



NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
 Council Chambers
 333 Broadalbin Street SW
 Wednesday, June 8, 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. SPECIAL PRESENTATION
 - a. Fire Department Citizen Awards. [verbal]
 Action: _____

5. SCHEDULED BUSINESS

a. Communication

- 1) Accepting Jeff Christman's resignation from the Budget Committee. [Page 4]
 Action: _____

b. Public Hearings

- 1) Setting rates for wastewater system use and repealing Resolution No. 6427. [Pages 5-22]
 Action: _____ RES. NO. _____
- 2) Adjusting System Development Charges and connection charges. [Pages 23-30]
 - a) Revising water system development charges, reaffirming an appeal fee, & repealing Resolution No. 6428. [Pages 31-32]
 Action: _____ RES. NO. _____
 - b) Revising transportation system development charges for impacts to the Albany Transportation System, reaffirming the appeal fee, and repealing Resolution No. 6464. [Pages 33-41]
 Action: _____ RES. NO. _____
 - c) Revising sewer system development charges for connection to the public sanitary sewer system, reaffirming an appeal fee, and repealing Resolution No. 6430. [Pages 42-51]
 Action: _____ RES. NO. _____
 - d) Revising connection charges for street connections to improved city streets of unassessed properties in the city of Albany and repealing Resolution No. 6431. [Page 52]
 Action: _____ RES. NO. _____
 - e) Revising connection charges for sewer connections of unassessed properties in the city of Albany and repealing Resolution No. 6432. [Pages 53-54]
 Action: _____ RES. NO. _____
 - f) Revising connection charges for water connections of unassessed properties in the city of Albany and repealing Resolution No. 6433. [Pages 55-56]
 Action: _____ RES. NO. _____
 - g) Revising connection charges for storm connections of unassessed properties in the city of Albany and repealing Resolution No. 6434. [Page 57]
 Action: _____ RES. NO. _____

Public Hearings *continued*

- h) Repealing in-lieu-of assessment charges for the North Albany sanitary sewer basin and repealing Resolution No. 6435. [Page 58]
Action: _____ RES. NO. _____
- i) Revising special connection charges for a portion of the Columbus Street sanitary sewer lift station project costs, which are allocated to unassessed properties within the lift station service area, and repealing Resolution No. 6436. [Pages 59-62]
Action: _____ RES. NO. _____
- j) Revising the improvement assurance charges for the non-oversized portion of future arterial and collector street improvements for streets located within the North Albany area, and repealing Resolution No. 6437. [Page 63]
Action: _____ RES. NO. _____
- k) Revising post-construction stormwater quality program fees and repealing Resolution No. 6358. [Pages 64-65]
Action: _____ RES. NO. _____
- 3) Adopting the 2017-2021 Capital Improvement Program. [Pages 66-67]
Action: _____ RES. NO. _____
- 4) Opportunity to comment on proposed uses of State Revenue Sharing. [Page 68]
a) Declaring the City's eligibility to receive state revenues. [Page 69]
Action: _____ RES. NO. _____
b) Declaring the City's election to receive state revenues. [Page 70]
Action: _____ RES. NO. _____
- 5) Adopting the City of Albany 2016-2017 Annual Budget. [Pages 71-76]
Action: _____ RES. NO. _____
- c. Business from the Public
- d. Adoption of Resolutions
- 1) Revising fees and charges for Parks and Recreation services for FY 2016-2017 and repealing Resolution No. 6440. [Pages 77-82].
Action: _____ RES. NO. _____
- 2) Authorizing execution of two Intergovernmental Agreements with the City of Lebanon for shared use of the Santiam-Albany Canal. [Pages 83-103]
Action: _____ RES. NO. _____
- 3) Revising fees for Development Code provisions and repealing Resolution No. 6345. [Pages 104-107]
Action: _____ RES. NO. _____
- 4) Accepting the abstract of votes regarding ballots cast in the election held Tuesday, May 17, 2016, regarding Measure 22-141, Renewal of Ambulance, Fire, and Police Local Option Tax. [Pages 108-110]
Action: _____ RES. NO. _____
- e. Adoption of Consent Calendar
- 1) Approval of Minutes
a) March 23, 2016, Regular Session minutes. [Pages 111-113]
b) April 11, 2016, Work Session minutes. [Pages 114-118]
2) Annual liquor license renewals. [Pages 119-120]
Action: _____
- f. Award of Bid
- 1) SS-16-02, Umatilla Lift Station & Force Main Improvements. [Pages 121-124]
Action: _____

g. Approval of Agreement

- 1) MS-16-03, Albany Police Station Wetland Mitigation Credits, approving execution of the agreement to purchase wetland mitigation credits between the City of Eugene and City of Albany. [Pages 125-127]

Action: _____

6. BUSINESS FROM THE COUNCIL

7. NEXT MEETING DATE: Work Session: June 20, 2016
Regular Session: June 22, 2016

8. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net

Hyde, Laura

From: jeff christman [jbllc75@msn.com]
Sent: Monday, May 30, 2016 7:04 PM
To: Bessie Johnson; Hyde, Laura
Subject: Budget Committee Resignation

Hi Bessie, we have already talk about this but ere it is officially. Due to my recent move I regretfully must resign from the budget committee. I have truly enjoyed working with you and the other committee members.

Thank You
Jeff Christman
jbllc75@msn.com

May 31, 2016

Note to Mayor & Council:

Filling of this vacancy is actually Councilor Kellum's;
he reappointed Jeff to a three-year term on
January 13, 2016.

Laura Hyde



TO: Albany City Council

VIA: Wes Hare, City Manager

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

DATE: June 2, 2016, for the June 8, 2016, City Council Meeting

SUBJECT: Sewer Rate and Industrial Permit Increase for July 1, 2016

RELATES TO STRATEGIC PLAN THEME:

- A Safe City
- An Effective Government

Action Requested:

Staff recommends Council receive public input regarding the proposed sewer rate increase. Upon receiving public input, staff recommends Council adopt the attached sewer rate Resolution implementing the 3 percent (3%) rate increase effective July 1, 2016. An increase in the City's Industrial Wastewater Discharge Permit fees is also recommended and included in the rate Resolution.

Discussion:

Staff discussed the proposed sewer rate increase at the May 23, 2016, City Council work session. At this work session, Council directed staff to bring forward a 3 percent (3%) sewer rate increase for further consideration and to reduce the assumed use of the sewer system, used for calculating new residential customer's bills, from eight units to six units.

Sewer Rates

In January 2012 Council received a report regarding the five-year water and sewer system needs and a projection of system rate requirements to support the two utilities. Council approved a target of \$2.6 million (inflation adjusted) in annual sewer system capital revenues by fiscal year 2017. A projection of the five-year rate requirements was developed and presented to provide Council with a picture of what will be required over time to reach this capital investment need. Each year staff updates the rate picture as part the of the annual rate discussions with Council. This year is the fifth year in the initial five-year plan.

In the June 2015 sewer report to Council, staff anticipated a 6 percent (6%) sewer rate increase would be required in July 2016. Staff completed an updated analysis of sewer rate needs based on year-to-date information and revised projections of expenses and revenues in the sewer utility. The evaluation identifies the rate increase can be reduced to 3 percent (3%) and still meet the target goals established by the Council in 2012.

In addition to the rate increase, staff recommends increasing the permit fees for Significant Industrial Users (SIU) to reflect the increase in fees charged to the City by the Oregon Department of Environmental Quality (ODEQ) for these permits. The current fee is \$569. The proposed new fee is \$637. These fees only cover the City's cost to DEQ and do not recover any staff time in issuing or monitoring the permits.

Unfunded Needs

The five-year sewer capital revenue plan approved by Council is focused on programmed replacement of aging infrastructure that is at the point of failure. Consequently, the \$2.6 million

capital target referenced above does not provide for any investment in capacity-increasing projects to avoid sewer overflows during rain events that could lead to permit violations and/or sewer backups.

At the March 9, 2016, Council Work Session, staff presented an updated Wastewater Collection System Facility Plan that identified approximately \$30 million in high priority capacity-increasing projects. Staff developed funding alternatives for some of these high-priority projects, notably the Cox Creek interceptor projects that are now programmed to be constructed within the current CIP window. However, the most expensive of the high priority projects, the Riverfront Interceptor, does not currently have an identified funding source. The cost of this project is not included in these rate projections and will be the subject of a future discussion with Council.

Next Steps

A 3 percent (3%) rate increase is necessary to continue to fund our operations and debt expenditures while achieving the goal of \$2.6 million for capital projects by 2017. Additionally, an increase in the Significant Industrial User permit fees is requested in order to recover the costs the City pays to ODEQ for permitted industries within the City. The fees would increase from \$569 to \$637 to match the fees charged by ODEQ to the City. If approved, these increases will take effect on July 1, 2016.

The following table identifies the monthly impact to a residential sewer customer being charged for eight units of sewer usage based on a 3 percent (3%) sewer rate increase.

Proposed Rate Increase	Monthly Increase for a Residential Customer Billed for 8 Units of Sewer Usage	Total Monthly Sewer Charges for a Residential Customer for 8 Units of Sewer
3 Percent (3%)	\$1.75	\$60.21

Attachment A provides a more detailed discussion of sewer revenues and requirements and provides an updated five-year rate projection. This is an updated version of the general information staff has presented annually to Council during each rate discussion. It includes current sewer rate revenue projections for the next five years and an updated discussion on the needs within the sewer utility. This document is provided as background for Council and the public.

Staff has also updated the attached Resolution regarding the volume charge assigned to new residential customers. The assumed use of the sewer system for these customers has been reduced from eight units to six units to better reflect the actual average residential sewer usage in Albany. Additionally, language was added to the Resolution that allows the Director to reduce the assumed six units when sufficient evidence has been provided to justify the reduction.

Budget Impact:

A 3 percent (3%) sewer rate increase is estimated to generate \$483,000 in additional rate revenue to the sewer fund. This revenue increase is included in the proposed Fiscal Year 2016-17 budget.

JJB:CB:kw
 Attachments A – Sewer

ATTACHMENT A – SEWER

Background

The Albany Strategic Plan identifies the importance of a safe and reliable sanitary sewer service to Albany citizens while also meeting federal and state environmental requirements for the system. To accomplish this, the City proactively manages the system. Part of managing the system is to plan for the needed system revenues and expenditures. There are no general fund resources used to support the sewer utility. All functions to operate and maintain the sewer system are funded through sewer revenues generated by service charges, System Development Charges (SDCs), and other permit fees. Grant funding is used to augment revenues when available.

Similar to most budgets, there are three components to the cost of running and maintaining the utility expenditures. The three expenditure components are:

- Debt Service
- Operation and Maintenance (O&M)
- Capital Expenditures

These three components are interdependent and impacts to funding of any one of the components ripple into the other two.

Debt Service – The City’s first obligation is to pay off the debts we owe. At times utilities borrow money to complete large capital improvement projects that cannot be funded with pay-as-you-go funding. The Albany-Millersburg Water Reclamation Facility (WRF) is an example of this type of large project.

The largest debt the City holds is for sewer utility improvements the community chose to make several years ago. The sewer debt is in the form of a loan from the State of Oregon administered by the Department of Environmental Quality (DEQ). The debt agreements have specific requirements for repayment as well as annual revenue generation. Repayment of the debt is made through a combination of rate funds and System Development Charges.

Operation and Maintenance – The City’s second obligation is to properly operate and maintain the existing sewer facilities. These assets include the pipe systems, sewer lift stations, and the treatment facilities to treat the wastewater. In addition, there are monitoring and enforcement obligations the City must accomplish in order to continue to meet state and federal permit requirements.

Proper operation and maintenance reduces the risk of system failures that can lead to interruption of service or violation of health and environmental standards. Proper maintenance can also reduce overall expenditures including capital needs and prolong the service life of infrastructure components.

Capital Expenditures – Finally, the City needs to invest in capital improvements to replace failing and undersized infrastructure. Adequate investment in this work provides for reliable service to existing customers and anticipates needs to support economic development in the community. Almost all capital expenditures are made to replace failing or undersized infrastructure or in response to mandated regulations to protect Albany’s citizens and the environment.

Regular capital investment in the utility infrastructure will reduce the risk of system failures that can lead to interruption of service or violation of health or environmental standards. Staff routinely conducts assessments of all the accessible sanitary sewer pipes in the collection system, providing condition data that allows planning for specific, targeted pipe repairs. Targeted capital expenditures will reduce the ongoing maintenance costs associated with operating the utilities.

Revenue and Rate Picture

Staff has prepared a five-year projection for the sewer fund, understanding the revenue and expenditure picture will likely change as we move into the future. The requirement to pay off the existing debt in the sewer fund is fixed. However, there are significant variables that can impact the operation and capital requirements for the sewer system. Following is a list of the variables that will impact the rate picture over time:

- Rate Revenues – While we have been fairly accurate in past revenue projections, the state of the economy can dramatically impact revenues in either direction. In addition, weather can impact revenues.
- SDC Revenue – The revenue the City receives from SDCs is driven by the amount of development happening in the City. The projections in this memo are conservative in that they assume moderate SDC revenues. If development picks up, so will SDC revenues, which can change the long-term picture of rates.
- Personnel and Other Large Operation Expenses – Personnel costs are the largest single driver impacting operating expenses. The cost of fuels, chemicals, and electricity can also have large impacts on expenditures and, therefore, rate requirements.
- Unforeseen Capital Needs – Staff is able to project and identify most significant capital needs in a timely manner such that there is time to plan and incorporate the need into long-range rate planning. However, there are instances when unforeseen issues arise requiring unanticipated expenditures. We are continually working to improve our understanding of the current condition of facilities through a properly functioning asset management program in order to minimize unanticipated needs.
- WRF Sludge Issues – The underperformance of the WRF solids system has resulted in a significant cost to the City when a savings was originally anticipated. Until the system can be corrected, this will continue to impact the sewer budget.
- Future Regulatory Costs – The City's existing discharge permit for wastewater is expired and administratively extended. There is no certain timeline for our permit renewal process to begin with Oregon Department of Environmental Quality; however, when that process begins, the City will be required to perform some additional capital work for both permit renewal and implementation.

In January 2012 Council supported a targeted plan for meeting the debt, O&M, and capital investment needs in order to maintain the utilities at a level so they can continue to meet service needs, meet environmental regulations, and minimize the need for unpredictable large rate increases.

Current and Future Revenue Needs

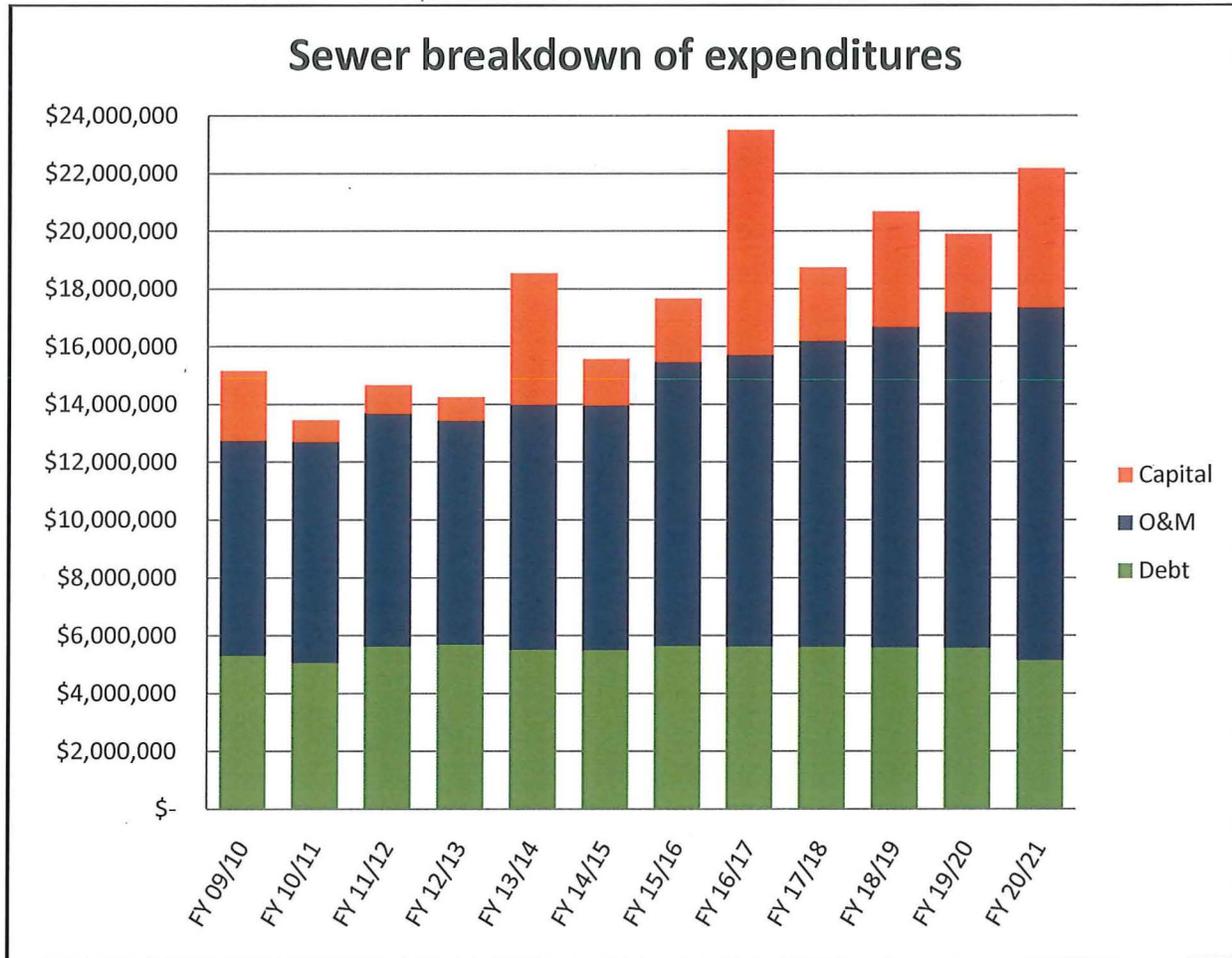
Following is a summary of the revenue and expenditure needs for the sewer system:

Revenues:

- Rate Revenue – The current estimated total sewer rate revenue the City will receive in the 2016 fiscal year is approximately \$16 million.
- SDC Revenues – SDC revenues vary year to year depending on the pace of development in the community. The City anticipates it will receive approximately \$550,000 in fiscal year 2016. For the future projections, staff has assumed \$470,000 in annual SDC revenue. This is equivalent to approximately 158 home starts in a year. The SDC estimates may be conservative, but they provide a relative picture of SDC funding availability. If development patterns change and SDC revenues increase or decrease, the future analysis will be adjusted to reflect that change.

Expenditures:

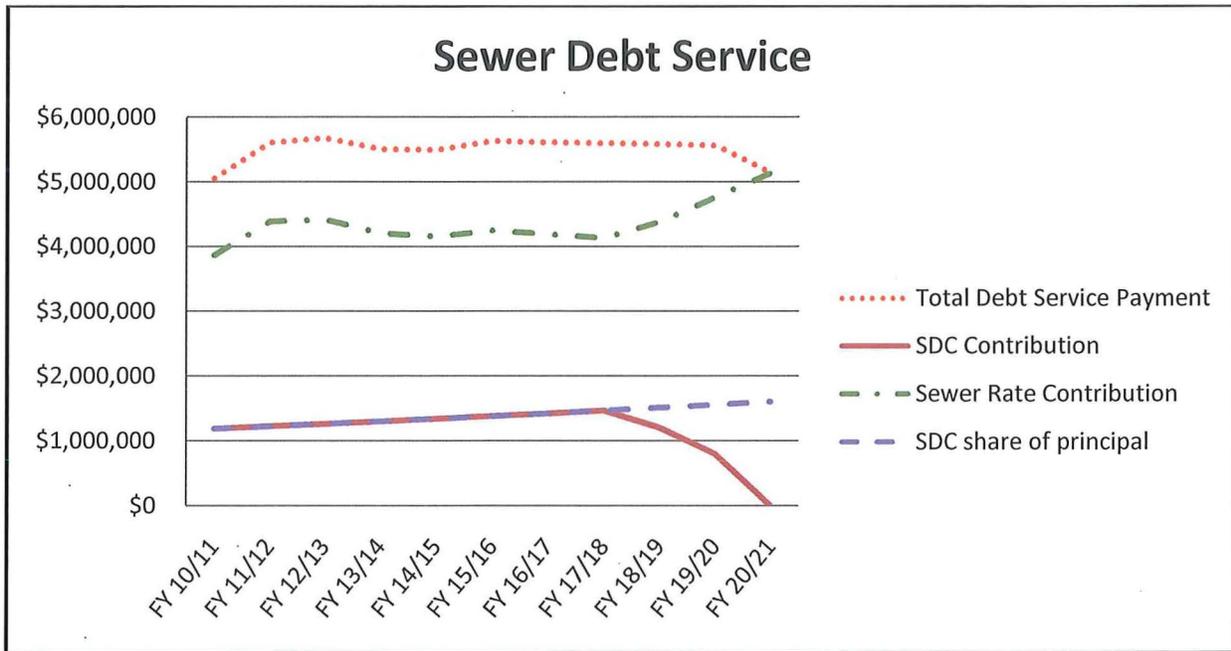
The following graph shows how sewer expenditures are split between the three expenditure areas:



Debt Service: In order to complete the Water Reclamation Facility (WRF) and Talking Water Gardens (TWG) Wetlands project, the City borrowed approximately \$77.2 million. While the City was able to secure low-interest financing for these projects, the annual debt payments are significant. The total debt service associated with the construction of the WRF and the TWG wetlands treatment projects amounts to approximately \$5.6 million per year through the year 2032. Albany’s share after Millersburg’s contribution toward debt service is approximately \$5.2 million per year.

