczynski asked how many students are involved in the program. Largo said 500 upperclassmen and graduate students. Kopczynski said it seems like allowing students who need good grounding in their career paths to

practice in communities, involving a lot of staff time, and hopefully benefitting the community. If they are relatively new to the process, doesn't that take time away from City staff? Griesel said there will always be a learning curve with new hires. Springfield has hired some of their SCYP students, who learned through the program some of the basics of working with a City. It's good for long-time employees to go through the process of asking why. It pushes existing staff to reexamine existing assumptions.

Largo said the program has become a national model, and it is successful across the board. He is often told that the student work is "better than we got from the consultants." One benefit to existing employees is the opportunity to work outside the box. He invited the Councilors to contact cities who have worked with the program for their comments.

Kellum said that the City would be training the students, and training takes an inordinate amount of time. He asked how the students would be assigned to projects. Largo said they match an existing course to a project on the list. Each course has a professor who knows what kind of output to expect and how to get there. The students will not be as efficient as staff, but the sheer number of hours they put in on one project makes up for the inefficiency. He reminded the Council that the library project Griesel mentioned saved the City of Springfield around \$110,000 to \$130,000 in schematic design fees. The SCYP needs success as much as the City does, so they are very careful in scoping the projects. That process takes a couple of months, to make sure the list ends up being something the City needs and the program can easily deliver.

Largo said that typically, the Council authorizes staff to engage with the university, not to exceed a certain price. Then the Council can review specific projects. The funds to be used are already allocated to the projects.

Kellum said it is difficult to justify giving a group money when we don't know what we are getting for it. Griesel said in Springfield's contract, they clearly defined the specific projects money would go to, but not the financial threshold in each project. At specific points, they reviewed the project scope with the Council. Largo said the projects on the City's list are the ones the students will be working on. They won't start working until each project's scope has been carefully defined.

Kopczynski asked City Manager Wes Hare where he thought the money would come from, looking ahead into a new budget cycle. Hare said \$203,000 is already allocated to projects on the list. These are projects we've agreed we need to do. They will be in the budget in one form or another.

Coburn said he is in favor of the proposal. He said, if you pencil out all the hours it is less than minimum wage. He asked if there is any concern about the availability of staff to work with the students. Hare said the list was generated by staff. The proposal actually came several years ago, and cities have been competing to join the program. When the proposal first came to the City, it was turned down for lack of money. This year, the management team said yes. We have to do these projects anyway, and this seems to be a relatively inexpensive way to get them done. Staff would not have proposed the projects if they did not feel they had time to do them.

Councilor Dick Olsen said he would like to hear from staff whether they would appreciate the help. Parks and Recreation Director Ed Hodney said he is very much looking forward to this if they move forward. Parks and Recreation works every year with interns, and it re-energizes the department. It helps staff see things in a different way, brings in new ideas, and inspires creativity. That will be the chief value his department gets from the students. A second look, a new look, is valuable.

Planning Manager Bob Richardson said three of the projects on the list came from Planning. Planning has been thinking about how to integrate the GIS system with the historic files and make that information accessible to the public. Planning has the idea, but doesn't know how to put it all together. He thinks this project would really benefit from the students' involvement.

Konopa agreed. She thinks that for the cost, the City would get a large amount of service and time.

Kellum said he thinks the program is about a year away. In some ways it would be of great value, but he is hesitant because the students do not have experience. He asked if this program happens every year. Largo said yes. Kellum said he would prefer to wait a year so that staff can consider other projects as well.

Public Works Engineering and Community Development Director Jeff Blaine said that for his listed project, the Development Resources Center, it is ideas that are being delivered. Three different work groups have been trying to move forward on this project for a couple of years. The project aims at bringing the Public Works and Community Development Departments together at a shared counter, for a development resource center. He thinks they would get better, wider-ranging design ideas to consider than they would get from an architectural firm. The City would get a better product for less cost.

Olsen asked if the City is looking at only one project. Richardson said there are 25 projects in the packet. The spreadsheet shows identified funding sources.

Blaine pointed out an addition error on the spreadsheet. The total should be \$223,000.

MOTION: Coburn moved to direct staff to enter into agreement with the University of Oregon Sustainable Program and Olsen seconded it.

Councilor Floyd Collins said when he worked with kids from Linn-Benton Community College thirty years ago on the Corvallis wastewater facilities; they gained as much from the students and professors as they gave. The students challenged them, and the result was a better facility, worth the effort. He wants to know the dollar amounts and the payoff in tangibles, but he also knows that the to-do pile gets bigger and bigger. A lot of these projects will have direct impacts, some of them long-term. If we can get the conceptual work done on the long-term projects, then when we have the funding we can move forward. He wants to take a chance on it.

Councilor Bessie Johnson said she likes having fewer projects to start with. She appreciates fresh new perspectives. She also wants to take a chance.

Collins said the Council has often talked about the buildable lands inventory. The inventory has diminished, because of new regulations excluding wetlands. What does that do to our holding capacity? If done properly, this project could give us information to take to the legislature to support modifying land-use concepts.

VOTE: The motion passed 5-1 with Kellum voting no.

#### Business from the Public

Skeet Arasmith, 160 SE 25th Street, Albany, said he wanted to talk about "budget creep." He gave a written document to the Council (see agenda file). He said that between 20 and 25% of some people's time in any given department is spent on dealing with budgets. By the time the departments make their presentations the budgets have already been through the wringer. He has been a department head and a supervisor in a city, a water district, and a community college. The normal process for a department head is to count employee costs, then look at the past year's costs, then evaluate new needs, wants, and expenses. Income for local governments is usually relatively fixed. So how do you find the money for the new things? Options include increasing the tax rate or fees, or reducing costs by deferred maintenance. Deferring maintenance is never a good strategy. Another option is to borrow from a sinking fund. The end of the process is that governments continually look for increases in fees or taxes in order to pay for things. There is another way, and that is to figure out the true costs of doing what we ought to be doing. He will leave his document with the Council and would be happy to come back to a work session if they want to discuss it. City Manager Wes Hare responded to Arasmith's comments under the City Manager's Report.