Both rate and SDC revenues are responsible for paying off the debt for the wastewater improvements. Rate revenues are responsible for all interest costs and 55 percent of the principal payments for the WRF and 100 percent of the TWG. In fiscal year 2017 this equals approximately \$4.19 million. SDCs are responsible for 45 percent of the debt principal payment for the WRF because a significant portion of the facility was sized to serve future capacity needs. In fiscal year 2017 this equals \$1.42 million.

Both rate and SDC reserves have been used to help pay for the debt service; however, these reserves will be exhausted in the coming years as rate and SDC revenues do not keep pace with the funding needs. Staff estimates the SDC reserves will be exhausted by 2020-21. Subsequently, sewer rate revenues will need to be borrowed by the SDC fund to cover the debt service obligation. The following graph shows how rate requirements for debt service are impacted as reserves are spent down.



As part of the loan agreement the City has with the Oregon Department of Environmental Quality (DEQ), the City is required to annually collect net revenues at 1.05 times the yearly amount owed in debt service payments. This is the debt coverage ratio. The DEQ will allow Albany to include SDC revenues in the debt coverage ratio calculation. Previously staff worked with DEQ to lower our debt coverage ratio from 1.25 to 1.05 by increasing our reserves.

Operation and Maintenance: Rising employment, chemical, and energy costs impact the O&M budget. In addition, the lack of prior investment in the wastewater collection system and the current challenges being experienced at the WRF further stress the O&M budget.

Cost reduction measures have reduced the five-year O&M cost increase average from 7 percent to 5 percent. For the five-year projection, a 5 percent per year increase has been used for O&M. Public Works will continually evaluate how to operate more efficiently and make sure funds are appropriately targeted. However, most maintenance activities cannot be deferred without increasing the risk of sewer failures resulting in potential sewer backups and other impacts from failed systems.

Capital: The City needs to invest in capital projects to replace failing and/or undersized infrastructure. Adequate investment provides for reliable service to existing customers and anticipates needs to support economic development and growth. A five-year look at the sewer fund revenues and expenditures shows a decreasing amount of rate revenue money available for capital maintenance projects unless additional funding is provided. If rate increases are limited to just the revenue required to meet debt coverage and O&M expenses, no rate revenue will be available for capital projects by 2021, with only minimal investments made in the interim.

Identifying the appropriate level of capital funding must be balanced with the burden it places on the rate payers. It is vital to have enough capital funding available to replace the worst infrastructure in a reasonable time in order to reduce the risk of failures, sewer backups into basements, surcharging, sink holes, and environmental permit violations. It is also important to be able to address problems that result in recurring high operation and maintenance costs.

The remaining capital needs in treatment are the solids process improvements and future permit renewal and implementation requirements. Additionally, staff continues to develop and implement capital projects to address long-standing collection system needs.

An annual amount of \$2.6 million is required to meet a minimum capital replacement program. Although progress can be seen in the condition assessment of the collection system pipe network as a direct result of previous rate increases, thousands of linear feet of pipe are still rated at a level equivalent to imminent failure, and many more thousands of linear feet continue to decline with each passing year. The funds generated for the capital program will allow staff to continue to make progress with this perpetual life replacement program. Meanwhile, there are existing needs with capacity limitations, lift station repairs, and other system requirements that are not currently funded.

The level of funding described above will continue the implementation of a strong asset management and perpetual life replacement program for the approximately 220 miles of sewer pipelines. The funding level does not address other significant capital needs in the collection system such as necessary improvements to the Riverfront Interceptor (RFI). Funding a solution to the capacity limitations of the RFI is critical to allowing increased development in the sewer basin it serves, and in avoiding penalties for unpermitted sanitary sewer overflows.

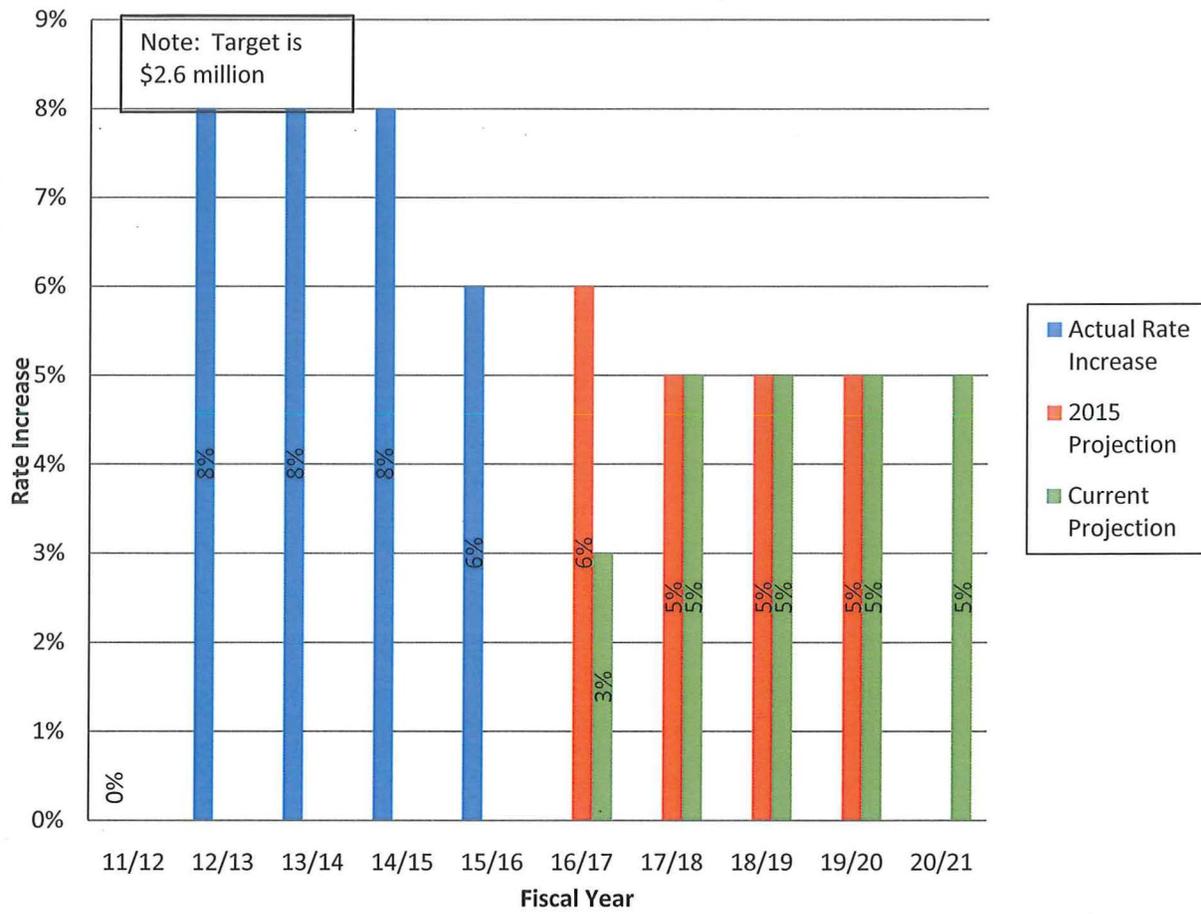
Summary

A sewer rate increase of 3 percent (3%) is necessary effective July 2016. This rate increase will help the City to continue to build toward an adequately funded system to address the many challenges that are present. This rate increase is lower than the previously projected rate increase for this year.

Council may want to consider implementing the 6 percent (6%) rate increase that was previously projected in order to generate more capital in anticipation of the high cost for completing capacity improvements that are anticipated, but not accounted for in the current funding and rate models.

The following graph compares the anticipated rate increases as projected in 2015 to the current projection for rate increases. It also shows the actual rate increases implemented in the past and proposed for this year.

Five-year Rate Projection



RESOLUTION NO. _____

A RESOLUTION SETTING RATES FOR WASTEWATER SYSTEM USE AND REPEALING RESOLUTION NO. 6427 (A RESOLUTION SETTING RATES FOR WASTEWATER SYSTEM USE AND REPEALING RESOLUTION NO. 6332).

WHEREAS, the Council of the City of Albany has duly adopted prior Ordinances declaring their intent to establish a sewer rate structure that is based on the principle that all users pay their equitable share of sewer system costs; and

WHEREAS, it is necessary that users with relatively homogeneous wastewater loading are grouped together and rates are developed for the average loadings in that group; and

WHEREAS, in establishing equities in sewer use rates, the established customer classes are residential; low-, medium-, and high-strength commercial; and industrial; and

WHEREAS, rate policies should be established for customers with no prior history, customers on wells or otherwise not connected to City water, and unique sewer customers such as commercial waste haulers; and

WHEREAS, an equitable rate structure generally requires a fixed charge for each user plus a volume rate that depends on the use of the system be established; and

WHEREAS, the rate structure should be designed to encourage water conservation and provide customers reasonable control over their bills; and

WHEREAS, prior Resolution No. 4920 clarified the definition of "commercial unit" and provides useful context and history should it be necessary to interpret the current resolution; and

WHEREAS, prior Resolution No. 5055 clarified the application of the term, "dwelling unit" to multi-family housing types and provides useful context and history should it be necessary to interpret the current resolution; and

WHEREAS, Chapter 10.06 of the Albany Municipal Code sets forth requirements to manage and recover the costs of an Industrial Pretreatment Program as detailed in Federal Regulations 40 CFR Part 403; and

WHEREAS, the Oregon Department of Environmental Quality (DEQ) currently charges an annual fee for each "significant industrial user" served by the Albany wastewater system; and

WHEREAS, the City Council has determined that current sewer customers lawfully served by an existing potable water supply well should be given an alternative method for determining volume charges for sewer billing purposes only.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the rates and charges for sewer service as specifically described in Exhibit "A" (attached hereto) are hereby adopted; and

BE IT FURTHER RESOLVED that Resolution No. 6427 is hereby repealed; and

BE IT FURTHER RESOLVED that Resolution Nos. 4920 and 5055 are superseded by this resolution only to the extent of a conflict with this resolution in which case, this resolution shall control; and

BE IT FURTHER RESOLVED that current sewer customers served by an existing potable water supply may apply for approval to use a private meter for volume billing purposes only in accordance with procedures described herein; and

BE IT FURTHER RESOLVED, nothing herein exempts any property, property owner, or sewer customer from any requirement to be connected to the City water system established by any other ordinance or regulation; and

BE IT FURTHER RESOLVED that the terms of service established by this resolution shall be effective **July 1, 2016.**

DATED THIS 8th DAY OF JUNE 2016.

Mayor

ATTEST:

City Clerk

EXHIBIT "A"

RESIDENTIAL

For each residential customer, the monthly bill for sewer service shall be computed as follows:

$$A = (\text{fixed charge} \times B) + (\text{volume rate} \times C)$$

where: A = monthly bill
B = the number of dwelling units for residential customer
C = the monthly water consumption expressed in hundreds of cubic feet (Ccf)

and where: Fixed charges and volume rates by fiscal year are included in the rate schedule below.

RATE SCHEDULE

Customer Class	Fiscal Year (effective July 1) 2016-17
<i>Fixed Charge</i>	
Residential	\$37.375 \$38.496
<i>Volume Rate (\$/Ccf)¹</i>	
Residential	\$2.635 \$ 2.714

¹ Ccf = one hundred cubic feet or approximately 750 gallons

Fixed Charges:

Residential customers include all single-family and multi-family housing units, including manufactured or mobile home parks. Duplexes and other multi-family units will be charged a monthly fixed charge for each dwelling unit. For purposes of clarifying sewer fixed charges, "dwelling unit," as that term is applied to duplexes, residential parks, and other multi-family units, shall be defined as any place of human habitation designed for occupancy based upon separate leases, rental agreements, or other written instruments. Current rental practices will not be dispositive of the question of how a dwelling is "designed" for occupancy.

The City's past practice of charging a separate fixed charge component for each bedroom of a "quad" or "quint" type apartment so long as each such bedroom is designed for occupancy by virtue of a separate lease, rental agreement, or other written instrument is hereby affirmed. The number of fixed charge components of the monthly sewer bill for a "quad" or "quint" apartment shall not exceed the number of toilets available for the discharge of human waste into the City's sanitary sewer system. By way of illustration, a "quad" unit, which has four bedrooms (each of which is designed for occupancy based on a separate lease, rental agreement, or other written instrument) and which has two toilets to be shared among the occupants of the "quad," shall have the fixed charge component of the bill capped at two fixed charge components. If a similar "quad" had four toilets, the fixed charged portion of its bill would be four fixed charge components. If a similar quad had five or more toilets available for occupants use, it would still only be charged four fixed charge components because it contains four habitable bedrooms (each of which is designed for occupancy based on a separate lease, rental agreement, or other written instrument).

Volume Rates:

The volume rates for residential customers will be calculated using "average" winter water meter readings from City-installed or private water meters as approved herein. The monthly average will be calculated using the monthly water meter readings from November, December, January, and February. Each July the residential customer's sewer bill will be adjusted using the monthly average water meter readings from those previous winter months.

For residential customers with no water meter history including new connections, accounts with no recent water meter history, ~~accounts receiving water service from a well~~, and new homeowners in a home with previous water meter

history, ~~eight (8)~~ **six (6)** Ccf will be used to calculate the monthly bill until the monthly average using the winter water meter readings can be calculated and applied.

If a customer disagrees with the assigned volume rate, the customer will be required to submit evidence supporting a reduced volume rate for review by the Public Works Director , or his/her designee. The Public Works Director, or his/her designee, may adjust the assigned rate provided that sufficient evidence (as determined by the Director) has been submitted by the customer to justify the adjustment. The decision of the Public Works Director is final.

For residential customers that are not connected to City water and are designated as ‘sewer only’ customers, eight (8) Ccf will be used to calculate the volume portion of the monthly bill.

Alternative Volume Rates:

Current customers, as of the effective date of this resolution, receiving potable water for human consumption from an existing well may apply to install approved metering facilities to measure water use for sewer billing purposes. To be eligible for this option, customers must receive prior written approval from the Public Works Director based upon standards promulgated for determining suitability of such facilities. This option is only available to current customers lawfully served by an existing potable water supply.

The metering facilities (meter type, meter size, piping configuration, etc.) and all other conditions (property and facility access provisions, meter testing, etc.) must be in accordance with standards established by the Public Works Director. All costs associated with this alternative sewer billing option will be borne solely by the customer.

Nothing herein exempts any property, property owner, or sewer customer from any requirement to be connected to the City water system established by any other ordinance or regulation.

COMMERCIAL

For each commercial customer, the monthly bill for sewer service shall be computed as follows:

$$A = (\text{fixed charge} \times B) + (\text{volume rate} \times C)$$

where: A = monthly bill
B = the number of commercial units served by the sewer service
C = the monthly water consumption expressed in hundreds of cubic feet (Ccf).

and where: Fixed charge and volume rate for the customer class and fiscal year are included in the rate schedule below.

RATE SCHEDULE

Customer Class	Fiscal Year (effective July 1) 2016-17
Fixed Charges	
Commercial	
Low	\$4.666 \$ 4.806
Medium	\$18.039 \$18.580
High	\$20.846 \$21.471
Volume Rates (\$/Ccf)¹	
Commercial	
Low	\$7.416 \$ 7.638
Medium	\$9.442 \$ 9.725
High	\$15.439 \$15.902

¹ Ccf = one hundred cubic feet or approximately 750 gallons

Customer Classification:

Commercial accounts will be classified according to their strength of wastewater as described in the Commercial Customer Classification List (Appendix A). If a commercial customer cannot be easily categorized, the customer will be asked to submit estimated wastewater flow and strength data with a description of the type of business activities to the Public Works Director. The Public Works Director will make the final determination of customer classification for each commercial customer.

For commercial customers where a single water meter serves a building with multiple commercial uses, the classification for the entire account will normally be based on the single highest classification within the building. For example, if a building contains both offices and restaurants, the entire account bill would be calculated using the rates for a restaurant customer. In addition, for commercial customers where a single water meter serves a building with multiple commercial uses, the monthly fixed charge will be based on the number of commercial units being served by the wastewater service.

For the purpose of clarifying sewer fixed charges "commercial unit" shall be defined as each portion of a commercial use that has plumbing fixtures connected to the sanitary sewer system and which is designated for occupancy based upon a property right. Property right for purposes of this definition includes ownership, a leasehold interest, or any contractually-based right to occupancy of 12 or more hours in any 24-hour period.

Monthly Water Consumptive Use for Volume Rate:

- Average Winter Water Use. The volume rates for most commercial customers will be calculated using "average" winter water meter readings from City installed or private water meters as approved herein. The monthly average will be calculated using the monthly water meter readings from November, December, January, and February. Each July the commercial customer's sewer bill will be adjusted using the monthly average water meter readings from those previous winter months.

- Actual Water Use. For commercial customers whose water meter readings, from City installed or private water meters as approved herein, vary widely on a monthly basis due to changes in business sales or other non-irrigation factors (including but not limited to: restaurants, grocery stores, mortuaries, motels, industrial launderers, and others as the City may determine), the volume rates will be calculated using the actual water meter reading from the previous month.
- No Water Use History. Some commercial customers will have no water meter history including new connections, accounts with no previous water meter history, accounts receiving water service from a well, or a new business in a building with previous water meter history. For those new customers, the City will use the average water meter reading of existing customers in the same commercial classification (e.g., low, medium, high) provided that the existing customer(s) are similar in operation and scale as the new customer. That information will generally be used to calculate the monthly bill until a history for the account can be established. Should no similar existing customer exist, the City will use 8 Ccf for low strength commercial, 20 Ccf for medium strength commercial, and 35 Ccf for high strength commercial customers as the basis for calculating the monthly bill.

It may take as long as a year of water meter history to establish a specific customer's average use of the system if billed using "average" winter water meter readings. It will take only one (1) month of water meter history to establish the specific customer's actual use of the system if billed using actual water meter readings from the previous month.

If a type of customer within the general classification system has a specific "average" winter water use history that differs greatly from the water use history of the classification as a whole, then the specific history may be used until a history for the account can be established. If a commercial customer disagrees with the City's determination regarding their water use for billing purposes, the customer will be required to submit wastewater flow and strength data with a description of the type of business activities to the Public Works Director. The Public Works Director will make the final determination of customer use of the system for each commercial customer.

Alternative Volume Rates:

Current customers, as of the effective date of this resolution, receiving potable water for human consumption from an existing well may apply to install approved metering facilities to measure water use for sewer billing purposes. To be eligible for this option, customers must receive prior written approval from the Public Works Director based upon standards promulgated for determining suitability of such facilities. This option is only available to current customers lawfully served by an existing potable water supply.

The metering facilities (meter type, meter size, piping configuration, etc.) and all other conditions (property and facility access provisions, meter testing, etc.) must be in accordance with standards established by the Public Works Director. All costs associated with this alternative sewer billing option will be borne solely by the customer.

Nothing herein exempts any property, property owner, or sewer customer from any requirement to be connected to the City water system established by any other ordinance or regulation.

INDUSTRIAL

Process Wastewater. For process wastewater from each industrial customer, the monthly bill for sewer service shall be computed as follows:

$$A = (\text{Flow} \times \text{Flow unit charge}) + (\text{BOD} \times \text{BOD unit charge}) + (\text{TSS} \times \text{TSS unit charge})$$

where: A = monthly bill
 Flow, BOD, & TSS = data collected monthly from the industrial customer's wastestream

and where flow, BOD, & TSS unit charges for the industrial customer class are included in the monthly rate schedule below.

RATE SCHEDULE

Customer Class

Industrial Unit Charges

Flow (\$/Ccf) ¹	\$3.673	\$3.783
Biochemical Oxygen Demand (BOD) (\$/lb.)	\$0.946	\$0.974
Total Suspended Solids (TSS) (\$/lb.)	\$1.265	\$1.303

¹ Ccf = one hundred cubic feet or approximately 750 gallons

Non-Process Wastewater. For industrial customers that do not have separate water meter service to supply the non-process portions of their facilities, the monthly bill for domestic (non-process) wastewater service shall be billed at the Commercial-Low Strength rate and the domestic use shall be estimated using the following formula:

$$A = (B \times C \times D) / (748 \text{ gallons per Ccf})$$

where: A = estimated domestic discharge per month
 B = average number of full-time employees during the month based on monthly employment data
 C = the total number of working days in the month
 D = the average discharge allowance per employee per day, estimated to be 15 gallons per day

Each industrial customer without separate water meter service to supply the non-process portions of their facilities shall submit monthly employment and operating information to the City of Albany. Submitted information shall include the industry's number of full-time equivalent employees that month and the total number of production days that month.

Wastewater Discharge Permit. A Wastewater Discharge Permit may be required for any significant industrial user (SIU) as defined by Chapter 10.06 of the Albany Municipal Code. Chapter 10.06 also defines the requirements and conditions that must be addressed by the permittee and provides the authority to establish a permit fee. The permit fee is designed only to recover the direct costs paid to the Oregon Department of Environmental Quality (DEQ) as follows:

Wastewater Discharge Permit Fee	
Annual Fee	
Significant Industrial User	\$569 \$569

OTHER

Commercial and Contracted Waste Haulers:

For commercial and contracted waste haulers transporting and discharging domestic septic tank waste, waste from chemical toilets, or other waste as may be approved, the monthly bill for sewer service shall be computed as follows:

Holding Tank and Chemical Toilet Waste:

$$A = B \times C$$

where: A = monthly bill
B = total monthly volume discharged in gallons
C = ~~\$0.15~~ **\$0.15** per gallon

Septic Tank Cleanings:

$$A = B \times C$$

where: A = monthly bill
B = total monthly volume discharged in gallons
C = ~~\$0.15~~ **\$0.15** per gallon

Valley Landfill:

$$A = B \times C$$

where: A = monthly bill
B = total monthly volume discharged in gallons
C = ~~\$0.049~~ **\$0.050** per gallon

For commercial or contracted waste haulers without a specific rate specified above, the potential customer shall work with City of Albany staff to develop cost-of-service rates. Rates will be codified if the service agreement becomes a long-term arrangement.

APPENDIX A

CITY OF ALBANY COMMERCIAL CUSTOMER CLASSIFICATION COMBINED AVERAGE STRENGTH CATEGORIES & STANDARD INDUSTRIAL CLASSIFICATION

Waste characteristic allocation:

The City of Albany does not have a monitoring program for all commercial customers and consequently does not have specific monitoring data on all of Albany's commercial customers. However, an extensive project was undertaken by the City of Portland Bureau of Environmental Services (BES) to determine wastewater characteristics by Standard Industry Classification (SIC) codes based upon monitoring data for Portland's customers and using data from other cities.

The City of Portland's wastewater characteristic study data is based on BOD and TSS information from commercial customers in Portland and 28 additional cities, and the customer list is representative of the Albany commercial businesses. The City of Salem is also using the Portland BES data to classify their commercial customers. Albany will continue to refine this database as additional waste characterization data becomes known.

COMMERCIAL LOW-STRENGTH (UP TO 450 MG/L COMBINED BOD/TSS)

Offices & Services:

- Accounting, Auditing, and Bookkeeping Services (8721)
- Adjustment and Collection Services (7322)
- Amusement & Recreation Services NEC (7999)
- Banks & Credit Unions (6021, 6022, 6141)
- Barber & Beauty Shops (7241, 7231)
- Child Day Care Services (8351)
- Computer and Computer Software Stores (5734)
- Correctional Institutions (9223)
- Employment Agencies (7361)
- Engineering Services (8711)
- Gasoline Service Stations (5541)
- Individual and Family Social Services (8322)
- Insurance Agents, Brokers, and Service (6411)
- Investment Advice (6282)
- Legal Services (8111)
- Libraries (8231)
- Medical & Dental Offices & Clinics (including chiropractors, health practitioners, optometrists)
(8011, 8021, 8041, 8042, 8049)
- Motels (7011)
- Museums and Art Galleries (8412)
- Nursing Care Facilities (8051)
- Schools (Elementary & Secondary) and Educational Services (8211)
- Taxicabs (4121)
- Title Insurance (6361)
- Trucking - local with storage (4214)

General Retail Businesses:

- Apparel, Accessory, Jewelry & Shoe Stores (5699, 5641, 5651, 5944, 5661)
- Auto equipment/supplies, new/used - NEC (5599)
- Beer, Ale, & Liquor Stores - wholesale & distribution (5181 & 5921)
- Boat Dealers (5551)
- Book Stores (5942)
- Coin-Operated Laundries (7215)
- Department Stores (5311)

Floor Covering Stores (5713)
Florists (5992)
Groceries, wholesale & distribution (5141)
Hobby, Toy, and Game Shops (5945)
Home Furnishings & Hardware Stores (5719, 5251)
Miscellaneous food stores - minimarts without kitchens (5499)
Musical Instrument Stores (5736)
Paint, Glass, and Wallpaper Stores (sales but no mixing) (5231)
Sporting Goods Stores and Bicycle Shops (5941)
Tobacco Stores and Standards (5993)
Used Merchandise Stores (5932)
Video Tape Rental (7841)

COMMERCIAL MEDIUM-STRENGTH (451 - 1,125 MG/L COMBINED BOD/TSS)

Automotive/Mechanical repair &/or wash:

Airports, Flying Fields, and Airport Terminal Services
Automotive Repair Shops NEC (7539)
Carwashes (7542)
Motor Vehicle Dealers - used cars (5521)

Specialty with medium-strength waste discharge:

Dry Cleaning Facilities (7216)
Restaurants, Eating Places, Bars, & Taverns (5812)
Funeral Services and Crematories (7261)
Hospitals (8060)
Junior Colleges and Technical Institutes (8222)
Meat and Fish Markets, Including Freezer Provisioners (5421)
Paints/Varnishes/Lacquers/Enamels mixing (2851)
Photofinishing Laboratories (7384)
Recreational Vehicle Parks (7033)
Trucking - local with storage (4212)

COMMERCIAL HIGH-STRENGTH (GREATER THAN 1,126 MG/L COMBINED BOD/TSS)

Automotive:

Exhaust System Repair (7533), Transmission Repair (7537), Tire Shop (7534), General
Automotive Repair (7538-see printout), Automotive Services (7549), Armature Rewinding
Shop (7694)
Motor Vehicle Dealers - new cars (5511)

Specialty with high-strength waste discharge:

Candy, Nut, and Confectionery Stores (5441)
Disinfecting and Pest Control Services (7342)
Fire Protection (9224)
Grocery Stores with garbage disposals (5412)
Industrial Launderers (7218)
Malt Beverage Brewery (2082)
Pharmaceutical Preparations (2834)
Retail Bakeries - with kitchen (5461)
Printing & Stamping on Fabric Articles - silk screening (2396)
Trucking - long distance, not local (4213)
Passenger car rental, no drivers for hire (7514)



TO: Albany City Council

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

FROM: Mark A. Yeager, P.E., Utility Services Manager *MA*
Jeni Richardson, P.E., Civil Engineer III *Jeni*

DATE: May 31, 2016, for the June 8, 2016, City Council Meeting

SUBJECT: Public Hearing Regarding Adjustments to System Development Charges and Connection Charges

Action Requested:

Staff recommends Council receive public input during the Public Hearing on proposed adjustments to System Development Charges (SDCs), connection charges, and other special charges. Following the public hearing, staff recommends Council consider adoption of the attached resolutions to adjust the system development charges (SDCs), connection charges, and other special charges.

Discussion:

Background

The basic principle behind the application of SDCs and Connection Charges is to have all customers pay their fair share for the services and infrastructure that are available to them. The collection of SDC and Connection Charges helps pay for existing and future infrastructure costs associated with meeting the demands of growth in the City. If these fees were not collected, existing residents and rate payers would be required to pay for all the infrastructure improvements required for current and future capacity. In addition, without SDCs there would be no mechanism to collect funds that can be used to assist developers with infrastructure improvements triggered by their development.

SDCs and connection charges have historically been adjusted annually, effective the first day of July. Although the Municipal Code (AMC 15.16.050(5)) states that annual adjustments for SDCs should be made automatically each July 1, recent Council practice has been to hold a public hearing prior to considering any adjustments. The Albany Municipal Code, the adopted SDC methodologies, and the current pertinent resolutions all identify the process to make annual adjustments to the SDCs.

Proposed Adjustments

The adjustments presented for Council consideration simply reflect the increased cost of construction (inflation). Because these charges are closely tied to construction costs, the City uses a construction cost indicator as the basis for annual adjustments and updates these fees to reflect the changing cost of constructing public improvements. The Engineering News-Record (ENR), an engineering and construction industry trade publication, publishes a regional Construction Cost Index (CCI). This index is routinely used by local agencies to represent the annualized inflationary impact for construction projects.

The details of all the SDC adjustments are provided in Attachment A. The table below shows all the Public Works SDCs both current and after the proposed adjustment with a total at the bottom of the table.

	Current SDC	Proposed SDC
Transportation	\$ 3,568	\$ 3,634
Water (3/4-inch)	\$ 2,435	\$ 2,481
Sewer	\$ 2,966	\$ 3,031
Stormwater	\$ 0	\$ 0
Total	\$ 8,969	\$ 9,146

Recent History of Adjustments

Following is a table summarizing the adjustments made over the past five years to the water, sewer, and transportation SDCs and the Connection Charges. The proposed adjustments for 2016 follow the requirements in the AMC and previous direction provided by Council.

SDC	2011	2012	2013	2014	2015	2016
Water	0.47% Increase	3.54% Increase	4.14% Increase	7.55% Increase	2.41% Increase	1.85% Increase
Sewer	No Increase*	4.87% Increase **	5.00% Increase **	9.04% Increase **	2.84% Increase **	2.17% Increase **
Transportation	No Increase	25% Increase	20% Increase	22% Increase	13% Increase	1.85% Increase
Connection Charges	0.47% Increase	3.54% Increase	4.14% Increase	7.57% Increase	2.41% Increase	1.85% Increase

* *The sewer SDC was not adjusted in 2011. An update of the sewer SDC methodology was underway at that time, and an adjustment to the fee was deemed untimely.*

** *The debt service credit portion of the sewer SDC is not subject to adjustment, so the total adjustment is higher than the overall ENR change.*

Economic Considerations

While SDC and connection fees are a direct cost to development projects, they also can provide a funding source for the City to partner with developers to fund portions of infrastructure required to fulfill development requirements. The 2012 Oak Street improvement project is an example of this sort of partnering. Without adequate SDC funding, these sorts of opportunities could be jeopardized.

For both water and sewer SDCs, there is an obligation to partially fund existing debt payments for investments the community has made in infrastructure. As has been documented in previous presentations to Council, sewer SDC revenue is not likely to keep pace with the sewer SDC debt payment obligation over time. It is currently estimated that sewer SDC funds will become exhausted in fiscal year 2021, at which time either customer rates or other funding sources will need to be borrowed to pay SDC's share of both debt service and SDC-eligible projects that are constructed. Using rate money to cover SDC's share of debt service will mean that either less money is available for capital projects or additional rate increases will be required.

The following table shows the estimated impact on SDC revenues if the adjustments are not adopted by Council and the fees remain at their current levels. The estimate is based on the development of an equivalent of 150 single-family units.

	Estimated revenue with Adjustment	Estimated Revenue if no Adjustment is Made	Estimated Loss of Revenue
Water	\$372,200	\$365,300	\$6,900
Sewer	\$454,700	\$444,900	\$9,800
Transportation	\$545,100	\$535,200	\$9,900

Recommendation

The AMC directs that SDC and Connection Charges shall be adjusted in accordance with inflation. Staff recommends Council adopt the attached resolutions implementing the increases in accordance with the AMC and past direction from Council.

This memorandum only discusses the proposed fee changes and summarizes the recent history of adjustment to these fees and charges. Please refer to Attachment A and the attached resolutions for more detailed information concerning the intent and history of the specific charges or fees.

Budget Impact:

If adopted, the SDC and fee adjustments will become effective on July 1, 2016. Actual revenue amounts will depend on development activity over the next fiscal year.

JMR:ms

Attachment

- Resolutions:
- 1) Water SDC
 - 2) Transportation SDC
 - 3) Sanitary Sewer SDC
 - 4) Street Connection Charge
 - 5) Sanitary Sewer Connection Charge
 - 6) Water Connection Charge
 - 7) Storm System Connection Charge
 - 8) North Albany Sewer In-Lieu-of Assessment
 - 9) Columbus Lift Station Sewer Connection Charge
 - 10) North Albany Street Improvement Assurance Fee
 - 11) Post-Construction Stormwater Quality Program Fee

c: Jerry Running, Willamette Valley Homebuilders
Janet Steele, Albany Chamber of Commerce
John Pascone, AMEDC

ATTACHMENT A

System Development Charges

Current System Development Charges

State law (ORS 223.297-314) authorizes collection of SDCs to provide equitable funding for capital improvements to water, sewer, parks, transportation, and stormwater management systems. Albany has adopted long-range plans outlining the capital improvements needed to develop and maintain its water, sewer, parks, and transportation systems. These plans form the basis for the City's existing SDCs. The current SDC fees for a new single-family home in Albany are shown in the following table:

	Maximum Allowable ¹	Current SDC ¹	% of Max	Reimbursement Amount	Improvement Amount
Transportation	\$14,359	\$ 3,568	25	\$ 523	\$ 3,045
Water (3/4-inch)	\$ 2,707	\$ 2,435	90	\$ 349	\$ 2,086
Sewer	\$ 2,966	\$ 2,966	100	\$ 126	\$ 2,840
Stormwater	n/a	n/a	n/a	n/a	n/a
Parks	\$255 + 0.49 ²	\$ 1,500 ³	100	\$ 0	\$ 1,500
Total		\$ 10,469			

¹ Maximum allowable and current SDC for a single family house effective with the most recently adopted resolutions;

² Per bedroom cost plus square-foot costs;

³ For a 1,500 square foot, 3-bedroom home.

Proposed System Development Charges

System development charges (SDCs) are initially considered for adoption after completion of a public facility plan or master plan and development of a related Capital Improvement Plan (CIP) for the completion of proposed public improvements. The adopted methodology for each SDC includes a specific list of proposed capital construction projects. The initial maximum allowable SDC for each system is based on the cost of those proposed projects plus the value of the available capacity in the existing system.

The annual July adjustment is typically based on the year-over-year change to the ENR Construction Cost Index (CCI) for April. For example, Albany's proposed 2016 water SDC adjustment is based on the change in the CCI between April 2015 and April 2016.

The fee adjustments detailed below have been rounded to the nearest dollar. To avoid the compounding effect of annual rounding of the fees, the amount listed in the "current calculated fee" column has been adjusted by the appropriate percentage and is listed below as the "proposed calculated fee." The "proposed calculated fee" is rounded to the nearest dollar and listed in the "proposed fee" column. Each year, the amount listed in the "proposed calculated fee" column will be used for calculating the following year's annual adjustment.

Water SDC Adjustment – A three-year effort of the Mayor's Water Task Force culminated in adoption of a new Water SDC methodology and Water SDC fee effective November 2004. In accordance with Chapter 15.16.050 of the Albany Municipal Code (AMC) and the Water SDC methodology, the ENR cost index adjustment is applied to the Water SDC-R (reimbursement fee) and the Water SDC-I (improvement fee) to reflect the increase in construction costs.

The most recent adjustment to the Water SDC was in July 2015. Adjusting the Water SDC using the one-year change in the ENR cost index, results in the following fee for a ¾-inch meter:

Water SDC	Current Calculated Fee	Current Fee	Proposed Calculated Fee	Proposed Fee
SDC-R (reimbursement fee)	\$ 349.39	\$ 349	\$ 355.85	\$ 356
SDC-I (improvement fee)	\$2,086.15	\$2,086	\$2,124.74	\$2,125
Total Water SDC	\$2,435.57	\$2,435	\$2,480.63	\$2,481

Transportation SDC – The transportation SDC methodology and Transportation System Plan list, originally adopted in 2010-2011 were modified in 2013 and in 2015 to reflect new or modified projects or priority levels. The SDC methodology documents the calculation of an improvement and reimbursement fee that results in a maximum allowable fee of \$14,359 adjusted for inflation. In the interest of promoting economic development, the City Council deemed it desirable to charge less than the legally allowable charges. This was accomplished by editing the funded project list to limit the number of SDC-eligible projects.

The most recent adjustment to the Transportation SDC was in July 2015. Adjusting the Transportation SDC using the change in the ENR cost index results in the following fee for a residential customer:

Transportation SDC	Current Calculated Fee	Current Fee	Proposed Calculated Fee	Proposed Fee
SDC-R (reimbursement fee)	\$523.43	\$523	\$533.11	\$533
SDC-I (improvement fee)	\$3,045.00	\$3,045	\$3,101.33	\$3,101
Total Transportation SDC	\$3,568.43	\$3,568	\$3,634.45	\$3,634

Sanitary Sewer SDC – The Sanitary Sewer SDC is made up of three components: the reimbursement fee (SDC-R), the improvement fee (SDC-I), and the debt service credit. In accordance with Resolution 4292, the resolution adopting the sewer SDC methodology, the ENR cost index adjustment is applied to the base sewer SDC-R (reimbursement fee) and sewer SDC-I (improvement fee), but is not applied to the debt service credit (a reduction to the SDC-I for future debt service payments made by new customers through sewer rates). In adopting the sewer SDC methodology, the City Council determined the debt service credit should be averaged for a five-year period and applied to the sewer improvement fee portion of the SDC.

The most recent adjustment to the Sanitary Sewer SDC was in July 2015. Adjusting the Sewer SDC using the change in the ENR cost index results in the following fee for a residential customer:

Sewer SDC	Current Calculated Fee	Current Fee	Proposed Calculated Fee	Proposed Fee
SDC-R (reimbursement fee)	\$ 126.19	\$ 126	\$ 128.52	\$ 129
SDC-I (improvement fee)				
Base	\$3,356.05	\$3,356	\$3,418.14	\$3,418
Debt Service Credit	(\$516)	(\$516)	(\$516)	(\$516)
Net SDC-I (base minus credit)	\$2,840.05	\$2,840	\$2,902.14	\$2,902
Total Sewer SDC (SDC-R plus Net SDC-I)	\$2,966.24	\$2,966	\$3,030.66	\$3,031

Stormwater SDC (Information Only) Albany does not have Stormwater SDCs. A Stormwater Master Plan is under development and when completed, an SDC will be one of the funding tools available should Council decide to adopt a Stormwater SDC.

Proposed Connection Charges

For properties that have not previously participated in the cost to construct available public facilities, connection charges are applied at the time those properties connect to these facilities. Water, sewer, storm, and street connection charges were implemented in 2003.

The City uses the same Construction Cost Index (CCI) as the basis for annual adjustments, and the most recent adjustment was in July 2015. The one-year change in the cost index is equal to a 1.85 percent increase. The fee adjustments detailed below have been rounded to the nearest dollar as previously described.

Street Connection Charge Adjustment The Street Connection Charge is designed to recover the equivalent cost of constructing that portion of a local street that benefits a connecting property. A local street is the basis for calculating the fee. Adjusting the Street Connection Charge using the change in the ENR cost index results in the following fee:

Connection Charge	Current Calculated Fee	Current Fee	Proposed Calculated Fee	Proposed Fee
Street	\$92.44 per front foot	\$92 per front foot	\$94.15	\$94 per front foot

Sanitary Sewer Connection Charge Adjustment The Sanitary Sewer Connection Charge is designed to recover the equivalent cost of constructing that portion of the sewer system that benefits a connecting property. An eight-inch pipe is the basis for calculating the fee. Adjusting the Sewer Connection Charge using the change in the ENR cost index results in the following fee:

Connection Charge	Current Calculated Fee	Current Fee	Proposed Calculated Fee	Proposed Fee
Sanitary Sewer	\$55.75 per front foot	\$56 per front foot	\$56.78	\$57 per front foot

Water Connection Charge Adjustment The Water Connection Charge is designed to recover the equivalent cost of constructing that portion of the water system that benefits a connecting property. An eight-inch pipe is the basis for calculating the fee for single-family residential land use zones and a 12-inch pipe is the basis for calculating the fee for all other land use zones. Adjusting the Water Connection Charge using the change in the ENR cost index results in the following fee:

Connection Charge	Current Calculated Fee	Current Fee	Proposed Calculated Fee	Proposed Fee
Water: single-family residential	\$31.26 per front foot	\$31 per front foot	\$31.84	\$32 per front foot
Water: all other land use zones	\$43.50 per front foot	\$43 per front foot	\$44.30	\$44 per front foot

Storm System Connection Charge Adjustment The Storm System Connection Charge is designed to recover the equivalent cost of constructing that portion of the storm system that benefits a connecting property. The cost to provide drainage for an average lot in a fully improved subdivision is the basis for calculating the fee. Adjusting the Storm System Connection Charge using the change in the ENR cost index results in the following fee:

Connection Charge	Current Calculated Fee	Current Fee	Proposed Calculated Fee	Proposed Fee
Storm	\$50.29 per front foot	\$50 per front foot	\$51.22	\$51 per front foot

Special Connection Charges

There are three special situations that exist in the City related to the application of connection charges:

1. The first involves the construction of sanitary sewers to serve the health hazard area of North Albany in 1992. With the adoption of the final engineer's report for this project in 1993, the City Council adopted Chapter 10.16 of the Albany Municipal Code that sets forth the requirements for this special in-lieu-of assessment rate to help recover funds invested by the City in that specific project. In January 2016, Council determined that the City had been adequately reimbursed for this investment and repealed AMC 10.16 with Ordinance 5863.
2. The second situation involves the construction of the Columbus Street sewer lift station in 1998. The purpose of this special connection charge is to recover the funds the City invested in over-sizing this pump station project to serve a large area and distribute those costs based on the ratio of the area of each of 61 benefiting parcels to the total benefited area. The actual amount that would be due from connecting parcels is detailed in the attached resolution.