#### First reading of Ordinance

##### Directing the correction of a scrivener's error in Ordinance Number 5864 and declaring an emergency.

The ordinance on the dais was explained by the City Attorney at the January 25, 2016, Work Session, where the Council concurred to add it to this evening's agenda (see agenda file).

City Attorney Jim Delapoe read the Ordinance for the first time in title only: AN ORDINANCE DIRECTING THE CORRECTION OF A SCRIVENER'S ERROR IN ORDINANCE NO. 5864 AND DECLARING AN EMERGENCY.

MOTION: Coburn moved to have the City Attorney read the Ordinance for a second time in title only. Johnson seconded the motion and it passed 6-0.

Delapoe read the Ordinance for the second time in title only.

MOTION: Coburn moved to adopt the Ordinance and Kopczynski seconded the motion. The motion passed 6-0, and was designated Ordinance No. 5867.

#### Adoption of Resolutions

##### Approving an extended property tax abatement agreement for TryEco LLC in the South Santiam Enterprise Zone.

Kopczynski asked for details. John Pascone, of the Albany Millersburg Economic Development Corporation, 435 W. 1st Avenue, said TryEco is a start-up company leasing space on Ferry Street. They make a super-absorbent polymer. They hope to have twenty employees within a few years. They have no employees yet, but they have some investors.

Coburn asked when their product will be on the market. Pascone said they hope to have it on the market and hire six employees this year.

MOTION: Collins moved to adopt the resolution and Olsen seconded it. The motion passed 6-0, and was designated Resolution No. 6475.

##### Approving the transfer of road jurisdiction from Benton County to the City of Albany.

MOTION: Kopczynski moved to adopt the resolution and Johnson seconded the motion.

Collins asked Blaine if these transfers were in line with discussions earlier in the year with Benton County. Blaine said yes.

VOTE: A vote was taken on the motion and it passed 6-0, and was designated Resolution No. 6476.

#### Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) November 4, 2016, Regular Session minutes.

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

#### Award of Bid

##### ST-15-01, 34th Avenue Traffic Signals.

Coburn recused himself from discussion and voting on the matter.

MOTION: Johnson moved to award the contract in the amount of \$455,532 to EC Company of Albany passed. Kellum seconded the motion.

Konopa asked if the conduit was ever placed in 34th Avenue. Coburn said yes.

VOTE: The motion passed 5-0 with Coburn recused.

#### Appointments

##### City Boards, Commission, and Committees.

MOTION: Collins moved to approve the appointments. Olsen seconded the motion and it passed 6-0.

#### Reports

##### Reclassification of Library positions.

Library Director Ed Gallagher said the library has had a 40% staff turnover since moving into the new library. These changes will make job duties match classifications.

Collins asked if the budget impact of less than \$10,000 is per year, or for this fiscal year. Gallagher said that is for the period from February 1 through June 30. Collins said that the budget impact for next year would then be double \$10,000. Gallagher said this year's impact is actually closer to \$7,000. There will be a retirement in May, and replacing that person should be a savings of \$12,000 in next year's budget. The total FTEs don't change.

Hare said the library has done a commendable job running a much larger facility with the same staffing level as the old facility. Gallagher does a good job making adjustments and changing staff as needed.

Johnson said the library also does a good job working with Linn Benton Community College to provide classrooms.

MOTION: Johnson moved to authorize the reclassification requests as presented in the staff report. Olsen seconded the motion and it which passed 6-0.

##### 2014-2015 Audit Report.

Kopczynski reported on the annual Audit Committee meeting. A year ago, the City went to a new system to do the accounting. Even with the learning curve staff came through with a great audit report. The only issue that came up was the effect of GASB 68 in future years. That won't affect anything this year.

Konopa asked about hotel audits. Finance Director Stewart Taylor said each year Finance audits the transient lodging tax (TLT) reporting forms for three or four hotels in the community. Each year the audits have been a worthwhile exercise. Sometimes the City finds small errors. This year there is one case where the City and the hotel have not been able to reach a matching number. The City thinks the hotel is overpaying and they don't think so.

MOTION: Kopczynski moved to accept the 2014-2015 Audit report. Johnson seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Johnson has had people tell her that there needs to be a portable microphone if there are multiple people at the podium or if they are doing a PowerPoint presentation. Olsen agreed. He also thinks there should be a bigger table to accommodate several presenters.

Hare said the City did order a table, but it arrived damaged. They can try again to use a table. Kellum said there might be some Oregon white oak available and there are people who could build a table if they had a design.

CITY MANAGER REPORT

Temporary Employment Agreement.

Hare said the Council has a copy of the proposed contract, which would save about \$18,000 a year over his continuing to work in regular status until the end of Fiscal Year 2017.

MOTION: Collins moved to authorize the Mayor to sign the contract on behalf of the City. Kellum seconded the motion and it passed 6-0.

Other Items

Hare said Arasmith, in his testimony under Business from the Public, raised a lot of valid points about how budgeting can happen, but that is not the process the City of Albany follows. In Albany, we say, this is how much we have, and this is how much each department will receive. It's usually less than the year before, and the departments have to fit their budgets within that amount. It has been an exercise in trying to fit the goals of the Council and the Strategic Plan into the resources granted by taxpayers.

Hare called the Council's attention to his rough schedule of the search for a new City Manager (see agenda file). The Council needs to decide whether they want to do the recruitment themselves, do it in-house with existing staff, use a professional executive search firm, or go through the Local Government Personnel Institute. The question will come back to the Council for consideration at a future work session.