Special Connection Charge	Current Calculated Costs	Current Costs	Proposed Calculated Costs	Proposed Costs
Columbus Street Lift Station				
Total Oversizing from 61 parcels	\$519,472.14	\$519,472	\$529,082.38	\$529,082

3. The third situation, the North Albany Street Improvement Assurance Fee, ensures funds for future public improvements that are required as a condition of development. The hilly terrain in North Albany increases the complexity of street and utility construction. Partial street improvements that might normally be required of developers are often not timely unless a larger project could be organized. Instead of making the untimely street improvement, developers may pay an improvement assurance fee. The proposed fee after adjustment follows:

Improvement Assurance Fee	Current Calculated Fee	Current Fee	Proposed Calculated Fee	Proposed Fee
Transportation				
North Albany Improvement Assurance Fee	\$253.80	\$254 per front foot	\$258.50 per front foot	\$259 per front foot

Other Construction Fees

In response to regulatory requirements, a Post-Construction Stormwater Quality Program for new development and redevelopment projects was established in 2015 to help protect the water quality of Albany's lakes, rivers, and streams.

Design review and construction inspection activities for new facilities are funded through a permit fee structure that is percentage based (similar to all other public infrastructure improvements) and no changes to that fee structure are proposed. However, the Post-Construction Stormwater Quality Program does have options available to the developer that transfer some responsibility to the City to construct improvements on their behalf. Those construction activities are funded through payment of an additional fee. Therefore, it makes sense that the construction-related fees be updated annually based on the change in the Seattle ENR Construction Cost Index (CCI) similar to SDCs and connection charges.

The fees for off-site post-construction stormwater quality and for the transfer of landscaping responsibility to the city are established as a cost per square foot rate that relates to the cost of construction and is therefore adjusted as follows:

Other Construction Fee	Current Calculated Fee	Current Fee	Proposed Calculated Fee	Proposed Fee
Post-Construction Stormwater Quality Fee				
Off-site post-construction stormwater quality fee	\$45.00	\$45 per square foot	\$46.86 per square foot	\$47 per square foot
Transfer of Landscaping Responsibility to City – First 1000 square feet	\$15.00	\$15 per square foot	\$15.62 per square foot	\$16 per square foot
Transfer of Landscaping Responsibility to City – Additional square feet	\$10.00	\$10 per square foot	\$10.41 per square foot	\$10 per square foot

RESOLUTION NO. _____

A RESOLUTION REVISING WATER SYSTEM DEVELOPMENT CHARGES, REAFFIRMING AN APPEAL FEE AND REPEALING RESOLUTION 6428 (A RESOLUTION REVISING WATER SYSTEM DEVELOPMENT CHARGES, REAFFIRMING AN APPEAL FEE AND REPEALING RESOLUTION 6334).

WHEREAS, through the previous adoption of ordinances establishing and amending Albany Municipal Code 15.16 regarding system development charges (SDC), the Council of the City of Albany has duly declared its intent to comply with Oregon SDC law provisions of ORS 223.207 through 223.208 and 223.297 through 223.314; and

WHEREAS, the methodology for calculation of system development charges for the water system developed by the Water Task Force is specifically described in *System Development Charge Methodology - City of Albany Water System* and adopted by Council in Resolution 5051; and

WHEREAS, the adopted methodology is a combination of reimbursement and improvement fees that result in a maximum allowable fee of \$2,115. However, in the interest of promoting economic development, the Water Task Force and the City Council deemed it desirable to charge less than the legally allowable charges developed in the methodology and adopted a lower rate. The \$2,115 allowable fee is based on 2004 dollars, which if indexed to current rates, is equivalent to \$2,757 (using index ratio 10582/10390); and

WHEREAS, Section 15.16.050 (5) of Ordinance 5306 allows for the annual adjustment of the herein established fees in accordance with the change in the *Engineering News-Record* (ENR) Construction Cost Index (Seattle); and

WHEREAS, the Albany City Council deems it desirable to increase the existing fees to reflect inflation relative to the increase in the ENR Index; and

WHEREAS, the *Engineering News-Record* (ENR) Construction Cost Index (Seattle) used in Resolution 6428 was 10390 and the April 2016 Seattle ENR Index to be applied for purposes of this Resolution is 10582 (Index Ratio = $10582/10390 = 1.0185$).

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that Resolution No. 6428 is hereby repealed effective as of the effective date of the revised fees; and

BE IT FURTHER RESOLVED that Water System Development Charges are hereby amended as described herein; and

BE IT FURTHER RESOLVED that an appeal fee is hereby reaffirmed as described herein; and

BE IT FURTHER RESOLVED that the Water System Development Charges herein established become effective **July 1, 2016**.

WATER SYSTEM DEVELOPMENT CHARGE

Base system development charges per 3/4-inch meter (does not include the cost of meter or service line installation):

Reimbursement Fee	\$ 349	\$ 356
Improvement Fee	2,086	<u>2,125</u>
Total Fee	2,435	<u>2,481</u>

Water System Development Charge by meter size:

Meter Size (Inches)	Factor	Reimbursement Fee	Improvement Fee	Total SDC Fee
¾	1.00	\$ -349	356	2,086
1	1.67	-583	594	3,484
1½	3.33	-1,163	1,185	6,947
2	5.33	-1,862	1,897	11,119
3	10.67	-3,728	3,797	22,259
4	16.67	-5,824	5,932	34,776
6	33.33	-11,645	11,861	69,531
8	53.33	-18,633	18,978	111,255
10	76.67	-26,788	27,283	159,945
12	103.33	-36,103	36,770	215,562

SDC IMPROVEMENT FEE CREDIT

Pursuant to Albany Municipal Code Section 15.16.090 (2), a credit against the water SDC-I fee shall be given for the cost of a qualified public water improvement required as a condition of development approval and identified in the Water System Development Charge Methodology (October 2004) as a project to be wholly or partially funded with water SDC-I fees.

APPEAL FEE

Pursuant to Albany Municipal Code Section 15.16.100(5), an appeal fee of \$100 per appeal is hereby established. Appeal submittal by parties appealing their calculated fee (AMC Section 15.16.100(3)) shall conform to AMC Section 15.16.100 procedure.

DATED THIS 8TH DAY OF JUNE 2016.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION REVISING TRANSPORTATION SYSTEM DEVELOPMENT CHARGES FOR IMPACTS TO THE ALBANY TRANSPORTATION SYSTEM, REAFFIRMING THE APPEAL FEE, AND REPEALING RESOLUTION NO. 6464 (A RESOLUTION REVISING THE PROJECT LIST FOR THE TRANSPORTATION SYSTEM DEVELOPMENT CHARGES, REAFFIRMING THE BASE FEE AND THE APPEAL FEE, AND REPEALING RESOLUTION NO. 6429).

WHEREAS, through the previous adoption of ordinances establishing and amending Albany Municipal Code 15.16 regarding system development charges, the Council of the City of Albany has duly declared its intent to comply with the provisions of ORS 223.207 through 223.208 and 223.297 through 223.314; and

WHEREAS, a methodology for the calculation of an improvement and reimbursement fee system development charge for the transportation system in Albany was originally adopted in 2011, and was modified and adopted in 2013 and again in 2015 to reflect changes in the project list as specifically described in Resolution No. 6463; and

WHEREAS, the adopted methodology resulted in a maximum allowable fee of \$11,848; however, in the interest of promoting economic development, the City Council deemed it desirable to charge less than the legally allowable charges. The \$11,848 allowable fee is based on the project list in the 2010 Transportation System Plan and on February 2010 dollars, which if indexed to current rates, is equivalent to \$14,499 (using index ratio 10582/10390); and

WHEREAS, Section 15.16.050(5) of Ordinance 5306 allows for the annual adjustment of the herein established fees in accordance with the change in the *Engineering News-Record* (ENR) Construction Cost Index (Seattle); and

WHEREAS, the Albany City Council deems it desirable to increase the existing fees to reflect inflation relative to the increase in the ENR Index; and

WHEREAS, the *Engineering News-Record* (ENR) Construction Cost Index (Seattle) used in Resolution 6464 was 10390, and the April 2016 Seattle ENR Index to be applied for purposes of this Resolution is 10582 (Index Ratio = $10582/10390 = 1.0185$).

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that Resolution No. 6464 is hereby repealed effective as of the effective date of the revised fees; and

BE IT FURTHER RESOLVED that Transportation System Development Charges are hereby amended as described herein; and

BE IT FURTHER RESOLVED that an appeal fee is hereby reaffirmed as described herein; and

BE IT FURTHER RESOLVED that the Transportation System Development Charges herein established become effective **July 1, 2016**.

BASE FEE

The base unit for the transportation system development charge (SDC) improvement and reimbursement fee will be p.m. peak hour trip end as defined in the latest version of the Trip Generation manual by the Institute of Transportation Engineers (ITE).

The adjusted base fee for a single trip is a combination of the adjusted improvement and reimbursement base fees as shown below.

Base SDCi Fee	Base SDCr Fee	Total Base Fee for a Single Trip End
\$3,045.00 \$3,101.33	\$523.43 \$533.11	\$3,568.43 \$3,634.44

¹ Base Fees are adjusted for current ENR Index

CALCULATING THE SYSTEM DEVELOPMENT CHARGE

Residential, institutional, business and commercial, office, and industrial development SDC fees are computed by multiplying the base SDC fee by the associated basis for trip determination and by the associated p.m. peak hour trip end rate for the given land use. This calculated fee is further reduced to allow for a pass-by trip credit that varies by land use. Pass-by trip factors are eight percent (8%) for industrial and office (ITE Category 000-199 and 700-799), 20 percent (20%) for institutional (ITE Category 300-699), and 50 percent (50%) for business and commercial (ITE Category 800-999).

A sample SDC calculation for a single-family house (ITE Category 210) is shown below.

SDC Calculation for a Single-family House (ITE Category 210)				
	P.M. Peak Trip Rate ¹	Pass-By Factor ²	2016 Base Fee for a Single Trip Fee	SDC Fee
SDCi	1.00	1.00	\$3,045.00 \$3,101.33	\$3,045 \$3,101
SDCr	1.00	1.00	\$523.43 \$533.11	\$523 \$533
Total			\$3,568.43 \$3,634.00	\$3,568 \$3,634

¹ P.M. Peak Trip Rate for given land uses are defined in the latest edition of the ITE manual

² Data for pass-by trip reduction factors are taken from an analysis of traffic impact fees developed by Anthony Rufolo, Center for Urban Studies, Portland State University

³ Base Fee is adjusted for current ENR Index

A sample SDC calculation for other land uses is shown below.

ITE Code	Description	Units	PM Peak Trips ¹	Pass by Factor ²	2016 Base Fee for a Single Trip Fee ³	SDC Fee
220	1 Apartment	1 unit	0.62	1.00	\$3,568.43 \$3,634.00	\$2,212 \$2,253
110	Light Industrial	1,000 sf	0.97	0.92	\$3,568.43 \$3,634.00	\$3,184 \$3,243
140	Manufacturing	1,000 sf	0.73	0.92	\$3,568.43 \$3,634.00	\$2,397 \$2,441
520	Elementary School	1,000 sf	1.21	0.80	\$3,568.43 \$3,634.00	\$3,454 \$3,518
710	General Office	1,000 sf	1.49	0.92	\$3,568.43 \$3,634.00	\$4,892 \$4,981
720	Medical Office	1,000 sf	3.57	0.92	\$3,568.43 \$3,634.00	\$11,720 \$11,936
826	Specialty Retail	1,000 sf	2.71	0.50	\$3,568.43 \$3,634.00	\$4,835 \$4,924

820	Shopping Center	1,000 sf	3.71	0.50	\$3,568.43 \$3,634.00	\$6,619 \$6,741
862	Home Improvement Superstore	1,000 sf	2.33	0.50	\$3,568.43 \$3,634.00	\$4,157 \$4,234
911	Walk-In Bank	1,000 sf	12.13	0.50	\$3,568.43 \$3,634.00	\$21,643 \$22,040
931	Quality Restaurant	1,000 sf	7.49	0.50	\$3,568.43 \$3,634.00	\$13,364 \$13,609
932	High Turnover Restaurant	1,000 sf	9.85	0.50	\$3,568.43 \$3,634.00	\$17,575 \$17,897
934	Fast Food W/Drive Thru	1,000 sf	32.65	0.50	\$3,568.43 \$3,634.00	\$58,255 \$58,325

¹ P.M. Peak Trip Rate for given land uses are defined in the latest edition of the ITE manual

² Data for pass-by trip reduction factors are taken from an analysis of traffic impact fees developed by Anthony Rufolo, Center for Urban Studies, Portland State University

³ Base Fee is adjusted for current ENR Index

SDC CREDITS

Pursuant to Albany Municipal Code Section 15.16.090, a credit against the transportation SDC fee shall be given in the following situations:

A. Credit for prior use:

Pursuant to AMC 15.16.090 (1), a credit against the reimbursement and improvement fee portions of the SDC shall be given in an amount of the SDC_i and SDC_r calculated for the existing use if it is less than the SDC_i and SDC_r calculated for the proposed use. If the change in use results in the SDC_i or SDC_r for the proposed use being less than the SDC_i or SDC_r for the existing use, no SDC_i or SDC_r shall be required for that fee portion; however, no refund or credit shall be given.

B. Credit for the cost of a qualified public improvement associated with the development:

Pursuant to AMC 15.16.090 (2), a credit against the improvement fee portion of the SDC shall be given for the cost of a qualified public improvement required as a condition of development approval. A qualified public improvement must also be identified in the funded section of the project list in *Figure A: SDC Eligible Projects Funded by the Adopted Fee Schedule* (see below). A funded project can be either wholly or partially funded with SDC_i fees. Projects can move between the funded and unfunded sections according to AMC 15.16.060 (3).

The credit shall not exceed the dollar amount (adjusted annually using ENR Seattle Construction Cost Index) in the SDC column in *Figure A* associated with a qualified improvement in the funded projects group. If the credit exceeds the amount of TSDC_i to be paid by the development, then the excess credit may be applied against transportation improvement fees that accrue in subsequent phases of the original development project. In summary, credits are possible only for projects identified in *Figure A* as having SDC funding and only to the extent that it is SDC funded.

On-site: A project that meets these qualification criteria and is located in whole or in part, on or contiguous to the property, and that is required to be built with greater capacity than is necessary for the particular development needs and exceeds the minimum standard facility size, will have reserve capacity. The applicant shall have the burden of demonstrating that a particular qualified transportation improvement will have a reserve capacity. The Highway Capacity Manual (HCM), or other City-approved traffic engineering methodology, shall be the approved method for calculating reserve capacity. The reserve capacity shall be

expressed as a percent of the construction cost for said improvement. That portion of the construction cost that represents the reserve capacity, when multiplied by the percent of said project funded with the SDCi fee as identified in *Figure A* will be the estimated credit. The actual credit will be the lower of the estimated credit and the dollar amount (adjusted using ENR Seattle Construction Cost Index) in the funded SDC column in *Figure A* associated with said project.

Off-site: A project that meets these qualification criteria that is not located on or contiguous to property (an off-site improvement) is qualified for a SDCi credit. The credit shall be the lower of the actual construction cost or the dollar amount (adjusted using ENR Seattle Construction Cost Index) in the funded SDC column in *Figure A* associated with said project.

C. Credit for reducing the number of trip ends the development will generate using automobiles:

Transit or Pedestrian: A credit against the improvement fee portion of the SDC shall be possible if the development is in an established transit or pedestrian district or if a program to be instituted in connection with the development is determined by the City Engineer to materially reduce the number of trip ends the development will generate using automobiles and the extent of improvements necessary to serve the development, and that the reduction will continue for at least 10 years after the development is occupied.

The reduced SDC will be calculated based upon the number of trip ends the development will generate with the trip end reduction program in effect. Before granting the credit, the City shall receive assurances that will bind the owner and the owner's successors to perform the program for the time required.

D. Credit for reducing the number of peak hour trips the development will generate using automobiles:

Off-peak Work Hours: A credit against the improvement fee portion of the SDC shall be possible if a program to be instituted in connection with the development is determined by the City Engineer to materially reduce the number of peak hour trips the development will generate using automobiles and the extent of improvements necessary to serve the development, and that the reduction will continue for at least 10 years after the development is occupied. The reduced SDC will be calculated based upon the number of trip ends the development will generate with the peak hour trip reduction program in effect. Before granting the credit, the City shall receive assurances that will bind the owner and the owner's successors to perform the program for the time required.

APPEAL PROCEDURE AND FEE

Pursuant to Albany Municipal Code Section 15.16.100(5), an appeal fee of \$100 per appeal is hereby established.

Appeal submittal by parties appealing their calculated fee (AMC Section 15.16.100(3)) shall:

- a) Conform to AMC Section 15.16.100 procedures;
- b) Use standard study methodology and data collection forms and procedures for conducting a local trip generation study described in Albany's adopted "Traffic Impact Study Guidelines" and the ITE Trip Generation Manual; and
- c) Be prepared by or under the direct supervision of a Professional Civil or Transportation Engineer currently licensed to practice within the State of Oregon, and with special training and experience in transportation engineering and planning. The engineer shall certify the document by providing a signature and seal of approval.

Figure A: SDCi Eligible Projects Funded by the Adopted Fee Schedule

Costs are based on the *Engineering News Record* (ENR) Construction Cost Index (Seattle) in February 2010 of 8647.

Year 1-10 funded projects are in column 7. All short- and mid-term projects are funded.

Year 11-20 funded projects are in column 8.

1	2	3	4	5	6	7	8
Project #	Project	TSP Priority	Growth Percentage	Total Project Cost (2010 \$)	TSDCi Eligible	TSDCi Eligible & Funded Years 1-10	TSDCi Eligible & Funded Years 11-20
B1	14th Avenue	short	100%	\$2,000	\$2,000	\$2,000	
B2	Waverly Drive	short	100%	\$5,000	\$5,000	\$5,000	
B3	Hill Street	long/dev	100%	\$743,000	\$743,000		\$743,000
B4	24th Avenue	short	100%	\$5,000	\$5,000	\$5,000	
B5	Jackson Street	short	100%	\$674,000	\$674,000	\$110,000	
B6	Center Street	short	100%	\$6,000	\$6,000	\$6,000	
B7	US 20, North Albany	long/dev	100%	\$31,000	\$31,000		
B8	1st Avenue	long/dev	100%	\$43,000	\$43,000		
B9	2nd Avenue	long/dev	100%	\$43,000	\$43,000		
B10	Madison Street/7th Avenue	long/dev	100%	\$40,000	\$40,000		
B11	7th Avenue	long/dev	100%	\$95,000	\$95,000		
B12	Takena	long/dev	100%	\$53,000	\$53,000		\$53,000
B13	Liberty/Lakewood	long/dev	100%	\$76,000	\$76,000		
B14	12th Avenue (West)	mid	100%	\$32,000	\$32,000	\$32,000	
B15	Bain Street	long/dev	100%	\$49,000	\$49,000		
B16	South Shore Drive	long/dev	100%	\$33,000	\$33,000		
B17	Shortridge Street	long/dev	100%	\$27,000	\$27,000		
B18	24th Avenue	long/dev	100%	\$44,000	\$44,000		\$44,000
B19	38th Avenue and 39th Avenue	mid	100%	\$106,000	\$106,000	\$106,000	
B20	Lyon Street	short	100%	\$2,000	\$2,000	\$2,000	
B21	Ellsworth Street	short	100%	\$4,000	\$4,000	\$4,000	
I1	Main Street/Salem Avenue/3rd Avenue	short	100%	\$1,088,000	\$1,088,000	\$1,088,000	
I2	Main Street/Santiam Avenue/4th Avenue	short	69%	\$255,000	\$175,950	\$175,950	
I3	14th Avenue/Heritage Mall Access	short	100%	\$41,000	\$41,000	\$23,000	
I4	14th Avenue/Clay Street	short	100%	\$10,000	\$10,000	\$7,000	
I5	Waverly Avenue/14th Avenue	short	100%	\$41,000	\$41,000	\$23,000	
I6	Waverly Avenue/Queen Avenue	long/dev	100%	\$72,000	\$72,000		
I7	Waverly Avenue/Grand Prairie	long/dev	100%	\$175,000	\$175,000		
I8	US 20/North Albany Road	short	13%	\$40,000	\$5,200	\$5,200	
I9	US 20/Springhill Drive	short	23%	\$14,000	\$3,220	\$3,220	
I10	Knox Butte/Century Drive	short	0%	\$345,000	\$0		
I11	34th Avenue/Marion Street	mid	100%	\$345,000	\$345,000	\$345,000	
I12	US 20 (Lyon Street)/2nd Avenue	mid	16%	\$23,000	\$3,680	\$3,680	
I13	US 20/Clay Street	mid	20%	\$185,000	\$37,000	\$37,000	
I14	OR 99E/34th Avenue	long/dev	32%	\$192,000	\$61,440		\$61,440
I15	34th Avenue/Hill Street	long/dev	100%	\$350,000	\$350,000		\$350,000
I16	Ellingson Road/Columbus Street	long/dev	100%	\$500,000	\$500,000		\$250,000
I17	Waverly Avenue/14th Avenue	long/dev	100%	\$77,000	\$77,000		\$77,000
I18	Queen Avenue/Geary Street	long/dev	100%	\$1,901,000	\$1,901,000		\$950,500
I19	Waverly Avenue/34th Avenue	long/dev	100%	\$42,000	\$42,000		
I20	US 20 (Ellsworth Street)/1st Avenue	mid	22%	\$18,000	\$3,960	\$3,960	

1	2	3	4	5	6	7	8
Project #	Project	TSP Priority	Growth Percentage	Total Project Cost (2010 \$)	TSDCi Eligible	TSDCi Eligible & Funded Years 1-10	TSDCi Eligible & Funded Years 11-20
I21	US 20 (Lyon Street)/1st Avenue	mid	23%	\$11,000	\$2,530	\$2,530	
I22	US 20 (Lyon Street)/1st Avenue	mid	23%	\$10,000	\$2,300	\$2,300	
I23	US 20 (Ellsworth Street)/2nd Avenue	mid	23%	\$17,000	\$3,910	\$3,910	
I24	OR 99E/Waverly Avenue	long/dev	27%	\$959,000	\$258,930		\$258,930
I25	US 20/Waverly Drive	long/dev	29%	\$853,000	\$247,370		\$247,370
I26	US 20/Waverly Drive	long/dev	29%	\$240,000	\$69,600		\$69,600
I27	OR 99E/Queen Avenue	long/dev	26%	\$894,000	\$232,440		\$232,440
I28	OR 99E/34th Avenue	long/dev	32%	\$456,000	\$145,920		
I29	OR 99E/Killdeer Avenue	long/dev	28%	\$3,207,000	\$897,960		
I30	US 20/Timber Street	long/dev	44%	\$571,000	\$251,240		\$251,240
I31	US 20/Timber Street	long/dev	44%	\$619,000	\$272,360		
I33	Knox Butte/New North/South Collector	long/dev	100%	\$525,000	\$525,000		
I34	Springhill Dr./Hickory St.	long/dev	100%	\$345,000	\$345,000		\$172,500
I35	Gibson Hill Rd/Crocker Ln	mid	100%	\$345,000	\$345,000	\$345,000	
I36	Timber St Extension/18th Ave/Spicer Dr ROW	short	100%	\$650,000	\$650,000		\$325,000
I36	Timber Str. Extension/18th Ave/Spicer Dr	long/dev	100%	\$863,000	\$863,000		\$441,000
I37	OR 99E / 29th Ave	long/dev	28%	\$106,000	\$29,680		
I38	Salem Avenue/Geary Street	long/dev	28%	\$845,000	\$236,600		\$236,600
I39	OR 99E/Lyon Street	long/dev	16%	\$205,000	\$32,800		
I40	OR 99E/53rd Avenue	long/dev	38%	\$550,000	\$209,000		
I41	Ellingson Road / Lochner Road	long/dev	100%	\$500,000	\$500,000		\$250,000
I42	53 rd Avenue Extension / Industrial Property Access	long/dev	100%	\$500,000	\$500,000		
I43	Clover Ridge Road / Knox Butte	long/dev	100%	\$350,000	\$350,000		
I44	Goldfish Farm Road / Knox Butte	long/dev	100%	\$350,000	\$350,000		
L1	53rd Avenue Extension	long/dev	54%	\$18,600,000	\$10,044,000		
L2	Waverly Drive	long/dev	36%	\$1,394,000	\$501,840		
L3	Washington/Calapooia/1st/2nd	short	42%	\$100,000	\$42,000	\$42,000	
L4	Timber Street Extension ROW	short	100%	\$966,000	\$966,000		\$483,000
L4	Timber Street Extension	long/dev	100%	\$2,708,000	\$2,708,000		\$677,000
L5	Main Street - 7th Avenue - Hill Street	mid	64%	\$1,292,000	\$826,880	\$826,880	
L6	North Albany Road	mid	29%	\$5,847,000	\$1,695,630	\$1,695,630	
L6	North Albany Road ROW	short	100%	\$19,000	\$19,000		\$19,000
L9	Queen Avenue	long/dev	12%	\$0	\$0		
L10	New North Albany Connector <i>Funding is for 15% construction west of Crocker (\$145/lf) and 40% construction east of Crocker</i>	long/dev	100%	\$5,818,000	\$5,818,000		\$1,154,053
L11	Spicer Drive Extension (West of Timber St.)	long/dev	100%	\$982,000	\$982,000		\$245,000
L12	Spicer Drive Extension (East of Timber St.)	long/dev	100%	\$1,666,000	\$1,666,000		
L13	Goldfish Farm Road Extension	long/dev	100%	\$1,013,000	\$1,013,000		\$253,350
L14	Dogwood Avenue Extension	long/dev	100%	\$3,294,000	\$3,294,000		\$0
L15	New North/South Collector – LID Knox Butte to Somerset	short	100%	\$2,548,000	\$2,548,000		
L15	New North/South Collector – Knox Butte to US 20 (Santiam)	long/dev	100%	\$3,662,000	\$3,662,000		\$549,300
L16	New East/West Collector	long/dev	100%	\$3,723,000	\$3,723,000		\$558,450
L17	Expo Parkway Extension (south of Dunlap)	long/dev	100%	\$996,000	\$996,000		\$149,400
L18	Timber St Extension to Somerset Avenue	long/dev	100%	\$1,720,000	\$1,720,000		\$258,000

1	2	3	4	5	6	7	8
Project #	Project	TSP Priority	Growth Percentage	Total Project Cost (2010 \$)	TSDCi Eligible	TSDCi Eligible & Funded Years 1-10	TSDCi Eligible & Funded Years 11-20
L19	Somerset Avenue Extension - LID	short	100%	\$383,000	\$383,000		
L19	Somerset Avenue Extension – wetlands to Charlotte	long/dev	100%	\$483,000	\$483,000		\$332,270
L20	Santa Maria Avenue Extension	long/dev	100%	\$1,872,000	\$1,872,000		\$280,800
L21	Knox Butte Road Widening ROW	short	100%	\$1,478,000	\$1,478,000		\$1,478,000
L21	Knox Butte Road Widening	long/dev	60%	\$3,169,000	\$1,901,400		\$1,901,400
L22	Knox Butte Road Widening ROW	short	100%	\$31,000	\$31,000		
L22	Knox Butte Road Widening	long/dev	56%	\$825,000	\$462,000		
L23	Knox Butte Road Widening	long/dev	52%	\$1,256,000	\$653,120		
L24	Knox Butte Road Widening	long/dev	47%	\$7,688,000	\$3,613,360		
L25	Dunlap Avenue Extension	long/dev	100%	\$1,045,000	\$1,045,000		\$156,750
L26	Springhill Road Widening	long/dev	61%	\$3,406,000	\$2,077,660		
L27	US 20 Widening	long/dev	18%	\$8,351,000	\$1,503,180		
L28	Ellingson Road Extension	long/dev	61%	\$5,740,000	\$3,501,400		
L30	Oak Street	short	100%	\$2,130,000	\$2,130,000	\$2,130,000	
L31	Fescue Street to Three Lakes Road Connector	long/dev	100%	\$886,000	\$886,000		\$132,900
L32	Fescue Street Extension	long/dev	100%	\$3,054,000	\$3,054,000		
L33	Three Lakes Road Realignment ROW	short	59%	\$750,000	\$442,500		
L33	Three Lakes Road Realignment	long/dev	59%	\$1,868,000	\$1,102,120		
L34	Looney Lane Extension	long/dev	100%	\$914,000	\$914,000		\$137,100
L35	Albany Avenue Widening	long/dev	26%	\$1,177,000	\$306,020	\$306,020	
L36	W Thornton Lk Dr, N Albany Rd & N Alb Middle School	long/dev	11%	\$565,000	\$62,150	\$62,150	
L37	Springhill Drive	long/dev	18%	\$4,158,000	\$748,440		
L38	Scenic Drive	long/dev	10%	\$6,842,000	\$684,200		
L39	Century Drive	long/dev	52%	\$3,199,000	\$1,663,480		
L40	Gibson Hill Road	long/dev	6%	\$3,816,000	\$228,960		\$228,960
L41	Skyline Drive	long/dev	0%	\$1,523,000	\$0		
L42-a	Crocker Lane North (LID)	short	30%	\$1,721,000	\$516,300	\$417,000	
L42-b	Crocker Lane South	long/dev	30%	\$2,808,000	\$842,400		
L43	Valley View Drive	long/dev	40%	\$3,695,000	\$1,478,000		
L44	West Thornton Lake Drive	long/dev	11%	\$6,097,000	\$670,670		
L45	Allen Lane	long/dev	56%	\$2,689,000	\$1,505,840		
L46	Columbus Street	long/dev	49%	\$4,549,000	\$2,229,010		\$1,137,250
L47	Grand Prairie Road	long/dev	53%	\$2,260,000	\$1,197,800		
L48	Spicer Drive	long/dev	32%	\$868,000	\$277,760		
L49	Scraffel Hill Road	long/dev	21%	\$9,699,000	\$2,036,790		
L50	Quarry Road	long/dev	21%	\$3,493,000	\$733,530		
L51	Spicer Road	long/dev	54%	\$676,000	\$365,040		
L52	Goldfish Farm Road	long/dev	82%	\$4,444,000	\$3,644,080		
L53	Ellingson Road <i>Funding is for 24ft of right-of-way (3 to 5 lanes) at \$6/s.f. and 25% construction</i>	long/dev	49%	\$5,847,000	\$2,865,030		\$1,979,250
L54-a	Lochner Road – North	short	44%	\$3,722,000	\$1,637,680	\$1,007,475	
L54-b	Lochner Road - South	long/dev	44%	\$4,548,000	\$2,001,120		\$1,137,125
L55	Three Lakes Road ROW	short	42%	\$287,000	\$120,540		\$120,540
L55	Three Lakes Road	long/dev	42%	\$4,569,000	\$1,918,980		
L56	US 20 - East of I-5	long/dev	44%	\$2,068,000	\$909,920		

1	2	3	4	5	6	7	8
Project #	Project	TSP Priority	Growth Percentage	Total Project Cost (2010 \$)	TSDCi Eligible	TSDCi Eligible & Funded Years 1-10	TSDCi Eligible & Funded Years 11-20
L57	Santa Maria Avenue	long/dev	91%	\$694,000	\$631,540		
L58	Oak Street	short	65%	\$2,187,000	\$1,421,550	\$1,421,550	
L59	Water Avenue	short	50%	\$4,070,000	\$2,035,000		
L60	US 20 Superelevation and Widening	long/dev	22%	\$3,122,000	\$686,840		
L61	Three Lakes Road	long/dev	0%	\$1,879,000	\$0		
L62	Oak Creek Parkway <i>Funding is for 25% construction west of Columbus</i>	long/dev	100%	\$16,456,000	\$16,456,000		\$1,812,719
M1	Queen/Geary Periwinkle Path	short	70%	\$46,000	\$32,200	\$32,200	
M2-a	Oak Creek Loop Trail (south of Oak Creek)	long/dev	70%	\$2,680,000	\$1,876,000	\$200,000	
M2-b	Oak Creek Loop Trail (north of Oak Creek)	long/dev	70%	\$1,787,000	\$1,250,900		
M2-c	Oak Creek Crossing Trails	long/dev	70%	\$838,000	\$586,600		
M3	West Timber-Linn Trail	mid	70%	\$161,000	\$112,700	\$112,700	
M4	South Waterfront Trail	mid	70%	\$76,000	\$53,200	\$53,200	
M5	Albany-Corvallis Multiuse Path	mid	70%	\$1,477,000	\$1,033,900	\$304,500	
M6	Albany-Corvallis Multiuse Path	long/dev	70%	\$761,000	\$532,700		
M7	East Timber-Linn Trail	long/dev	70%	\$277,000	\$193,900		\$193,900
M8	Bain Street/Waverly Lake Trail	long/dev	70%	\$153,000	\$107,100		\$107,100
M9	Lebanon Trail	long/dev	70%	\$581,000	\$406,700		
M10	Periwinkle Trail Extension	long/dev	70%	\$1,528,000	\$1,069,600		
M11	East Albany Willamette River Bridge	long/dev	70%	\$7,657,000	\$5,359,900		
M12	99E/Oak Creek	long/dev	70%	\$129,000	\$90,300		
M13	US 20/99E Undercrossing	long/dev	70%	\$1,500,000	\$1,050,000		
P1	Springhill Drive	mid	70%	\$542,000	\$379,400	\$379,400	
P2	99E/24th Avenue	long/dev	70%	\$129,000	\$90,300		
P3	Oregon 99E: Burkhart to Waverly	long/dev	70%	\$129,000	\$90,300		
P4	Ferry Street	long/dev	70%	\$725,000	\$507,500		
P5	Columbus Street	long/dev	70%	\$277,000	\$193,900		
P6	Geary Street	long/dev	70%	\$791,000	\$553,700	\$553,700	
P7	Airport Road	long/dev	70%	\$485,000	\$339,500		
P8	Killdeer Street	long/dev	70%	\$174,000	\$121,800		
P9	Waverly Drive	long/dev	70%	\$88,000	\$61,600		
P10	Albany-Santiam Canal Pedestrian Esplanade	long/dev	70%	\$1,232,000	\$862,400		
P11	Thurston Street Canal Pedestrian Esplanade	long/dev	70%	\$1,863,000	\$1,304,100		
P12	Gibson Hill Road	short	70%	\$1,034,000	\$723,800	\$723,800	
S1	ADA Accessibility Audit	short	0%	\$25,000	\$0		
S2	Hwy 20 Corridor & Downtown Refinement Plan	short	100%	\$250,000	\$250,000	\$250,000	
S3	Safety Audit	short	0%	\$30,000	\$0		
S4	OR 99E Speed Study	short	0%	\$0	\$0		
S5	Downtown STA	short	0%	\$0	\$0		
S6	Albany TSP MPO Update	mid	32%	\$350,000	\$112,000	\$112,000	
S7	Major Corridors	long/dev	0%	\$0	\$0		
S8	Wayfinding	long/dev	0%	\$25,000	\$0		
S9	Interstate 5 / OR 99E / Knox Butte	long/dev	100%	\$100,000	\$100,000	\$100,000	
S10	Interstate 5 / US 20 (Santiam)	long/dev	100%	\$100,000	\$100,000	\$100,000	
T1	ADA Accessibility Projects	mid	70%	\$430,000	\$301,000	\$301,000	
TOTALS				\$266 M	\$154 M	\$13.5 M	\$20.5 M

DATED THIS 8TH DAY OF JUNE 2016.

ATTEST:

Mayor

City Clerk

RESOLUTION NO. _____

A RESOLUTION REVISING SEWER SYSTEM DEVELOPMENT CHARGES (SDC) FOR CONNECTION TO THE PUBLIC SANITARY SEWER SYSTEM, REAFFIRMING AN APPEAL FEE AND REPEALING RESOLUTION 6430 (A RESOLUTION REVISING SEWER SYSTEM DEVELOPMENT CHARGES (SDC) FOR CONNECTION TO THE PUBLIC SANITARY SEWER SYSTEM, REAFFIRMING AN APPEAL FEE AND REPEALING RESOLUTION 6336).

WHEREAS, through the previous adoption of ordinances establishing and amending Albany Municipal Code 15.16 regarding system development charges, the Council of the City of Albany has duly declared its intent to comply with Oregon SDC law provisions of ORS 223.207 through 223.208 and 223.297 through 223.314; and

WHEREAS, a methodology for the calculation of System Development Charges for the sanitary sewer systems has been developed as specifically described in Resolution 4292; and

WHEREAS, Section 15.16.050(5) of Ordinance 5306 allows for the annual adjustment of the herein established fees in accordance with the change in the *Engineering News-Record* (ENR) Construction Cost Index (Seattle); and

WHEREAS, the Albany City Council deems it desirable to increase the existing fees to reflect inflation relative to the increase in the ENR Index; and

WHEREAS, the Seattle *Engineering News-Record* (ENR) index used in Resolution 6430 was 10390, and the April 2016 Seattle ENR Index to be applied for purposes of this Resolution is 10582 (Index Ratio = 10582/10390 = 1.0185); and

WHEREAS, the sewer system development charge methodology (Resolution 4292) states that adjustments will only be made to the base system development charge and not to the 5-year average debt service credit; and

WHEREAS, the five-year average debt service credit is \$516 per equivalent dwelling unit.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that Resolution 6430 is hereby repealed as of the effective date of the revised fees; and

BE IT FURTHER RESOLVED that Sewer System Development Charges are hereby amended as described in Exhibit "A;" and

BE IT FURTHER RESOLVED that an appeal fee is hereby reaffirmed as described herein; and

BE IT FURTHER RESOLVED that the Sewer System Development Charges herein established become effective **July 1, 2016**.

DATED THIS 8TH DAY OF JUNE 2016.

ATTEST:

Mayor

City Clerk

EXHIBIT A

SANITARY SEWER SYSTEM DEVELOPMENT CHARGE

Residential and Commercial

The sanitary sewer system development charge reimbursement (SDC-R) and improvement (SDC-I) fees are based on an equivalent dwelling unit (EDU). An EDU is used to describe the wastewater from a customer with flow characteristics similar to a single-family dwelling (approximately 75 gallons per person per day and combined BOD and SS concentration of less than 451 mg/L). An apartment complex with 20 living units would be defined as 20 EDUs.

Commercial customers tend to vary significantly in terms of wastewater volumes. A plumbing fixture count is used to represent different wastewater volumes from commercial customers. Commercial customers also tend to vary significantly in terms of wastewater strengths. Certain commercial customers (e.g., restaurants and dry cleaners) contain pollutant loads that are above domestic strength (the average strength of residential customers). Customers with medium-strength or high-strength pollutant loads have larger capacity demands per EDU than residential and domestic-strength commercial customers. Consequently, the Mayor's Wastewater Task Force determined that a strength-based fee should be used for commercial customers to recognize these differences.

The combined BOD and TSS for the low-strength customer category are similar to the combined BOD and TSS for typical residential customers (up to 450 mg/L). Examples of commercial customers with low-strength waste include professional offices and general retail businesses. Approximately 680 or roughly 70 percent (70%) of the current commercial customers in Albany fall into the low-strength category. Twenty-two percent (22%) of Albany's current commercial customers fall into the medium-strength category (451 mg/L - 1,125 mg/L combined BOD and TSS) including mortuaries, car washes, restaurants, hospitals, and dry cleaners. The remaining eight percent of Albany's current commercial customers fall into the high-strength category (greater than 1,126 mg/L) including industrial launderers, breweries, confectioners, chemical or pharmaceutical companies, and grocery stores with garbage disposals. A list of typical customer types in each strength category is included in Appendix I.

The classification of a new commercial customer will be determined by using the Commercial Customer Classification List (Appendix I). If the commercial customer cannot be easily categorized, they will be asked to submit estimated wastewater flow and strength data with a description of the type of business activities to the Public Works Director. If multiple business types are tributary to a single pipe discharging to the wastewater collection system, the commercial customer classification for each tributary facility will be determined and the classification with the highest strength will become the commercial customer classification for the entire facility. The Public Works Director will make the final determination of customer classification for each new commercial customer.

To determine the SDC fee for residential and commercial customers, the fee per unit cost of capacity is multiplied by the average loading for the customer classification. The fee per unit cost of capacity and the average customer capacity requirements or loadings are shown in the following tables:

FEE PER UNIT OF CAPACITY				
Units	Dry Weather Flow Mgd	Wet Weather Flow mgd (a)	BOD lbs/day (b)	TSS lbs/day (b)
SDC-R Unit Costs	\$215,785 219,777	\$0 0	\$24 (\$24.56) 25	\$71 (\$72.21) 72
SDC-I Unit Costs	\$1,502,610 1,530,409	\$2,047,514 2,085,393	\$1,768 1,801	\$1,852 1,886
TOTAL Unit Costs	\$1,718,395 1,750,186	\$2,047,514 2,085,393	\$1,792 1,826	\$1,923 1,958

Numbers in parenthesis are calculated numbers and those in bold are the current fee rounded to the nearest dollar.

(a) Wet weather peak instantaneous flow expressed in million gallons per day

(b) Maximum month loading expressed in pounds per day

CUSTOMER CAPACITY REQUIREMENTS (LOADINGS)				
Customer Classification	Dry Weather Flow mgd (a)	Wet Weather Flow mgd (a)	BOD lbs/day	TSS Lbs/day
Residential (per EDU)	0.00042	0.00069	0.357	0.370
Commercial -- Low	0.00042	0.00069	0.357	0.370
Commercial -- Medium	0.00042	0.00069	0.909	0.698
Commercial -- High	0.00042	0.00069	2.063	1.237

(a) Per six fixtures

For residential and commercial development, the SDC fee is as follows:

Customer Class	SDC-R Per EDU	SDC-I per EDU			Total SDC/EDU	Cost per Additional Fixture over 6
		Base	Less Credit (a)	Net		
Residential	\$ 126 (\$128.52) 129	\$ 3,356 3,418	\$ 516	\$ 2,840 2,902	\$ 2,966 3,031	
Multiple Dwelling (b)	\$ 126 (\$128.52) 129	\$ 3,356 3,418	\$ 516	\$ 2,840 2,902	\$ 2,966 3,031	
Commercial - Low	\$ 126 (\$128.52) 129	\$ 3,356 3,418	\$ 516	\$ 2,840 2,902	\$ 2,966 3,031	\$ 494 505
Commercial - Medium (c)	\$ 162 (\$164.62) 165	\$ 4,940 5,031	\$ 779	\$ 4,161 4,252	\$ 4,323 4,417	\$ 721 736
Commercial - High	\$ 228 (\$232.50) 233	\$ 7,980 8,127	\$ 1,285	\$ 6,695 6,842	\$ 6,923 7,075	\$ 1,154 1,179

Numbers in parenthesis are calculated numbers and those in bold are the current fee rounded to the nearest dollar.

(a) See Appendix II for sample customer debt service credit calculation

(b) For multifamily residential development, the SDC is the current residential SDC per dwelling unit.

(c) For Recreational Vehicle (RV) Parks, the SDC is calculated based upon an assignment of three plumbing fixtures per pad or space.