NEXT MEETING DATE: Work Session: February 8, 2016; and Regular Session: February 10, 2016

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC  
City Clerk

Stewart Taylor  
Finance Director

CITY OF ALBANY  
CITY COUNCIL WORK SESSION  
Council Chambers  
Monday, February 8, 2016  
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: Mayor Sharon Konopa and Councilors Rich Kellum, Ray Kocczynski, Floyd Collins, Dick Olsen, Bill Coburn, and Bessie Johnson.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

None.

MUNICIPAL COURT ANNUAL REPORT AND JUDGE'S CONTRACT REVIEW

Municipal Court Judge Robert Scott presented his annual report. He said that compared to a lot of other years, last year was a fairly unremarkable year for Municipal Court. The court has had years where the caseload fluctuated by several thousand cases, and this year was only a slight decrease of about 428 cases. The decrease was slightly larger with traffic cases than with criminal cases; and there was no significant impact on the workload or finances. Municipal Court took in slightly more money than was spent this year, even though the caseload was down.

Scott explained that some things did increase; contempt proceedings and warrants were up significantly as a result either of people not following through with their court orders or simply not appearing. He had a meeting recently with City Attorneys Sean Kidd and Jim Delapoer about how to deal with repeat offenders – a small group in the community that is causing most of the problems. He feels that given the limitations on what the City can follow through with, it's difficult to be able to enforce the laws. Scott explained that some of those repeat offenders simply don't care what the consequences are. Most people end up doing 30 days in jail for contempt of court; and once released, they go right back to doing what they were doing before. Some of them are simply irresponsible. Some of them don't have the skills, knowledge, resources, or good fortune to be able to take care of what they need to do. He added that mental health plays a huge part and communities don't have the resources to deal with mental health issues on the level that is really needed.

Scott told the Council about a woman that appeared before him after being arrested for trespassing at Monteith Park and spending five nights in jail. Deputies tried to release her and she simply would not leave the jail. Deputies gave Scott a heads up about the situation and he ended up dismissing the case since she had been sitting in jail for that long. He said he hesitated to do that because now she becomes an issue for the police; but she was not a danger to herself or others, so she could not be committed. He touched briefly on the mental health issues faced by our community and explained that it would cost over \$100,000 per year to keep someone at the state mental hospital and in this woman's case, even if she were committed, the hospital feels it probably wouldn't help. He said we have several people like that in the community.

Scott noted that the City's share of revenue is up by \$30,000, which isn't as high as it could be because expenses are also up. He is not involved in the budget process at all but he does review the expenditures and two things always stand out to him: the court always seems to spend more than budgeted on prisoner expenses and court-appointed attorney expenses. He explained that if a person has a possible jail sentence, they are entitled to a court-appointed attorney; and he couldn't think of an instance when someone asked for a court-appointed attorney and he was able to deny their request because he could show they had sufficient funds to cover their own attorney expenses. He said these attorneys charge about one-fifth of what their normal hourly rate would be; so they are essentially doing the work pro bono, barely covering their overhead.

Scott pointed out that Senior Court Clerk Mary Stankey retired last summer as our longest City employee. September Ridgeway has taken over her position and he feels she is doing a fantastic job and that the transition has gone very smoothly. He mentioned that the court has lost several great clerks in recent years, a couple of those because of pay and benefits; but they have a new clerk starting tomorrow who is fluent in Spanish, which staff is thrilled about. He added that they have people every day come to the court who don't speak English and this will make a huge difference in being able to help them.

City Attorney Jim Delapoer commented that as someone who's been practicing in Municipal Court for almost four decades, he believes it is exceptional to have a court that is able to run in the black, to have a system that is not a significant economic drain year after year on the City. He believes a lot of that is because of how Judge Scott runs the court. There are very few jury trials that actually go to jury trial, people ask for a trial, but then it ends up being waived because there's a general consensus that they're going to get a very fair shake with Judge Scott. Delapoer

explained that Municipal Court is not a court of record, no one is transcribing what happens, and therefore anyone who is convicted has the right to request a retrial. He said we don't have even one case per year that requests to be retried, because people feel like they get a fair trial. He said it's not an accident that the court is running efficiently.

Councilor Bessie Johnson asked whether the new clerk who speaks Spanish fluently would receive differential pay for that skill. City Manager Wes Hare explained that the City does offer differential pay for employees who speak a second language.

Johnson also wanted to clarify whether Scott felt that the court clerks they've lost recently were because the City had been under paying those employees. Scott explained that one employee said she had made more money working as a pharmacy clerk at a grocery store than she did in the court office. After just shy of a year working for the court, one of her former customers, from when she worked at the pharmacy, offered her a job that she couldn't refuse. Another employee went to work for the District Attorney's Office in Corvallis and was offered more pay there as well.

Johnson questioned why parking violations were up this year by almost one-third. Scott said that he'll see maybe five parking tickets per year and it's almost always someone who shows up and wants to speak with him. He said that if there are five of them, usually four are dismissed; it's a very small number. Johnson said she appreciates how Judge Scott runs his office because she's never heard anything negative about the court.

Discussion followed related to mental health issues in Albany and the surrounding communities. Councilor Rich Kellum suggested that there could be better coordination between the City and Linn County on this issue. Konopa asked Judge Scott if he's noticed whether some of these routine offenders are from other parts of Linn County, not just Albany. She said there's a transitional housing facility that has come to the attention of the Code Enforcement group and when she met with the facility, they said that a lot of those residents are from other parts of Linn County. Scott said he doesn't pay particular attention to someone's address. He may ask them if they have housing, but he doesn't ask where; he mostly pays attention to the charge on the ticket.

#### STORMWATER UTILITY DISCUSSION

Public Works Engineering and Community Development Director Jeff Blaine recapped discussions that took place throughout 2015 during a series of presentations reviewing stormwater issues, which included: regulations the City is going to be faced with and the challenges they will present; ongoing maintenance costs that will be required as part of managing the utility; and significant costs for repairing failing infrastructure, which the City does not currently have funds in place for. He said that a lot of challenges lay ahead of Albany and they will all require funds to address them. The last presentation series was concluded in November 2015 with direction from Council to begin the process to develop a stormwater utility. He said that this presentation is the first in what may be a series of discussions, if Council directs staff to proceed.