Industrial

Industrial customers' use of the system is highly variable. Once connected to the wastewater system, each industrial customer is required to monitor and report its specific use of the system on a monthly basis. However, to determine the SDC fee for each industrial customer prior to collection of specific data, individualized flows and loads will be estimated and applied to the same unit cost of capacity as is used for the residential and commercial customers. The unit cost of capacities is shown in the following table:

FEE PER UNIT OF CAPACITY				
Units	Dry Weather Flow Mgd	Wet Weather Flow mgd (a)	BOD lbs/day (b)	TSS lbs/day (b)
SDC-R Unit Costs	\$215,785 219,777	\$0 0	\$24 (\$24.56) 25	\$71 (\$72.21) 72
SDC-I Unit Costs	\$1,502,610 1,530,409	\$2,047,514 2,085,393	\$1,768 1,801	\$1,852 1,886
TOTAL Unit Costs	\$1,718,395 1,750,186	\$2,047,514 2,085,393	\$1,792 1,826	\$1,923 1,958

Numbers in parenthesis are calculated numbers and those in bold are the current fee rounded to the nearest dollar.
 (a) Wet weather peak instantaneous flow expressed in million gallons per day
 (b) Maximum month loading expressed in pounds per day

For industrial development, the SDC fee is calculated by multiplying the individual customer's projected flows and loads by the unit costs of capacity shown above. The total SDC is the sum of the individual SDCs by parameter. The dry weather flow SDC for a sample industrial customer with a dry weather flow of 11,600 gallons per day would be calculated as follows:

SAMPLE INDUSTRIAL CUSTOMER DRY WEATHER FLOW CALCULATION			
	Unit costs (a)	Sample Customer Data	
SDC-R	\$219,777 per mgd	0.0116 mgd dry weather flow	\$2,549
SDC-I	\$1,530,409 per mgd	0.0116 mgd dry weather flow	\$17,753
Debt Credit (b)	\$62 per dry weather EDU	27.62 dry weather flow EDUs	(\$1,712)
Dry Weather Flow SDC for Sample Industrial Customer			\$18,590

(a) Unit costs are based on current ENR Index (Seattle)
 (b) See Appendix II for sample customer debt service credit calculation

Industrial customers are required to submit periodic compliance reports (AMC 10.01.190(9)) indicating the nature and concentration of pollutants in the discharge and the average and maximum daily flows for the reporting period. Within twelve months from connection or at a mutually agreed upon time when the industrial customer's wastewater discharge characteristics have stabilized, the SDC may be recalculated based on the actual pollutant loading and flow and an adjusted payment (or refund) may be required.

Each industrial user is required to notify the City of any planned significant changes to the industrial user's operations that might alter the nature, quality, or volume of its wastewater (AMC 10.01.190(16)). If at any time after the initial SDC fee is paid and process or production changes result in increased flows and loads above those used to calculate original sewer SDCs at the time of connection, the industry shall be responsible for payment of additional SDCs based on the unit costs of capacity in effect at the time of the increase. If, however, the process or production change results in decreased flows and loads, the industry will not be eligible for an SDC refund.

Millersburg

Millersburg customers are not charged individual SDCs as they connect. Historically, growth-related costs are recovered from Millersburg through equivalent connection charges established in the service agreement between the two communities. This intergovernmental sanitary sewer service agreement between Albany and Millersburg states that "Albany and Millersburg agree to share in future capital projects based on the degree of benefit each community receives and to enter into good faith negotiations as cost and level of service decisions are made."

Millersburg's SDC is based on unit costs for the Wastewater Treatment Plant's existing and future available capacity. Millersburg's unit costs are less than Albany's because the collection system costs are removed since Millersburg's wastewater is transported directly to the Albany treatment plant through their own collection system. Albany's unit costs include treatment and collection system costs. Millersburg's SDC fee is calculated by multiplying their projected flows and loads by the Millersburg unit costs of treatment capacity shown in the table below:

FEE PER UNIT OF CAPACITY				
Units	Dry Weather Flow Mgd	Wet Weather Flow mgd (a)	BOD lbs/day (b)	TSS lbs/day (b)
SDC-R Unit Costs	\$58,922 60,012	\$0 0	\$24 (\$24.56) 25	\$71 (\$72.21) 72
SDC-I Unit Costs	\$750,677 764,565	\$982,670 1,000,849	\$1,768 1,801	\$1,852 1,886
TOTAL Unit Costs	\$809,599 824,577	\$982,670 1,000,849	\$1,792 1,826	\$1,923 1,958
Numbers in parenthesis are calculated numbers and those in bold are the current fee rounded to the nearest dollar.				
(a) Wet weather peak instantaneous flow expressed in million gallons per day				
(b) Wet weather maximum month loading expressed in pounds per day				

The schedule and method of collecting the Millersburg SDC fee, including the timing in relationship to actual increases in demand, will be discussed with Millersburg through negotiations to update the service agreement.

SDC IMPROVEMENT FEE CREDIT

Pursuant to Albany Municipal Code Section 15.16.090 (2), a credit against the sewer SDC-I fee shall be given for the cost of a qualified public sewer improvement required as a condition of development approval and identified in the Wastewater Facility Plan (June 1998) as a project to be wholly or partially funded with sewer SDC-I fees. A list of SDC-I eligible collection system projects is attached to this resolution as Appendix III and will be adjusted using ENR Seattle Construction Cost Index in July of each year from the original index of 7020.

The SDC-I credit shall not exceed the ENR-adjusted dollar amount in the SDC-I Eligible Project List (Appendix III) associated with the qualified sewer improvement. If the credit exceeds the amount of sewer SDC-I fee to be paid by the development, then the excess credit may be applied against sewer improvement fees that accrue in subsequent phases of the original development project. In summary, credits are possible only for projects identified in the Sewer SDC-I Eligible Project List (Appendix III) and only to the extent that it is SDC-I funded.

On Site: To qualify for an on-site SDC-I credit, a required sewer improvement must be listed in the Sewer SDC-I Eligible Project List (Appendix III) and it must be located in whole or in part, on or contiguous to the property. The applicant shall have the burden of demonstrating that a particular qualified sewer improvement is eligible for an SDC-I credit.

The applicant shall submit project data including the constructed length and size of "on-site" pipe and the minimum pipe size necessary to serve the particular development. The applicant shall submit the actual

"on-site" project cost to the City for review. The City will compare the applicant's actual "on-site" cost per foot to the ENR-adjusted unit cost per foot found in Appendix III. The applicant's maximum eligible project cost will be calculated by multiplying the lesser unit cost per foot by the actual length of "on-site" pipe.

The City will calculate the cost to construct the minimum required "on-site" pipe to serve the development using the ENR-adjusted cost per foot found in Appendix III and the actual length of pipe constructed "on-site." The SDC-I credit will be based on the cost of constructing an oversized pipe that is greater than the minimum required to serve the development. The minimum required pipe size shall either be the minimum pipe size necessary for the particular development needs, or an eight-inch pipe, whichever is greater.

The difference between the eligible project cost and the estimated cost to construct the minimum necessary pipe will be the maximum SDC-I credit available for the development.

Off Site: To qualify for an off-site SDC-I credit, a required sewer improvement must be listed in the Sewer SDC-I Eligible Project List (Appendix III) and the required sewer improvement must not be located on, fronting, or adjacent to the property. The credit shall be the lower of the actual construction cost and the calculated oversizing cost using the ENR-adjusted cost per foot of the minimum pipe size (as defined above) for the project.

APPEAL FEE

Pursuant to Albany Municipal Code Section 15.16.100(5), an appeal fee of \$100 per appeal is hereby established. Appeal submittal by parties appealing their calculated fee (AMC Section 15.16.100(3)) shall conform to AMC Section 15.16.100 procedure.

APPENDIX I

CITY OF ALBANY COMMERCIAL CUSTOMER CLASSIFICATION COMBINED AVERAGE STRENGTH CATEGORIES & STANDARD INDUSTRIAL CLASSIFICATION

Waste Characteristic Allocation: The City of Albany does not have a monitoring program for all commercial customers and consequently does not have specific monitoring data on all of Albany's commercial customers. However, an extensive project was undertaken by the City of Portland Bureau of Environmental Services (BES) to determine wastewater characteristics by Standard Industry Classification (SIC) codes based upon monitoring data for Portland's customers and using data from other cities.

The City of Portland's wastewater characteristic study data is based on BOD and TSS information from commercial customers in Portland and 28 additional cities and the customer list is representative of the Albany commercial businesses. The City of Salem is also using the Portland BES data to classify their commercial customers. Albany will continue to refine this database as additional waste characterization data becomes known.

COMMERCIAL LOW-STRENGTH (UP TO 450 MG/L COMBINED BOD/TSS)

Offices and Services:

- Accounting, Auditing, and Bookkeeping Services (8721)
- Adjustment and Collection Services (7322)
- Amusement and Recreation Services NEC (7999)
- Banks and Credit Unions (6021, 6022, 6141)
- Barber and Beauty Shops (7241, 7231)
- Child Day Care Services (8351)
- Computer and Computer Software Stores (5734)
- Correctional Institutions (9223)
- Employment Agencies (7361)
- Engineering Services (8711)
- Gasoline Service Stations (5541)
- Individual and Family Social Services (8322)
- Insurance Agents, Brokers, and Service (6411)
- Investment Advice (6282)
- Legal Services (8111)
- Libraries (8231)
- Medical and Dental Offices and Clinics (including chiropractors, health practitioners, optometrists)
(8011, 8021, 8041, 8042, 8049)
- Motels (7011)
- Museums and Art Galleries (8412)
- Nursing Care Facilities (8051)
- Schools (Elementary and Secondary) and Educational Services (8211)
- Taxicabs (4121)
- Title Insurance (6361)
- Trucking - local with storage (4214)

General Retail Businesses:

- Apparel, Accessory, Jewelry and Shoe Stores (5699, 5641, 5651, 5944, 5661)
- Auto equipment/supplies, new/used - NEC (5599 - see printout)
- Beer, Ale, and Liquor Stores - wholesale and distribution (5181 and 5921)
- Boat Dealers (5551)
- Book Stores (5942)
- Coin-Operated Laundries (7215)
- Department Stores (5311)
- Floor Covering Stores (5713)
- Florists (5992)
- Groceries, wholesale and distribution (5141)
- Hobby, Toy, and Game Shops (5945)

Home Furnishings and Hardware Stores (5719, 5251)
Miscellaneous food stores - minimarts without kitchens (5499)
Musical Instrument Stores (5736)
Paint, Glass, and Wallpaper Stores (sales but no mixing) (5231)
Sporting Goods Stores and Bicycle Shops (5941)
Tobacco Stores and Standards (5993)
Used Merchandise Stores (5932)
Video Tape Rental (7841)

COMMERCIAL MEDIUM-STRENGTH (451 - 1,125 MG/L COMBINED BOD/TSS)

Automotive/Mechanical Repair and/or Wash:

Airports, Flying Fields, and Airport Terminal Services
Automotive Repair Shops NEC (7539-see printout)
Carwashes (7542)
Motor Vehicle Dealers - used cars (5521)

Specialty with medium-strength waste discharge:

Dry Cleaning Facilities (7216)
Restaurants, Eating Places, Bars, and Taverns (5812)
Funeral Services and Crematories (7261)
Hospitals (8060)
Junior Colleges and Technical Institutes (8222)
Meat and Fish Markets, Including Freezer Provisioners (5421)
Paints/Varnishes/Lacquers/Enamels mixing (2851)
Photofinishing Laboratories (7384)
Recreational Vehicle Parks (7033)
Trucking – local with storage (4212)

COMMERCIAL HIGH-STRENGTH (GREATER THAN 1,126 MG/L COMBINED BOD/TSS)

Automotive:

Exhaust System Repair (7533), Transmission Repair (7537), Tire Shop (7534), General Automotive Repair (7538-see printout), Automotive Services (7549), Armature Rewinding Shop (7694)
Motor Vehicle Dealers - new cars (5511)

Specialty with high-strength waste discharge:

Candy, Nut, and Confectionery Stores (5441)
Disinfecting and Pest Control Services (7342)
Fire Protection (9224)
Grocery Stores with garbage disposals (5412)
Industrial Launderers (7218)
Malt Beverage Brewery (2082)
Pharmaceutical Preparations (2834)
Retail Bakeries - with kitchen (5461)
Printing and Stamping on Fabric Articles - silk screening (2396)
Trucking - long distance, not local (4213)
Passenger car rental, no drivers for hire (7514)

APPENDIX II

SAMPLE CUSTOMER'S DEBT SERVICE CREDIT CALCULATION

This table shows how a sample non-residential customer's debt service credit would be calculated.

The first step is to determine the relative EDUs for sample customer by comparing the sample customer's loading relative to a residential customer's loading for each parameter.

Units	Dry Weather Flow Mgd	Wet Weather Flow mgd (a)	BOD lbs/day (b)	TSS lbs/day (b)
Customer's EDUs by specific parameter:				
Sample Customer's Capacity Requirement (a)	0.00042	0.00069	0.90900	0.69757
Residential Capacity Requirement	0.00042	0.00069	0.35700	0.37000
EDUs	1	1	2.55	1.89
(a) Insert the customer specific capacity requirements here.				

The next step is to distribute the total debt service credit per EDU (\$516/EDU) across the parameters using the same allocation factors used to distribute future improvement projects across the parameters.

Units	Dry Weather Flow Mgd	Wet Weather Flow mgd (a)	BOD lbs/day (b)	TSS lbs/day (b)	Total
Debt Service Credit by parameter:					
Debt Service Credit	\$516	\$516	\$516	\$516	
Improvement Allocation %	12.01%	46.22%	21.13%	20.64%	100%
Debt Service Credit per EDU	\$62	\$238	\$109	\$107	\$516

The last step is to apply the sample customer's EDUs by parameter to the debt service credit distributed by parameter to arrive at the sample customer's debt service credit by parameter. The sum of the distributed sample customer's debt service credit factors is the sample customer's debt service credit (in this example, \$779).

Units	Dry Weather Flow Mgd	Wet Weather Flow mgd (a)	BOD lbs/day (b)	TSS lbs/day (b)	Total
Customer's Debt Service Credit:					
EDUs by parameter	1	1	2.55	1.89	
Debt Service Credit by parameter	\$62	\$238	\$109	\$107	
Sample Customer's Debt Service Credit	\$62	\$238	\$278	\$201	\$779

APPENDIX III

SDC-I Eligible Collection & Treatment Projects

Pipe Extension Project	Location	Diameter (inches)	Approx Length (feet)	Cost per Foot	Total Project Cost (a)	8-inch Equivalent Cost (\$109/ft)	SDC-I Eligible Cost	
E1	Springhill Drive	Hickory Road to 700 feet N of Country Club Lane	15	7,100	\$205	\$1,450,000	\$770,000	\$680,000
E2	Ellingson Road	R/R tracks to Lochner Road	10	3,620	\$137	\$490,000	\$390,000	\$100,000
E3	Columbus Street	Columbus Street Lift Station to city limits	15	780	\$205	\$160,000	\$80,000	\$80,000
E4	Columbus Street	City limits to 7-Mile Lane	10	650	\$137	\$90,000	\$70,000	\$20,000
E5	Mennonite Home	Columbus Street to 54th Avenue	10	520	\$137	\$70,000	\$60,000	\$10,000
E6	Grand Prairie Road	Waverly Drive to Interstate-5	12	2,470	\$164	\$410,000	\$270,000	\$140,000
E7	21st Avenue	Shortridge Street to Rye Street	21	2,730	\$288	\$790,000	\$300,000	\$490,000
E8	21st Avenue	Rye Street to Three Lakes Road	18	780	\$245	\$190,000	\$80,000	\$110,000
E9	Lexington Street	21st Avenue to 25th Avenue	12	1,040	\$164	\$170,000	\$110,000	\$60,000
E10	Three Lakes Road	21st Avenue to 90 degree bend	18	2,470	\$245	\$610,000	\$270,000	\$340,000
E11	Three Lakes Road	90 degree bend to Grand Prairie Road	15	2,200	\$205	\$450,000	\$240,000	\$210,000
E12	Charlotte to Bernard	Charlotte Street to east end of Bernard Avenue	15	5,850	\$205	\$1,200,000	\$640,000	\$560,000
E13	Price to Scravel	Price Road to Scravel Hill Road	12	7,050	\$164	\$1,160,000	\$770,000	\$390,000
E14	Highway 20	650 feet E of Timber Street to Scravel Hill Road	12	5,630	\$164	\$920,000	\$610,000	\$310,000
						\$8,160,000	\$4,660,000	\$3,500,000

Pipe Replacement Project	Location	Total Project Cost (a)	Growth Allocation Percentage	SDC-I Eligible Cost	
R1	Riverfront Interceptor	Downstream of Baker Street to Geary Street	\$5,500,000	32%	\$1,760,000
R2	Riverfront Interceptor	Calapooia Street to downstream of Baker Street	\$1,100,000	32%	\$352,000
R3	Calapooia Interceptor	Upstream of Maple Street to 12th Avenue	\$1,600,000	42%	\$672,000
R4	Cox Creek Interceptor	Heathordale Mobile Village to Salem Avenue	\$1,900,000	71%	\$1,349,000
R5	28th Avenue	Downstream of Geary Street to Upstream of Jackson Street	\$500,000	5%	\$25,000
R6	47th Avenue	West of Columbus Street to Columbus Street	\$600,000	69%	\$414,000
R7	Knox Butte Road	1400 feet E of Clover Ridge Road to Century Drive Pump Station	\$1,100,000	79%	\$869,000
R8	Price Road	Santium Highway to Bain Street	\$1,900,000	80%	\$1,520,000
			\$14,200,000		\$6,961,000

Pump Stations (Upgrades & New)	Total Project Cost (a)	Growth Allocation Percentage	SDC-I Eligible Cost	
P1	Oak Creek	\$500,000	100%	\$500,000
P2	34th Avenue	\$900,000	14%	\$126,000
P3	Charlotte Street	\$100,000	59%	\$59,000
P4	Maple Street	\$800,000	100%	\$800,000
P5	Thornton Lake	\$200,000	100%	\$200,000
P6	Columbus Street	\$600,000	100%	\$600,000
P7	Springhill Drive	\$300,000	100%	\$300,000
		\$3,400,000		\$2,585,000

Treatment Plant Improvements (to 2020)	Project Cost	Total Project Cost (a)	Growth Allocation Percentage	SDC-I Eligible Cost
Headworks		\$8,800,000	33%	\$2,935,000
Influent Pumping	\$5,100,000		30%	
Screening	\$2,400,000		45%	
Grit Removal & Primary Influent Flow Split	\$1,300,000		25%	
Primary Clarifiers & Sludge Pumping	\$6,900,000	\$6,900,000	48%	\$3,312,000
Secondary Treatment		\$22,700,000	40%	\$9,169,000
Aeration Basins	\$3,600,000		44%	
Secondary Clarifiers & RAS/WAS	\$11,800,000		45%	
Chlorination	\$6,300,000		25%	
New outfall/diffuser & upgrade existing	\$1,000,000		70%	
Solids Handling		\$8,600,000	64%	\$5,520,000
DAF thickening	\$300,000		44%	
Anaerobic digestion	\$3,100,000		100%	
Biosolids Facility	\$5,200,000		44%	
Miscellaneous Plant Control & Electrical		\$2,100,000	46%	\$975,000
Plant water system	\$500,000		35%	
Septage receiving & storage	\$500,000		50%	
Shop/control room	\$600,000		50%	
Electrical and I&C	\$500,000		50%	
		\$49,100,000		\$21,911,000

Source: City of Albany Wastewater Facility Plan (1998 CH2M-Hill)

(a) Project costs include 25% contingency and 30% ELA and are rounded

RESOLUTION NO. _____

A RESOLUTION REVISING CONNECTION CHARGES FOR STREET CONNECTIONS TO IMPROVED CITY STREETS OF UNASSESSED PROPERTIES IN THE CITY OF ALBANY AND REPEALING RESOLUTION 6431 (A RESOLUTION REVISING CONNECTION CHARGES FOR STREET CONNECTIONS TO IMPROVED CITY STREETS OF UNASSESSED PROPERTIES IN THE CITY OF ALBANY AND REPEALING RESOLUTION 6337).

WHEREAS, Chapter 15.30 of the Albany Municipal Code sets forth requirements for connection charges for connections to improved streets of unassessed properties within the City of Albany; and

WHEREAS, connection charges are designed to recover the equivalent cost of constructing that portion of the street system that benefits the connecting property; and

WHEREAS, a local street shall be the basis for calculating the per front foot cost for all properties; and

WHEREAS, the per front foot dimension shall be calculated by measuring entire length of the property frontage that is adjacent to the improved streets regardless of the length of the street along that frontage; and

WHEREAS, it is important to annually adjust connection charges in order to keep pace with the changing cost of public improvement projects; and

WHEREAS, the Seattle *Engineering News-Record* (ENR) index used in Resolution 6431 was 10390, and the April 2016 Seattle ENR Index to be applied for purposes of this Resolution is 10582 (Index Ratio = 10582/10390 = 1.0185).

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that Resolution 6431 is hereby repealed as of the effective date of the revised charges; and

BE IT FURTHER RESOLVED that the following street connection charge rate is hereby established:

Street Connection Charge Rate: ~~\$92~~ (calculated fee \$94.15) **\$94** per front foot

BE IT FURTHER RESOLVED that in no case shall the total connection charge be for less than an equivalent of fifty (50) feet of frontage; and

BE IT FURTHER RESOLVED that it is the intent of the Albany City Council to annually adjust the connection charges outlined in this Resolution on the first day of July each calendar year in proportion to the change in the Seattle Construction Cost Index as published in the *Engineering News-Record* (ENR). The adjustment shall be made by calculating the percentage increase/decrease in the index from the last adjustment, and then applying that percentage to the previous year's connection charge; and

BE IT FURTHER RESOLVED that the effective date of these charges shall be **July 1, 2016**.

DATED THIS 8TH DAY OF JUNE 2016.

ATTEST:

Mayor

City Clerk

RESOLUTION NO. _____

A RESOLUTION REVISING CONNECTION CHARGES FOR SEWER CONNECTIONS OF UNASSESSED PROPERTIES IN THE CITY OF ALBANY AND REPEALING RESOLUTION 6432 (A RESOLUTION REVISING CONNECTION CHARGES FOR SEWER CONNECTIONS OF UNASSESSED PROPERTIES IN THE CITY OF ALBANY AND REPEALING RESOLUTION 6338).

WHEREAS, Chapter 15.30 of the Albany Municipal Code sets forth requirements for connection charges for sewer connections of unassessed properties within the City of Albany, excluding specific properties in the North Albany Sanitary Sewer Basin; and

WHEREAS, connection charges are designed to recover the equivalent cost of constructing that portion of the sewer system that benefits the connecting property; and

WHEREAS, the minimum size sanitary sewer (8-inch pipe) shall be the basis for calculating the per front foot cost for all properties; and

WHEREAS, the per front foot dimension shall be calculated by measuring entire length of the property frontage that is adjacent to the sanitary sewer regardless of the length of the sewer on that frontage; and

WHEREAS, it is important to annually adjust connection charges in order to keep pace with the changing cost of public improvement projects; and

WHEREAS, the Seattle *Engineering News-Record* (ENR) Index used in Resolution 6432 was 10390, and the April 2016 Seattle ENR Index to be applied for purposes of this Resolution is 10582 (Index Ratio = $10582/10390 = 1.0185$).

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that Resolution 6432 is hereby repealed as of the effective date of the revised charges; and

BE IT FURTHER RESOLVED that the following sanitary sewer connection charge rate is hereby established:

Sanitary Sewer Connection Charge Rate: \$56 (calculated fee \$56.78) \$57 per front foot

BE IT FURTHER RESOLVED that if a sanitary sewer service lateral is not serving the property in question, the City will install the first 4-inch diameter service to the property. Additional services and any service greater than 4 inches in diameter shall be installed at the cost of the property owner; and

BE IT FURTHER RESOLVED that in no case shall the total connection charge be for less than an equivalent of fifty (50) feet of frontage; and

BE IT FURTHER RESOLVED that it is the intent of the Albany City Council to annually adjust the connection charges outlined in this Resolution on the first day of July each calendar year in proportion to the change in the Seattle Construction Cost Index as published in the *Engineering News-Record* (ENR). The adjustment shall be made by calculating the percentage increase/decrease in the index from the last adjustment, and then applying that percentage to the previous year's connection charge; and

BE IT FURTHER RESOLVED that the effective date of these charges shall be **July 1, 2016**.

DATED THIS 8TH DAY OF JUNE 2016.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION REVISING CONNECTION CHARGES FOR WATER CONNECTIONS OF UNASSESSED PROPERTIES IN THE CITY OF ALBANY AND REPEALING RESOLUTION 6433 (A RESOLUTION REVISING CONNECTION CHARGES FOR WATER CONNECTIONS OF UNASSESSED PROPERTIES IN THE CITY OF ALBANY AND REPEALING RESOLUTION 6339).

WHEREAS, Chapter 15.30 of the Albany Municipal Code sets forth requirements for connection charges for water connections of unassessed properties within the City of Albany; and

WHEREAS, connection charges are designed to recover the equivalent cost of constructing that portion of the water system that benefits the connecting property; and

WHEREAS, the connection charge for water is generally dependent on the minimum size water line to serve the property according to land use zone and required based on a system-wide analysis of fire flow requirements by land use zone; and

WHEREAS, the minimum size water line for single-family residential land use zones (8-inch pipe) and for multi-family, commercial, and industrial land use zones (12-inch pipe) shall be the basis for calculating the per front foot cost for all properties; and

WHEREAS, water lines constructed by the North Albany County Service District were financed by property taxes levied by the District; and

WHEREAS, the per front foot dimension shall be calculated by measuring entire length of the property frontage that is adjacent to the water line regardless of the length of the water line along that frontage; and

WHEREAS, it is important to annually adjust connection charges in order to keep pace with the changing cost of public improvement projects; and

WHEREAS, the Seattle *Engineering News-Record* (ENR) Index used in Resolution 6433 was 10390, and the April 2016 Seattle ENR Index to be applied for purposes of this Resolution is 10582 (Index Ratio = $10582/10390 = 1.0185$).

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that Resolution 6433 is hereby repealed as of the effective date of the revised charges; and

BE IT FURTHER RESOLVED that the following water connection charge rate is hereby established:

Water Connection Charge Rate:

Single-family Residential - ~~\$31~~ (calculated fee \$31.84) **\$32** per front foot

Multi-family, Commercial or Industrial - ~~\$43~~ (calculated fee \$44.30) **\$44** per front foot

BE IT FURTHER RESOLVED that properties within the City of Albany connecting to water lines constructed by the North Albany County Service District shall be exempt from the water connection charge; and

BE IT FURTHER RESOLVED that if a water service is not serving the property in question, the City will install the first 1-inch diameter service to the property. Additional services and any services greater than 1-inch diameter shall be installed at the cost of the property owner; and

BE IT FURTHER RESOLVED that in no case shall the total connection charge be for less than an equivalent of fifty (50) feet of frontage; and

BE IT FURTHER RESOLVED that it is the intent of the Albany City Council to annually adjust the connection charges outlined in this Resolution on the first day of July each calendar year in proportion to the change in the *Seattle Construction Cost Index* as published in the *Engineering News-Record* (ENR). The adjustment shall be made by calculating the percentage increase/decrease in the index from the last adjustment, and then applying that percentage to the previous year's connection charge; and

BE IT FURTHER RESOLVED that the effective date of these charges shall be **July 1, 2016**.

DATED THIS 8TH DAY OF JUNE 2016.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION REVISING CONNECTION CHARGES FOR STORM CONNECTIONS OF UNASSESSED PROPERTIES IN THE CITY OF ALBANY AND REPEALING RESOLUTION 6434 (A RESOLUTION REVISING CONNECTION CHARGES FOR STORM CONNECTIONS OF UNASSESSED PROPERTIES IN THE CITY OF ALBANY AND REPEALING RESOLUTION 6340).

WHEREAS, Chapter 15.30 of the Albany Municipal Code sets forth requirements for connection charges for connections to the storm system of unassessed properties within the City of Albany; and

WHEREAS, connection charges are designed to recover the equivalent cost of constructing that portion of the storm system that benefits the connecting property; and

WHEREAS, a cost to provide drainage for an average lot in a fully improved subdivision shall be the basis for calculating the per front foot cost for all properties; and

WHEREAS, properties draining to a street that meets the standards for an improved street or connected to a storm drain pipe shall be considered served by storm drainage; and

WHEREAS, the per front foot dimension shall be calculated by measuring entire length of the property frontage that is adjacent to storm drain regardless of the length of the storm drain along that frontage; and

WHEREAS, it is important to annually adjust connection charges in order to keep pace with the changing cost of public improvement projects; and

WHEREAS, the Seattle *Engineering News-Record* (ENR) index used in Resolution 6434 was 10390, and the April 2016 Seattle ENR Index to be applied for purposes of this Resolution is 10582 (Index Ratio = 10582/10390 = 1.0185).

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that Resolution 6434 is hereby repealed as of the effective date of the revised charges; and

BE IT FURTHER RESOLVED that the following storm connection charge rates are hereby established:

Storm Connection Charge Rate: ~~\$50~~ (calculated fee \$51.22) **\$51** per front foot

BE IT FURTHER RESOLVED that in no case shall the total connection charge be for less than an equivalent of fifty (50) feet of frontage.

BE IT FURTHER RESOLVED that it is the intent of the Albany City Council to annually adjust the connection charges outlined in this Resolution on the first day of July each calendar year in proportion to the change in the Seattle Construction Cost Index as published in the *Engineering News-Record* (ENR). The adjustment shall be made by calculating the percentage increase/decrease in the index from the last adjustment, and then applying that percentage to the previous year's connection charge; and

BE IT FURTHER RESOLVED that the effective date of these charges shall be **July 1, 2016**.

DATED THIS 8TH DAY OF JUNE 2016.

ATTEST:

Mayor

City Clerk

RESOLUTION NO. _____

A RESOLUTION REPEALING IN-LIEU-OF ASSESSMENT CHARGES FOR THE NORTH ALBANY SANITARY SEWER BASIN AND REPEALING RESOLUTION 6435 (A RESOLUTION REVISING IN-LIEU-OF ASSESSMENT CHARGES FOR THE NORTH ALBANY SANITARY SEWER BASIN AND REPEALING RESOLUTION 6341).

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

WHEREAS, the in-lieu-of assessment components and their application are more clearly described in the North Albany Sanitary Sewer Local Improvement District Final Engineer's Report dated April 13, 1993; and

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

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

WHEREAS, the Albany City Council has determined that the City has been adequately reimbursed and the North Albany Sewer ILA charge authorized in Chapter 10.16 of the Albany Municipal Code is no longer necessary and Ordinance 5863 repealed Chapter 10.16; and

WHEREAS, these special in-lieu-of assessment charges are no longer valid, needed, or applied.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that Resolution 6435 is hereby repealed as of **July 1, 2016.**

DATED THIS 8TH DAY OF JUNE 2016.

ATTEST:

Mayor

City Clerk

RESOLUTION NO. _____

A RESOLUTION REVISING SPECIAL CONNECTION CHARGES FOR A PORTION OF THE COLUMBUS STREET SANITARY SEWER LIFT STATION PROJECT COSTS, WHICH ARE ALLOCATED TO UNASSESSED PROPERTIES WITHIN THE LIFT STATION SERVICE AREA AND REPEALING RESOLUTION 6436 (A RESOLUTION REVISING SPECIAL CONNECTION CHARGES FOR A PORTION OF THE COLUMBUS STREET SANITARY SEWER LIFT STATION PROJECT COSTS, WHICH ARE ALLOCATED TO UNASSESSED PROPERTIES WITHIN THE LIFT STATION SERVICE AREA AND REPEALING RESOLUTION 6342).

WHEREAS, Ordinance 5355 provided authorization by resolution for the formation of a special in-lieu-of assessment area and allocation of in-lieu-of assessment rates for the unassessed portion of project costs related to the construction of the Columbus Street sanitary sewer lift station; and

WHEREAS, Resolution 3917 established this special in-lieu-of assessment on March 11, 1998; and

WHEREAS, the Council of the City of Albany authorized expenditures from the Sewer Economic Development Budget (02-952) and from the Sewer System Capital Projects Budget (02-454) for oversizing participation to be paid to the Mennonite Home of Albany, Inc. for construction of the Columbus Street lift station; and

WHEREAS, the Columbus Street lift station is designed to provide service to approximately 316 acres of assessable land within the designated City of Albany Urban Growth Boundary, in addition to approximately 40 acres of the Mennonite Home property; and

WHEREAS, the lift station assessable area as shown in Exhibit "A" does not include the portions of several properties within the lift station service area that the City of Albany Comprehensive Plan designates as Open Space (OS); and

WHEREAS, Resolution 5038 established that this special in-lieu-of assessment charge is actually a connection charge (as specified in Ordinance 5565) instead of an assessment, that is designed to recover the equivalent cost of constructing public facilities that benefit the connecting property; and

WHEREAS, the Council desires to recover the expenditure of these oversizing costs through the implementation of a special connection charge to be levied on the unassessed properties within the lift station service area as shown on the map in Exhibit "A;" and

WHEREAS, the special connection charge rate for each property within the lift station service area shall be based on the ratio of the assessable area of each property to the total benefited area applied to the total non-assessed City contribution; and

WHEREAS, this special connection charge shall apply to unassessed properties within the lift station service area and is considered to be in addition to other sanitary sewer connection charges that may otherwise be levied; and

WHEREAS, the calculation of this special connection charge assumes that land designated as Open Space (OS) will not be developed and that the allowable density will not be transferred; and

WHEREAS, if a parcel with Open Space (OS) is allowed to transfer density, then this special connection charge will need to be recalculated by the City Engineer; and

WHEREAS, special connection charges are designed to recover the equivalent cost of constructing that portion of the sewer system that benefits the connecting property; and

WHEREAS, it is important to annually adjust special connection charges in order to keep pace with the changing cost of public improvement projects; and

WHEREAS, the *Seattle Engineering News-Record* (ENR) index used in Resolution 6436 was 10390, and the April 2016 Seattle ENR Index to be applied for purposes of this Resolution is 10582 (Index Ratio = 10582/10390 = 1.0185); and

WHEREAS, the fee has been calculated and rounded to the nearest dollar.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that Resolution 6436 is hereby repealed as of the effective date of the revised charges; and

BE IT FURTHER RESOLVED that the Columbus Street Lift Station Special Connection Charge Benefited Area as shown in the map in Exhibit "A" attached hereto, and the special connection charge rates for each property within the benefited area as listed in Exhibit "B" attached hereto, are hereby reaffirmed; and

BE IT FURTHER RESOLVED that this special connection charge shall apply to unassessed properties within the lift station service area and is considered to be in addition to other sanitary sewer connection charges that may otherwise be levied; and

BE IT FURTHER RESOLVED that special connection charge payments received under this Resolution shall be directed to the Sewer Economic Development Budget (601-50-2506) and the Sewer System Capital Projects Budget (610-50-2500) in order to compensate for the initial expenditure from that fund for the lift station oversizing costs in the following manner:

Sewer Economic Development (601-50-2506)	\$379,712	\$386,736
Sewer System Capital Projects Budget (601-50-2500)	<u>\$139,760</u>	<u>\$142,346</u>
Total Reimbursement	\$519,472	\$529,082

BE IT FURTHER RESOLVED that it is the intent of the Albany City Council to annually adjust the special connection charges outlined in this Resolution on the first day of July each calendar year in proportion to the change in the *Seattle Construction Cost Index* as published in the *Engineering News-Record* (ENR). The adjustment shall be made by calculating the percentage increase/decrease in the index from the last adjustment, and then applying that percentage to the previous year's connection charge; and

BE IT FURTHER RESOLVED that the effective date of these fees shall be **July 1, 2016**.

DATED THIS 8TH DAY OF JUNE 2016.

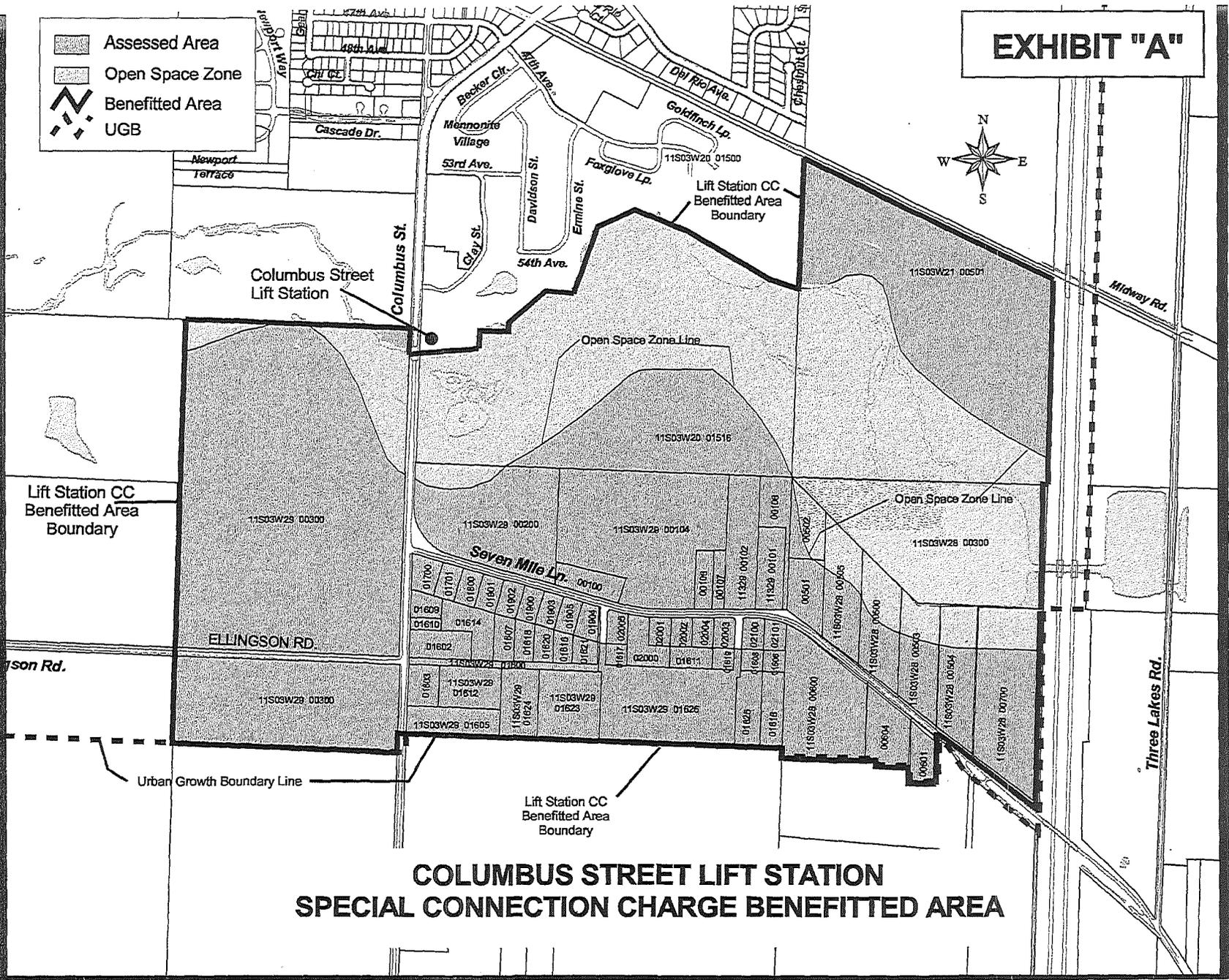
Mayor

ATTEST:

City Clerk

EXHIBIT "A"

-  Assessed Area
-  Open Space Zone
-  Benefitted Area
-  UGB



COLUMBUS STREET LIFT STATION SPECIAL CONNECTION CHARGE BENEFITTED AREA

EXHIBIT "B"

Columbus Street Lift Station: Special Connection Charge Allocation (Area Basis)

	July 2016			Assessed	Connection Charge
ENR =	10582	Tax Lot Number	Area Sq Ft	Area Acres	Apportionment
Total Project Cost (a)	\$644,036	11S03W21 00501	1815229.746	41.67	\$69,861.03
		11S03W20 01516	997225.457	22.89	\$38,379.27
Less Mennonite Home Contribution (a)	\$124,564	11S03W28 00500	124230.827	2.85	\$4,781.15
		11S03W28 00501	113713.589	2.61	\$4,376.39
Total City Participation (a)	\$519,472	11S03W28 00502	37171.585	0.85	\$1,430.59
		11S03W28 00503	146298.683	3.36	\$5,630.46
Benefitted Area, Acres	315.60	11S03W28 00504	180050.738	4.13	\$6,929.44
		11S03W28 00505	136071.310	3.12	\$5,236.85
Connection Charge \$ per Acre (a)	\$1,646	11S03W28 00600	449423.502	10.32	\$17,296.54
		11S03W28 00601	72620.631	1.67	\$2,794.88
Seattle ENR Index Ratio (April 2016)	1.0185	11S03W28 00604	139578.819	3.20	\$5,371.84
		11S03W28 00700	442946.410	10.17	\$17,047.26
Adjusted Connection Charge \$ per Acre	\$1,676	11S03W29 00100	82956.775	1.90	\$3,192.68
		11S03W29 00101	112908.855	2.59	\$4,345.42
		11S03W29 00102	210942.359	4.84	\$8,118.34
Check:		11S03W29 00104	941521.340	21.61	\$36,235.44
Total City Participation (a)	\$519,472	11S03W29 00106	51014.203	1.17	\$1,963.34
Seattle ENR Index Ratio (April 2016)	1.0185	11S03W29 00107	35840.923	0.82	\$1,379.38
Adjusted Total City Participation (b)	\$529,082	11S03W29 00108	97699.330	2.24	\$3,760.06
		11S03W29 00200	613591.787	14.09	\$23,614.73
Connection Charge Allocation (b)		11S03W29 00300	4282476.948	98.31	\$164,815.64
Sewer System Capital Projects (610-50-2500)	\$142,346	11S03W29 01600	66763.792	1.53	\$2,569.47
Sewer Economic Development (601-50-2506)	\$386,736	11S03W29 01602	87056.308	2.00	\$3,350.45
Adjusted Total City Participation	\$529,082	11S03W29 01603	64608.089	1.48	\$2,486.51
		11S03W29 01605	130413.640	2.99	\$5,019.11
		11S03W29 01606	23945.177	0.55	\$921.56
(a) Current Value		11S03W29 01607	46885.434	1.08	\$1,804.44
(b) Adjusted Value		11S03W29 01608	23761.415	0.55	\$914.48
		11S03W29 01609	37159.615	0.85	\$1,430.13
		11S03W29 01610	19129.101	0.44	\$736.20
		11S03W29 01611	46177.128	1.06	\$1,777.18
		11S03W29 01612	129169.574	2.97	\$4,971.23
		11S03W29 01614	100217.654	2.30	\$3,856.98
		11S03W29 01615	29946.897	0.69	\$1,152.54
		11S03W29 01616	84755.426	1.95	\$3,261.90
		11S03W29 01617	22250.243	0.51	\$856.32
		11S03W29 01618	39046.378	0.90	\$1,502.74
		11S03W29 01619	23119.279	0.53	\$889.77
		11S03W29 01620	34496.638	0.79	\$1,327.64
		11S03W29 01621	32277.363	0.74	\$1,242.23
		11S03W29 01623	217207.078	4.99	\$8,359.44
		11S03W29 01624	130346.897	2.99	\$5,016.54
		11S03W29 01625	96603.904	2.22	\$3,717.90
		11S03W29 01626	535633.790	12.30	\$20,614.43
		11S03W29 01700	47230.250	1.08	\$1,817.71
		11S03W29 01701	37469.972	0.86	\$1,442.07
		11S03W29 01800	37458.947	0.86	\$1,441.65
		11S03W29 01900	34944.218	0.80	\$1,344.87
		11S03W29 01901	37452.639	0.86	\$1,441.40
		11S03W29 01902	37446.331	0.86	\$1,441.16
		11S03W29 01903	34938.723	0.80	\$1,344.65
		11S03W29 01904	37803.144	0.87	\$1,454.89
		11S03W29 01905	34933.228	0.80	\$1,344.44
		11S03W29 02000	77295.617	1.77	\$2,974.80
		11S03W29 02001	30341.944	0.70	\$1,167.74
		11S03W29 02002	31038.806	0.71	\$1,194.56
		11S03W29 02003	32506.844	0.75	\$1,251.06
		11S03W29 02004	31819.496	0.73	\$1,224.61
		11S03W29 02005	33514.342	0.77	\$1,289.83
		11S03W29 02100	34311.683	0.79	\$1,320.52
		11S03W29 02101	32387.842	0.74	\$1,246.48
Totals			13747378.663	315.60	\$529,082

RESOLUTION NO. _____

A RESOLUTION REVISING THE IMPROVEMENT ASSURANCE CHARGES FOR THE NON-OVERSIZED PORTION OF FUTURE ARTERIAL AND COLLECTOR STREET IMPROVEMENTS FOR STREETS LOCATED WITHIN THE NORTH ALBANY AREA, AND REPEALING RESOLUTION 6437 (A RESOLUTION REVISING THE IMPROVEMENT ASSURANCE CHARGES FOR THE NON-OVERSIZED PORTION OF FUTURE ARTERIAL AND COLLECTOR STREET IMPROVEMENTS FOR STREETS LOCATED WITHIN THE NORTH ALBANY AREA, AND REPEALING RESOLUTION 6343).