Utility Services Manager Mark Yeager explained that the purpose of this meeting is to begin the process and discussion to try to understand the steps that are necessary in the formation of a stormwater utility. He said the goal is to understand what's involved by looking at some of the key success factors in developing a stormwater utility, as many other communities in Oregon have done. The presenters will go through a sample rate calculation and then talk about next steps, should Council want to continue down this road. Yeager explained that the City currently makes some limited stormwater improvements as part of street projects but other than that, improvements are not made because there are no available funds. For what limited stormwater activities are done, the City uses two sources of revenue: Wastewater personnel, funded by sewer rates, and some Street personnel, funded by gas taxes.

Shaun Pigott, Shaun Pigott Associates, LLC., Bend, introduced himself. He has over 30 years of experience with public finance in the areas of water resource (specifically with rate development), System Development Charge (SDC) studies, as well as capital planning and financing. In the early 1980s, he became involved with establishing stormwater utilities in Oregon, as well as nationally, and has helped over 20 cities across Oregon and the United States develop utilities.

Deb Galardi, Galardi Rothstein Group, Portland, introduced herself. She has been working on utility rates and charges for about 25 years, many years with the City of Albany. She has helped to develop water and wastewater utilities for Albany and most recently, she was before the Council to assist with transportation funding issues. Galardi explained that she and Pigott have worked extensively together, most recently to develop and phase in the stormwater utility charges that just took effect in Salem.

Pigott and Galardi gave a PowerPoint presentation (see agenda file).

Pigott stated that every community faces a puzzle in figuring out how the pieces fit together; but the pieces tend to be common among all communities in Oregon. He said it's a question of what it takes to run the system and the financial plan to support it, which then gets into the legal framework. He explained that there is a significant amount of precedence in Oregon, as well as nationally, related to the viability and legality of stormwater utilities. Each community is unique in how a utility is designed, how a rate structure is established, and what customer classes are going to be appropriate. Pigott gave further explanation relating to the provisions in the Oregon statute that allow for a stormwater utility, as well as the process of using a formation ordinance to create the utility. This would be followed by a resolution to establish a system and structure for rates, which would include customer classes and what rates or provisions would be provided.

Pigott explained that in all litigation cases, the process of using a utility has been substantiated. He said that what the courts seem to be looking at is whether charges are to support a dedicated funding source, i.e. that revenues are dedicated to a certain function; that there is some measure of quality; and what is the quantitative measure for determining the billing amount (parcel size, impervious service, or other). A case specific to Oregon was the Roseburg decision in 1993. The City of Roseburg was challenged by the school district as well as some other businesses. The tax court ruled that this was a tax and not a service charge. The case then went to the Supreme Court which held that the tax court had erred, and that it was, in fact, a stormwater utility fee and not a tax. The decision relied on two variables: controllable and avoidable. Controllable being whether there is some function of credits – if a customer does something to modify their contribution to the system, can they reduce their billing. Avoidable being, in those instances that a customer is not contributing anything to the stormwater utility, they are not paying for services.

Galardi explained that should Council choose to move forward, there are four primary steps that Cities have to go through to begin implementing these charges: implement local code changes, develop a funding plan, develop a rate structure, and develop internal systems to support billing and tracking revenues and expenditures. Additionally, it is important to have an implementation plan, to tell the public what you plan to do and why. She explained that the requirements for funding sources are operation and maintenance and capital costs, not unlike the requirements for water and wastewater. As far as a capital improvement plan, many cities are already behind when they implement these utilities, so it will be a matter of determining what existing deficiencies will be addressed initially and at what pace other improvements will be made. She stated that by and large, like water and wastewater systems, it will be service charges that will support the utility.

Pigott briefly reviewed the history of approaches to rate structure and to establishing stormwater utilities. The current approach tends to focus on impervious surface area. He explained that impervious surface area for residential lots does not tend to vary much, not enough to commit staff time and costs to measuring those surfaces. Generally, residential lots will be grouped as one and the measurement of impervious surfaces is reserved for commercial or industrial properties.

Pigott recapped the three major items that will need to be addressed: public education and outreach, billing and financial systems that need to be in place to incorporate charges, and rate structure development.

Councilor Floyd Collins asked how the utility would handle the example of lots in North Albany that either do not have any measurable runoff or they run off to county facilities. Pigott stated that this would speak to the credit program, for which conditions are to be established, and it's the conditions for those credits that will be unique to how Albany sets up their program.

Councilor Bill Coburn asked what the timeframe would be to accomplish the steps listed on the presentation slide titled "Steps for Adoption." Pigott explained that this varies between communities but they set up a utility in Bend and it was about a 14-month process. He added that as Council goes through some next steps in defining the legal authority and the revenue approach to the program, they will be in a better position to judge the timeframe.

Yeager believes adoption to implementation is likely to take around 18 months but that it will depend on what Council chooses for a public involvement process, and if Council does the majority of the work, or uses some other process.

Johnson said she needs to have a sense of how much it is going to cost customers. She asked, what is the dollar amount that Bend is charging to a single-family residence, for example? Pigott explained that in Bend, they charge a rate of \$4.00 per "equivalent residential unit" (ERU), so a single-family residence would pay \$4.00.

Konopa asked whether every single-family residence would pay the same amount regardless of lot size. Pigott advised that it is possible to create tiers within each individual category, such as by lot size, but it is best to stay away from measuring every residential lot because of the administrative costs associated with that. Additionally, if you create different tiers within the residential category, you have to be able to demonstrate that as the lot size increases, the impervious surface size also tends to increase.

Yeager gave the example of the wastewater utility, which has three different commercial/industrial classes, which are based on discharge strength. He added that it is not parcel size that is significant, it is impervious surface area. He feels it is important to balance the complexity of the rate structure. More complex is certainly fairer, but you have to balance that out with increased administrative costs associated with a highly complex structure. Yeager stated that what staff needs to know is whether Council wants to proceed with establishing a stormwater utility.

Kellum's concern is the state permitting process and when Council will know how much money the City needs to move forward with this utility. Yeager explained that the state is now in the process of creating a new permit structure for communities the size of Albany, changing from an individual permit to a general permit structure. The state has said that they will roll out their draft around April 2016, at which time they're going to seek some informal input, and then going to roll out their formal draft in July 2016 for public comment, with adoption taking effect in October 2016. Once the state has adopted the new plan, Albany will be required to apply for a permit. Kellum wants to make sure that Albany is ready when this requirement goes into effect, and wants to ensure that it is made clear what options people have to reduce their stormwater output and see a reduction in their bill. Yeager replied that

those are all things that come back to the discussions related to a development of the utility and the guidance Council gives to staff to begin trying to shape what will become the rate structure.

Councilor Ray Kopczynski agrees with Kellum that it would be ideal to have a finite deadline for implementing the utility so that Council can plan accordingly. He has concerns about waiting and having to make last minute decisions, or rushing to judgment too soon when they really have plenty of time to consider the issues.

Blaine explained that there are a lot of different cost drivers at play, one of them being the regulatory requirement, but also general operations and maintenance activities that we're not doing now; trying to replace pipes that are failing, or trying to anticipate where pipes are going to fail and replace them in advance, much like with water and wastewater systems. Blaine stated that if Council is looking for a deadline, they could use the regulatory timeline. Blaine would like to see Council work through this process by the end of the calendar year, given that they've already spent an entire year working through all aspects of this in great detail with staff.

Konopa added that Council has been deferring this issue for 20 years, knowing that it was something they would have to implement at some point but hesitated to because of costs, and now the infrastructure is even worse.

Kellum reiterated that he feels it is unreasonable to start charging people just so that they can ready for what the state is going to implement. He feels they need to know when the state will implement their requirements so that Albany can be ready, have things in place, and then Council can implement the utility once required to by the state.

Yeager stated that if Council needs a specific date, they could use October 2016 because that's when the regulatory requirements will go into place; and this process, should Council choose to move forward, is going to take every bit of that time. Yeager feels they are already behind schedule, based on the October date. Collins clarified that the October date is when the state is anticipating adoption of the ruling. Yeager explained that the state has said October is when the program would become effective, at which time Albany would be required to apply. Collins pointed out that the application process will take some time; the timeline certainly needs to be expedient but they don't have to be scared off by the October 1 deadline.

Blaine would like to move the program development and implementation schedule discussion to the March 7, 2016, Council Work Session. He commented that there are several different regulatory instruments we can point to that are driving the requirement to establish the utility.

Collins asked if the current cost accounting shows a breakdown of how much is being pulled from the Street and Wastewater Funds for stormwater activities. He would like to know what we will be doing with those funds, if they're no longer subsidizing stormwater.

There was a consensus to move forward with the process to establish a utility. Collins commented that he appreciates Pigott's explanation and examples of the courts affirming the legality of a stormwater utility and that contrary to public opinion and editorials, this is not a rain tax; it is based on usage. Pigott added that there are upwards of 60 communities in Oregon that now have a stormwater utility.

#### LEVY RENEWAL DISCUSSION

Delapoer explained that City staff has been working to put a renewal of the Public Safety Levy before the voters. Past practice has been to use an ordinance as the legal vehicle to place something on the ballot. Staff has researched this issue and determined that a resolution is likely sufficient to place something on the ballot; but it is his personal preference, when it comes to something like this, to take the more formal approach, which would be an ordinance. He said the issue is that Council has expressed a real reluctance over the past several months to use an emergency clause. The emergency in this case is that the ordinance must go into effect in a timely manner. Delapoer said that if Council is not going to be comfortable with the emergency clause on the ordinance, he would like for them to say so and then the resolution will be brought forward for adoption. He feels the consequences of someone raising a challenge are too high for Council not to go with the most formal of processes, but he would rather bring forward something they will all vote for.

Kellum is uncomfortable with the emergency clause and would like to see them adopt the resolution. Konopa said the emergency clause is needed because deadlines are looming and they have to have voters' pamphlets turned in within four to five weeks, which requires a measure number. Coburn and Councilor Dick Olsen said they have no issue with the emergency clause in this case.

Delapoer reiterated that he prefers the most conservative course pertaining to financial matters. He explained that if a Councilor is going to vote against the ordinance, simply because they don't like the emergency clause, then that's going to delay the second reading to the next Council meeting. If the Council is not comfortable with the ordinance, he would like to know that so he can go with the resolution and this won't become an issue. Staff cannot identify a hard and fast rule that they are required to do an ordinance, but since he cannot envision how the City could ever be challenged for using the more formal of the two processes, he would prefer it.

Discussion followed related to when the current levy expires and the previous direction Council has given staff for the timing of when to bring renewals before the voters. There was a majority agreement to go ahead with the first reading of the ordinance at this meeting.

Delapoer read the ordinance for the first time in title only. This item will come back for a second reading at the February 10, 2016, City Council Meeting. If the ordinance is not passed by Council at that meeting, a resolution will be available for adoption.

Delapoer feels it sends a bad message to voters by placing something on the ballot that is not a unanimous vote of the Council. He would hate for that action to be misconstrued because a Councilor voted against the ordinance purely because of the emergency clause, and not because they're against the substantive measure. Konopa reiterated that Council is facing a crucial deadline and the emergency clause is needed.

Johnson said she is sorry that the City has to go this route to finance Police and Fire services and feels it is sad to have to beg for money every five years to fund these absolutely necessary services. Konopa agreed and said it's unfortunate that the city can only do a five-year levy. She said there was a bill that went to the legislature to extend that to ten years but it didn't end up passing; ten years would have made things a lot easier on municipalities and counties.

#### COUNCILOR COMMENTS

Collins explained that information related to House Bill (HB) 4086, which will extend unemployment benefits to workers involved in lockouts for extended periods of time, can be found in the packet.

MOTION: Collins moved for the Council to authorize the Mayor to send a letter in support of HB 4086 and Johnson seconded.

Kellum is opposed to this bill, not because he doesn't support the people working at Oremet, but because he feels it is inappropriate for employees in this case to benefit from unemployment, which is funded by the employer, not the employee. He added that use of those employer-paid funds will cause a rate increase for the employer and he feels that this is the Council taking sides and showing direct support to the people on strike. He said that the company is using a lockout, which is the exact same thing as a strike only the other direction. Johnson responded that it's not the same thing, the employees are willing to work, but the employer locked them out. Kellum pointed out that a strike is when the employer is willing to employ people and the employees are not willing to work. He feels this sends a message to anyone who is looking at Albany that we take sides. Johnson stated that there have been other national instances when unemployment benefits have been extended. She doesn't believe they are taking sides; they're supporting the people in the community. Kellum argued that it's the company's money, not the employees. Coburn said that if this bill passes, he can't say what the financial impact would be to Oremet, the money will come from the state unemployment pool. Kellum said that the bottom line is that the company's rate will go up with more people are drawing unemployment.

VOTE: A vote was taken on the motion and it passed 5-1, with Kellum voting no.

Coburn said that it has been discussed a few times for Council to receive a raise but it has never passed. He feels it is warranted, given rising costs, and plans to propose a \$20.00 per month raise. He would like staff to have information available on what the current rate is and how long it has been at that amount. He feels this is a token amount, but a step in the right direction. He believes citizens would be very surprised to know that Councilors only receive \$100.00 per month plus a stipend for a computer.

Konopa said she was surprised at the lack of support the last time this was considered. Kellum pointed out the number of hours Councilors spend getting ready for meetings, attending meetings, etc. He said he looked at one month as an example and it worked out to being paid around \$1.14 per hour. Delapoer explained that the amount was never intended to be compensation for the work Councilors do, it was largely intended to be a stipend for costs. As IRS rules changed, it became easier, rather than giving Councilors a cash stipend, to report it as income; and if they kept track of expenses, they could write off all of that income.

Johnson agrees that this would be appropriate, as cost of living has certainly gone up. Konopa explained that the last time this was changed was when it was necessary for Councilors to all be on the internet, but since then, even the cost of just internet service has gone up dramatically.

Olsen added that he appreciates Representative Andy Olson's support of the workers assisted by HB 4086.

City Attorney Sean Kidd advised the Council that he is looking into the question of whether they can implement a tax on marijuana while there is currently a ban in place. He said that originally they had discussed putting both questions on the ballot, but he's not sure they can do that so long as the ban is in place, which will be going to the voters for approval. Hare asked whether the tax could be adopted contingently. Kidd is working on this issue along with discussions with Planning and other departments related to time, place, and manner restrictions. Konopa said we also need to be looking at zoning.

Blaine informed the Council that an item will be brought to the next Council meeting for building permit fees. He said this is a housekeeping item and will not change what customers see at the counter or on their bills.

#### CITY MANAGER REPORT

None.

ADJOURNMENT

There being no other business, the meeting was adjourned at 5:50 p.m.

Respectfully submitted,

Reviewed by,

Holly Roten  
Administrative Assistant I

Wes Hare  
City Manager

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
333 Broadalbin Street SW  
Wednesday, February 10, 2016  
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

ROLL CALL

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

Councilors Absent: None

SPECIAL PRESENTATION

2015 Human Relations Awards & Certificates

Chris Equinoa, Graham Kislisbury and Javier Cervantes, members of the City's Human Relations Commission (HRC) came forward. Equinoa said the HRC was established in 2007 by the City Council to promote harmonious relations among the citizens of Albany. This is done through recommendations of programs, activities, ordinances, etc. to the City Council and City Manager. The HRC strives for actions that lead to positive and respectful relations within our community. One of the ways the HRC promotes Albany's strength is by sponsoring the Human Relations Awards which recognize individuals and organizations that have worked to promote the ideals of harmonious relations among our citizens. Tonight, recognition will be given to individuals and groups that have been nominated for their demonstrated commitment to improving human relations in Albany, especially related to diversity and equality.

Graham Kislisbury presented the nominees in the Individual Category: Peter & Sue Goodman, nominated for their countless volunteer hours to Community Action for Racial Equality (C.A.R.E.); Pat Loy, nominated for her many years as an advocate for adult education and literacy; Buzz Wheeler, Coastal Ranch and Farm, nominated for his years of community involvement and helping to change lives every day for the better; and Sandy Roberts, Albany Police Officer, nominated for stretching her time and position to do every bit of good she can and in her spare time helping on community cleanup projects, graffiti removal, and trail work. The winner was Pat Loy. Kislisbury said Loy's volunteer efforts have made a difference in the lives of countless residents. Five years ago, Loy founded what was then known as the GED Group. With her passion and vision, this group laid the foundation for stronger interagency collaboration, now known as the GED Prep Network for Linn and Benton Counties. Kislisbury told a story about a 19-year-old student who had been living at the Albany Helping Hands Shelter for some time and, with Loy's assistance, encouragement and advocacy, succeeded in receiving his diploma and moving on to attend LBCC.

Javier Cervantes introduced the nominees in the Organization/Business Category: Community Action for Racial Equity (C.A.R.E.) represented by Beth Daniel; Sanctuary Stage, represented by Dan Jones and Tina Marie Ivey; and the Welcome Center of GAPS 8J, represented by Heather Huzefka, Patricia Martinez, Rocelia Francisco, David Jazmin, and Jessica Dionne. The winner in this category was C.A.R.E. Cervantes said C.A.R.E. is a multiracial, multicultural action-oriented organization dedicated to promoting racial equity, diversity, and inclusion. He read a number of their accomplishments from the nomination form.

Konopa thanked the HRC and all of the nominees. She said it takes wonderful volunteers like these to make a great community and their efforts are greatly appreciated. She noted one nominee, Buzz Wheeler, did not attend tonight. She said Wheeler is a very humble man who has supported many City programs, including the paddle boats on Waverly Lake, and that his support was essential for the new YMCA and the new police and fire stations.

PROCLAMATION

Four Chaplains Sunday

Konopa read the proclamation in the agenda packet.

Floyd Bacon, Chaplain of American Legion Post 10, introduced himself and Post Commander Steve Adams. Bacon said the four chaplains have been honored by the American Legion nationally since 1988. On February 3, 1943, there were 902 U.S. Army troops on a transport going across the North Atlantic bound for Greenland. At approximately 1 a.m., the ship was hit by a torpedo from a Nazi submarine and it sunk in about 27 minutes. Two escort ships were able to rescue only 231 survivors. Accounts indicate that among the chaos, the four chaplains

immediately began to organize the exit of the ship and, because there were not enough life jackets, each of the chaplains gave up their own life jacket to save the life a soldier. One survivor said that the last thing he saw as he swam away from the sinking ship was the four chaplains still on board, praying for the safety of the men. Bacon said this is a very moving story, and he thanked the Mayor and Council for issuing the proclamation.

#### SCHEDULED BUSINESS

##### Business from the Public

There was no business from the public.

##### First Reading of Ordinance

Calling for an election to submit to the electors of the city the question of renewing a levy at \$1.15 per \$1,000 assessed value for Ambulance, Fire, and Police operations beginning Fiscal Year 2016-2017 for five years.

City Manager Wes Hare referred to Council discussion on this item at the last work session. He said staff has found no problem with taking this action by resolution which removes the issue of the emergency clause and allows Councilors to vote based on the merits of the issue rather than on a procedural issue. A resolution was on the dais (see agenda file).

MOTION: Councilor Dick Olsen moved to approve the resolution on the dais and Councilor Bessie Johnson seconded it. The motion passed 6-0 and was designated Resolution No. 6477.

##### Adoption of Resolution

Amending the fee schedule for certain Building Division fees and repealing Resolution Numbers 6187, 6180, and 5891

Public Works Engineering and Community Development Director Jeff Blaine briefly reviewed the staff memo. Staff recommends that Council adopt the Building Permit Fee Resolution which will bring Council policy in line with state requirements and the current fee structure which has been in place since September 1, 2014.

MOTION: Councilor Rich Kellum moved to adopt the resolution and Councilor Ray Kopczynski seconded it. The motion passed 6-0 and was designated Resolution No. 6478.

##### Adoption of Consent Calendar

- 1) Approving contract for Municipal Court Judge Robert Scott.
- 2) Approving Municipal Court Judge Pro Tems and repealing Resolution No. 6393. RES. NO. 6479.

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

##### Approval of Agreement

Library resource sharing intergovernmental agreement

Hare said that Library Director Ed Gallagher has been in favor of consolidating library services in order to extend services to children and adults who live outside the boundaries of library areas. Over the years, Gallagher has been able to consolidate services using grants and programs that created efficiency in order to help spread those services without incurring additional costs. This agreement is part of those efforts.

MOTION: Councilor Floyd Collins moved to approve the Library resource sharing intergovernmental agreement. Johnson seconded the motion and it passed 6-0.

##### Appointments

TLT Ad Hoc Advisory Committee

Konopa noted that there is no appointment for the TLT Ad Hoc Advisory Committee from Councilor Doel Olsen. Olsen said he would like to appoint Dala Rouse. It was noted that members of the Monteith Board are not be qualified for the appointment. Brief discussion followed regarding the structure of the ad hoc advisory committee, and Olsen said he would try to have another appointment by the next meeting.

MOTION: Collins moved to approve the appointments in the staff report: Julie Jackson, Scott Pierson, Mitch Langjahr, Mike Martin, Jeff Christman, and Betsy Penson. Kellum seconded the motion.

Kopczynski said he is fine with the scope as long it is applied uniformly to every agency that receives these funds.

VOTE: A vote was taken on the motion and it passed 5-1, with Olsen voting no.

BUSINESS FROM THE COUNCIL

Councilor Bill Coburn said he previously raised the subject of compensation for Councilors. Based on information provided by staff, he said, it isn't known when the compensation went to \$100 but it is known that it was raised from \$100 to \$110 in May 1989, 27 years ago.

MOTION: Coburn moved to increase the compensation to Councilors and Mayor by \$20.00 per month. Johnson seconded the motion.

Coburn said this is intended to be a nominal increase, not tied to any index or minimum wage or anything.

Kopczynski said he doesn't think compensation is necessary, and he will vote no on the motion. Olsen said he will also vote no. Johnson said this is just a bit of compensation for Councilor's expenses such as mileage, copies, etc. Kellum said he was going to vote no; however, since there are two no votes, he will vote yes. Collins said he generally contributes back to the City more than he receives. Konopa said that everyone on Council likely spends more to support the community than they receive in compensation.

VOTE: The motion passed 4-2, with Olsen and Kopczynski voting no.

Kopczynski asked if a Councilor could refuse compensation as a matter of principle. It was noted that a Councilor could donate any amount to the City.

Hare said that he and Public Information Officer Marilyn Smith accompanied City Attorney Jim Delapoer as he presented a case to the Court of Appeals regarding the penalty imposed upon Hare for a press release a couple of years ago. Hare said that Delapoer did an outstanding job and that he has performed a great public service to try to ensure people get the best information they can about issues facing their communities. When public employees are put in a place where they feel they can't tell the community why new facilities are needed or why a tax is being proposed, it becomes very difficult for people to get accurate information and puts the burden on elected officials to try to get the word out to the community. He expressed appreciation to Delapoer for his outstanding work. He will advise when the outcome is known.

Smith advised that the Big Pickup would be held in the Lexington neighborhood on Saturday, May 21, 2016.

NEXT MEETING DATE

Work Session: February 22, 2016; and Regular Session: February 24, 2016

ADJOURNMENT

There being no other business, the meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix  
Administrative Assistant

Wes Hare  
City Manager



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Mario Lattanzio, Chief of Police

*M. LATTANZIO*

DATE: April 07, 2016, for April 13, 2016, City Council Meeting

SUBJECT: Full On-Premises, Commercial Establishment, Change Ownership Liquor License Application for 3 M's LLC, dba La Roca Mexican Restaurant, located at 1727 Hill SE.

Action Requested:

Approval of the Full On-Premises Sales, Commercial Establishment, Change Ownership Liquor License Application for 3 M's LLC, dba La Roca Mexican Restaurant, located at 1727 Hill SE.

Discussion:

Juana Juarez-Mendoza, on behalf of 3 M's LLC, has applied for a Full On-Premises Sales, Commercial Establishment, Change Ownership, liquor license. Based on a background and criminal history investigation through Albany Police Department records, the applicant has no criminal record.

Budget Impact:

None.

MSR



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Mario Lattanzio, Chief of Police

M. LATTANZIO *ML*

DATE: April 07, 2016, for April 13, 2016, City Council Meeting

SUBJECT: Full On-Premises, Commercial Establishment, New Outlet Liquor License  
Application for ZNE Corp., dba Perfect Pizza, located at 650 Hickory Street NW.

Action Requested:

Approval of the Full On-Premises, Commercial Establishment, New Outlet Liquor License Application for ZNE Corp., dba Perfect Pizza, located at 650 Hickory Street NW.

Discussion:

Christopher Robert Reese, on behalf of ZNE Corp., has applied for a Full On-Premises Sales, Commercial Establishment, New Outlet, liquor license. Based on a background and criminal history investigation through Albany Police Department records, the applicant has no criminal record.

Budget Impact:

None.

MSR



TO: Albany City Council

VIA: Wes Hare, City Manager  
John R. Bradner, Fire Chief *JRB*

FROM: Staci Belcastro, P.E., City Engineer *SB*

DATE: April 6, 2016, for the April 13, 2016, City Council Meeting

SUBJECT: Award of Bid for MS-16-02-D-110, Demolition of Fire Station 11 Building

- RELATES TO STRATEGIC PLAN THEME:
- A Safe City
  - An Effective Government

Action Requested:

Staff recommends that Council award this contract in the amount of \$201,749 to the low bidder, Groat Brothers, Inc. of Woodland, Washington.

Discussion:

On March 22, 2016, bids were opened for MS-16-02-D-110, Demolition of Fire Station 11 Building. There were three bids submitted for this project, ranging from \$201,749 to \$405,214. A bid summary is provided as Attachment 1.

*Project Description*

The City's Strategic Plans, as early as 2007, identified the need for a new downtown fire station (Fire Station 11). After considerable research it was determined the new fire station should be built on approximately 1.65 acres in the 500 and 600 blocks of Lyon Street, expanding on its current site.

This project provides for demolition of the existing 15,000 square-foot structure to facilitate construction of the new fire station on the expanded site. The crew and apparatus currently responding from Fire Station 11 will temporarily locate to 1120 Hill Street SE ahead of the demolition work in order to continue responding to callouts. They will be located at the temporary site until completion of the new station.

*Summary of Total Estimated Project Cost*

The estimated total project cost for the demolition of Fire Station 11 is provided in the table below. The table also provides a summary of the overall demolition and abatement costs required to facilitate construction of the new station. The amounts have been rounded to the nearest \$100.

Project Components	Estimated Cost
<b>I. Costs – Demolition Fire Station 11</b>	
a. Engineering & Hazardous Materials Assessment	\$ 16,500
b. Construction Inspection	\$ 2,000
<i>Engineering Subtotal</i>	\$ 18,500
<b>II. Construction Costs – Demolition Fire Station 11</b>	
a. Demolition Construction Contract	\$201,700
b. Contingency (10%)	\$ 20,200
<i>Construction Subtotal</i>	\$221,900
<i>Total Estimated Project Cost</i>	\$240,400

<b>III. Demolition &amp; Abatement Costs</b>	
a. Demolition 623 Lyon Street SE (Richard's Cleaners)	\$ 30,000
b. Relocation 531 6 <sup>th</sup> Avenue SE (Edward Jones)	\$ 2,400
c. Demolition 123 7 <sup>th</sup> Avenue SE (Ralston Garage)	\$ 12,000
d. Demolition 110 6 <sup>th</sup> Avenue SE (Fire Station 11)	
<i>Estimated Total Project Cost</i>	\$240,400
d. Demolition 517 Lyon Street SE (Farmers Insurance)	
<i>Estimated Total Project Cost</i>	\$ 50,000
<i>Total Estimated Demolition &amp; Abatement Cost</i>	\$334,800
<i>Demolition &amp; Abatement Project Budget</i>	\$565,000
<i>Under/(Over) Project Budget</i>	\$230,200

Budget Impact:

This project will be funded from the Public Safety Building Design budget.

RG:ms

Attachment



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

**Project:** MS-16-02-D-110, Demolition of Building

**Bid Opening:** March 22, 2016

<b>Groat Brothers, Inc.</b> <b>Woodland, WA 98674</b>	<b>RS Energy</b> <b>Tualatin, OR 97062</b>	<b>LOI Environmental &amp; Demolition Services</b> <b>Lake Oswego, OR 97035</b>
\$201,749.00	\$388,873.69	\$405,214.00