WHEREAS, the City of Albany Land Development Code sets forth a methodology for ensuring that funds for future public improvements that are required as a condition of development are made available to the City by the developers of the property; and

WHEREAS, such funds are deposited into an account for future improvements; and

WHEREAS, on March 11, 1998, the City Council adopted Ordinance 5359 reauthorizing the establishment by City Council resolution of a per-foot cost for the future non-oversized portion of the improvements to collector and arterial roads in North Albany; and

WHEREAS, improvement assurance charges are designed to recover the equivalent cost of constructing one-half of a local street or the non-oversized portion of future collector and arterial roads in North Albany; and

WHEREAS, the per front foot dimension shall be calculated by measuring the length of the developing property adjacent to the street that will be improved; and

WHEREAS, it is important to annually adjust improvement assurance charges in order to keep pace with the changing cost of public improvement projects; and

WHEREAS, the Seattle *Engineering News-Record* (ENR) Index used in Resolution 6437 was 10390, and the April 2016 Seattle ENR Index to be applied for purposes of this Resolution is 10582 (Index Ratio = $10582/10390 = 1.0185$); and

WHEREAS, the calculated fee will be used to apply next year's annual adjustment, but the rounded fee (rounded to the nearest dollar) will be the established rate this year.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that Resolution 6437 is hereby repealed as of the effective date of the revised charges; and

BE IT FURTHER RESOLVED that the cost per front foot (each side) for the non-oversized portion of future arterial and collector street improvements in that portion of Albany located in Benton County, also known as North Albany, that may be accepted by the City as an improvement assurance, is reaffirmed and established at a rate of \$248 (calculated fee = \$258.50) **\$259** per front foot; and

BE IT FURTHER RESOLVED that it is the intent of the Albany City Council to annually adjust the improvement assurance outlined in this Resolution on the first day of July each calendar year in proportion to the change in the Seattle Construction Cost Index as published in the *Engineering News-Record* (ENR). The adjustment shall be made by calculating the percentage increase/decrease in the index from the last adjustment, and then applying that percentage to the previous year's improvement assurance charge; and

BE IT FURTHER RESOLVED that the effective date of these charges shall be **July 1, 2016**.

DATED THIS 8TH DAY OF JUNE 2016.

ATTEST:

Mayor

City Clerk

RESOLUTION NO. _____

A RESOLUTION REVISING POST-CONSTRUCTION STORMWATER QUALITY PROGRAM FEES AND REPEALING RESOLUTION 6358 (A RESOLUTION CALLING FOR THE ADOPTION OF POST-CONSTRUCTION STORMWATER QUALITY PERMIT FEES).

WHEREAS, Ordinance 5841 created a Post-Construction Stormwater Quality Program and provided authorization by resolution for the formation of Post-Construction Stormwater Quality permit fees; and

WHEREAS, the Post-Construction Stormwater Quality Program and permit fees became effective January 1, 2015; and

WHEREAS, it is important to annually adjust the construction-related program fees in order to keep pace with the changing cost of public improvement projects; and

WHEREAS, the Seattle *Engineering News-Record* (ENR) Construction Cost Index used in Resolution 6358 was 10162, and the April 2016 Seattle ENR Index to be applied for purposes of this Resolution is 10582 (Index Ratio = $10582/10162 = 1.0413$); and

WHEREAS, the calculated fee will be used to apply next year's annual adjustment, but the rounded fee (rounded to the nearest dollar) will be the established rate this year.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that Resolution 6358 is hereby repealed as of the effective date of the revised charges; and

BE IT FURTHER RESOLVED that the Post-Construction Stormwater Quality Program Permit Fees are hereby revised as described in Exhibit 'A'; and

BE IT FURTHER RESOLVED that the effective date of these fees shall be **July 1, 2016**.

DATED THIS 8TH DAY OF JUNE 2016.

Mayor

ATTEST:

City Clerk

EXHIBIT A

City of Albany Post-Construction Stormwater Quality Program Permit Fees

DRAWING REVIEW AND APPLICATION:

- a) A fixed fee of \$100*, plus
- b) 0.6% of the Engineer's construction cost estimate

* If a fixed fee has already been paid with an associated Site Improvement permit, an additional fixed fee is not required for the Post-Construction Stormwater Quality permit.

PERMIT TO CONSTRUCT FACILITIES:

- a) A fixed fee of \$100*, plus
- b) 4% of the project cost from \$0 to \$25,000, plus
- c) 3% of the project cost from \$25,000 to \$50,000, plus
- d) 2.5% of the project cost above \$50,000

*If a fixed fee has already been paid with an associated Site Improvement permit, an additional fixed fee is not required for the Post-Construction Stormwater Quality permit.

OTHER FEES:

- a) Off-site post-construction stormwater quality fee (post-construction stormwater quality facilities impractical or ineffective for proposed development) – \$45 (calculated fee \$46.86) \$47 per square foot of required post-construction stormwater quality facility. Director approval required per AMC 12.45.040.
- b) Transfer of Landscaping Responsibility to the City – Per AMC 12.45.110, the applicant can, when approved by the Public Works Director, transfer landscaping responsibilities to the City for public post-construction stormwater quality facilities. Whether or not the City accepts this responsibility is at the sole discretion of the Director. Costs associated with transferring landscaping responsibility are as follows:
 - i. First 1,000 square feet - \$15 (calculated fee \$15.62) \$16 per square foot of facility to be planted*
 - ii. Additional square feet - \$10 (calculated fee \$10.41) \$10 per square foot of facility to be planted*

*Street trees not included. Costs for transfer of street tree planting responsibility established under separate fee schedule. Transfers of responsibility for landscaping and/or street tree planting must be compatible.

- e) Third Party Review – When the City requires third party plan review or special inspections, those costs shall be the responsibility of the applicant and are in addition to all other fees identified herein.
- f) Permit Transfer – \$25
- g) Permit Extension – Approval of extensions are at the sole discretion of the Public Works Director per AMC 12.45.070. The first two extensions are free. Subsequent extensions are \$250 per extension.
- h) Work without permit – Permit fees shall be doubled.



TO: Albany City Council

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

FROM: Jeff Babbitt, Senior Accountant *JB*

DATE: May 31, 2016, for the June 8, 2016, City Council Meeting

SUBJECT: Capital Improvement Program (CIP) Public Hearing and Resolution

Action Requested:

Staff recommends Council consideration and adoption of the 2017-2021 Capital Improvement Program (CIP) by adopting the attached resolution.

Discussion:

This evening the City Council is holding a public hearing to consider the adoption of the 2017-2021 Capital Improvement Program (CIP). The City Council, Planning Commission, and Budget Committee held a joint work session on April 7, 2016, to review and comment on the draft 2017-2021 CIP document. Based on the comments received, changes were made and an updated document was circulated on May 19, 2016, to the City Council, Planning Commission, Budget Committee, and staff. In addition, the document was made available to the public at the Main Library and Carnegie Library, the Public Works counter, and on the City's website.

Upon deliberation after the Public Hearing, Council may make any necessary changes to the proposed plan and act upon the attached resolution for adoption of the 2017-2021 Capital Improvement Program. The CIP is typically adopted in advance of the City Budget and before the new fiscal year beginning on July 1.

Budget Impact:

If adopted, the first year's projects will be incorporated in the FY 2016-2017 City Budget.

JMB:ms
Attachment

RESOLUTION NO. _____

A RESOLUTION CALLING FOR THE ADOPTION OF THE 2017-2021 CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, the Capital Improvement Program of the City of Albany is a long-term planning document intended to allow for prioritization, financing, coordination, and timely technical design and construction of projects to better serve the citizens of Albany; and

WHEREAS, the Capital Improvement Program plays a vital role in the budget process; land use planning; facility plan implementation; and coordination with the state, county, and other local municipalities; and

WHEREAS, the projects listed in the 2017-2021 Capital Improvement Program have been prioritized; and

WHEREAS, the Albany City Council held a public hearing on June 8, 2016, on the proposed 2017-2021 Capital Improvement Program.

NOW, THEREFORE, BE IT RESOLVED the Albany City Council hereby approves and adopts the 2017-2021 Capital Improvement Program.

DATED AND EFFECTIVE THIS 8TH DAY OF JUNE 2016.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Stewart Taylor, Finance Director
Mary Dibble, City Clerk
DATE: May 19, 2016, for the June 8, 2016, City Council Meeting
SUBJECT: State Revenue Sharing

Action Requested:

By resolution, certify that the City is eligible to receive state revenue sharing and, by resolution, state that the City wants to receive state revenue sharing for the Fiscal Year (FY) 2016-2017.

Discussion:

A percentage of the net revenue from state shared revenues is authorized for distribution under the State Revenue Sharing Program, ORS 221.770. The funds are distributed on a formula that compares the City's consolidated property tax rate, per capita income, and population against the statewide averages. It also reflects the percentage of upward or downward trends in per capita tax distribution. The funds are paid quarterly.

In the FY 2016-2017 City of Albany Budget, the money is used to help fund the Transit System.

The law requires that cities provide two opportunities for the public to comment regarding the proposed use of the state revenue sharing monies. The first opportunity was held before the Budget Committee on May 10, 2016, as part of the review of the Proposed Budget. The second opportunity is tonight before the City Council.

The public was informed through the usual public notification process.

Budget Impact:

The Budget Committee approved State Revenue Sharing funds at \$592,800.

MD

A RESOLUTION DECLARING THE CITY'S ELIGIBILITY TO RECEIVE STATE REVENUES.

WHEREAS, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 to 471.810 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

- (1) Police protection
- (2) Fire protection
- (3) Street construction, maintenance and lighting
- (4) Sanitary sewer
- (5) Storm sewers
- (6) Planning, zoning, and subdivision control
- (7) One or more utility services

and;

WHEREAS, City officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

NOW, THEREFORE, BE IT RESOLVED that the City of Albany hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760: Police protection, Fire protection, Street construction, maintenance and lighting, Sanitary sewer, storm sewers, Planning, zoning, and subdivision control.

DATED AND EFFECTIVE THIS 8TH DAY OF JUNE 2016.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES.

Pursuant to ORS 221.770, the City of Albany hereby elects to receive State Revenues for the Fiscal Year 2016-2017.

DATED AND EFFECTIVE THIS 8TH DAY OF JUNE 2016.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

I certify that a public hearing before the Budget Committee was held on May 10, 2016, and a public hearing before the City Council was held on June 8, 2016, giving citizens an opportunity to comment on use of State Revenue Sharing.

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Stewart Taylor, Finance Director
DATE: June 2, 2016, for the June 8, 2016, City Council Meeting
SUBJECT: Resolution adopting the 2016-2017 Annual Budget

RELATES TO STRATEGIC PLAN THEME: ● Effective Government

RELATES TO: ● Effectively deliver the services that Albany's citizens need, want, and are willing to support

Action Requested:

Consider testimony received during the public hearing and, by resolution, adopt the 2016-2017 annual Budget, make appropriations, and declare and categorize taxes for Fiscal Year 2016-2017.

Discussion:

The Budget Committee of the City of Albany met on May 10, 17, and 19, 2016, to receive comment and consider the 2016-2017 Budget as proposed by the City Manager. The budget was approved on May 19, 2016, and forwarded to the City Council.

A financial summary of the approved budget and notice of budget hearing before the City Council were published in the *Democrat-Herald* on June 1, 2016, in accordance with Oregon Local Budget Law (ORS Chapter 294). The City Council may take action to adopt the budget once the public hearing has been held and testimony has been considered.

Budget Impact:

The resolution adopts the Fiscal Year 2016-2017 annual Budget of \$189,634,900.

ST
Attachment

RESOLUTION NO. _____

BE IT RESOLVED that the Albany City Council hereby adopts the approved 2016-17 budget in the total sum of \$189,634,900 now on file at the Albany City Hall.

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2016 , and for the purposes shown below are hereby appropriated as follows:

GENERAL FUND

Nondepartmental	
Materials & Services	\$ 310,200
Municipal Court	762,700
Public Safety Levy: Fire	1,174,000
Fire & Life Safety	839,300
Fire Emergency Services	12,315,400
Police	14,007,900
Public Safety Levy: Police	1,213,800
Planning	1,000,700
Library	2,705,200
Transfers Out	783,600
Contingency	1,514,900
Total GENERAL FUND	\$ 36,627,700

SPECIAL REVENUE FUNDS

PARKS & RECREATION

Sports Services	\$ 258,900
Children/Youth/Family Rec Services	359,600
Resource Dev. Marketing Services	393,100
Park Maintenance Services	2,101,000
Parks & Recreation Admin	1,298,000
Aquatic Services	831,100
Adult Recreation Services	596,800
Performance and Cultural Arts	655,600
Park SDC Projects	1,675,000
Senior Center Foundation	18,400
Parks Capital Improvement Program	113,500
Transfers Out	296,800
Contingency	200,000
Total PARKS & RECREATION	\$ 8,797,800

GRANTS

Personnel	\$ 193,600
Materials & Services	580,200
Capital	818,800
Total GRANTS	\$ 1,592,600

SPECIAL REVENUE FUNDS, continued

BUILDING	
Building Inspection	\$ 2,595,200
Electrical Permit Program	240,200
Total BUILDING	\$ 2,835,400
RISK MANAGEMENT	
Risk Management Reserve	\$ 1,201,200
PepsiCo Settlement Projects	2,709,300
Total RISK MANAGEMENT	\$ 3,910,500
ECONOMIC DEVELOPMENT	
Economic Development Activities	\$ 987,300
Albany Municipal Airport	310,600
Municipal Airport Capital Projects	264,000
Transfers Out	566,100
Total ECONOMIC DEVELOPMENT	\$ 2,128,000
PUBLIC TRANSIT	
Albany Transit System	\$ 1,192,700
Linn-Benton Loop	1,103,900
Paratransit System	582,000
Total PUBLIC TRANSIT	\$ 2,878,600
PUBLIC SAFETY LEVY	
Transfers Out	\$ 3,236,300
Total PUBLIC SAFETY LEVY	\$ 3,236,300
CAPITAL REPLACEMENT	
Equipment Replacement	\$ 5,520,100
City Facilities Replacement	121,600
GF Facilities Maintenance Projects	109,500
IT Equipment Replacement	1,810,000
Facilities Replacement	347,400
Total CAPITAL REPLACEMENT	\$ 7,908,600
STREETS	
Personnel	\$ 797,600
Materials & Services	2,469,600
Capital	5,514,500
Transfers Out	1,022,500
Contingency	148,700
Total STREETS	\$ 9,952,900

DEBT SERVICE FUNDS

DEBT SERVICE

2002 LTD Tax Pension Bonds	\$ 832,800
2004 Revenue Obligations	183,300
Total DEBT SERVICE	\$ 1,016,100

GO DEBT SERVICE

2015 Public Safety Facilities Bonds	1,009,000
Total GO DEBT SERVICE	\$ 1,009,000

CAPITAL PROJECT FUND

CAPITAL PROJECTS

LID Construction Projects	\$ 1,526,100
Public Safety Facilities	24,085,000
Transfers Out	33,300
Total CAPITAL PROJECTS	\$ 25,644,400

PERMANENT FUNDS

SENIOR CENTER ENDOWMENT

Materials & Services	\$ 200
Unappropriated	51,800
Total SENIOR CENTER ENDOWMENT	\$ 52,000

LIBRARY TRUST

V. O. Torney Trust	\$ 13,500
Manela Trust	70,500
Total LIBRARY TRUST	\$ 84,000

ENTERPRISE FUNDS

SEWER

Personnel	\$ 2,324,900
Materials & Services	6,921,800
Capital	17,907,900
Transfers Out	2,759,800
Debt Service	9,013,500
Contingency	975,000
Total SEWER	\$ 39,902,900

ENTERPRISE FUNDS, continued

WATER

Personnel	\$ 2,471,800
Materials & Services	6,580,400
Capital	11,365,300
Transfers Out	1,043,400
Debt Service	3,533,400
Contingency	961,000
Total WATER	\$ 25,955,300

STORMWATER

Personnel	\$ 338,000
Materials & Services	570,400
Capital	194,200
Contingency	54,300
Total STORMWATER	\$ 1,156,900

INTERNAL SERVICE FUNDS

CENTRAL SERVICES

Finance Department	\$ 1,503,800
Council & Nondepartmental	211,700
City Manager's Office	862,500
Information Technology Services	1,618,700
GIS Services	440,900
Permit Tracking	123,700
Human Resources	844,600
Facilities Maintenance	761,300
Total CENTRAL SERVICES	\$ 6,367,200

PUBLIC WORKS CENTRAL SERVICES

PW Administration	\$ 1,303,200
Engineering Services	2,964,500
Operations Admin	561,500
Water Quality Control Service	391,700
PW Customer Services	1,379,300
Facilities & Maintenance Engineering	1,978,500
Total PUBLIC WORKS CENTRAL SERVICES	\$ 8,578,700

BE IT FURTHER RESOLVED that the Albany City Council hereby imposes the taxes provided for in the adopted budget at a permanent rate of \$6.3984 per one thousand of assessed value, a local option rate of \$1.15 per one thousand of assessed value, bonded debt service in the amount of \$1,078,528, plus an adjustment for annexations, and that these taxes are hereby levied upon all taxable property within said districts as of 1 a.m., July 1, 2016.

The following allocations and categorizations, subject to the limits of SECTION IIIB, Article XI, of the Oregon Constitution, make the aggregate levy.

	Subject to the General Government Limitation	Excluded from the Limitation
Gross tax levy	\$6.3984 per \$1,000 of Assessed Value	
Public Safety Levy	\$1.15 per \$1,000 of Assessed Value	
Debt Service		\$ 1,078,528
Linn/Benton Sewer Certification		\$ 100,700

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Ed Hodney, Director of Parks & Recreation *EH*
DATE: June 1, 2016 for the June 8, 2016 City Council Meeting
SUBJECT: Adoption of Parks and Recreation Fees for FY 2016-2017
RELATES TO COUNCIL GOAL: ● An Effective Government

Action Requested:

The City Council is asked to adopt the attached Resolution, repealing Resolution 6440 and establishing Parks and Recreation fees and charges for FY 2016-2017.

Discussion:

The Parks and Recreation Department annually reviews the costs of delivering our services, as well as the revenues used to pay for them. Prices are adjusted as necessary to cover expenses and meet our financial objectives. The FY 2016-2017 budget incorporates these price changes into the anticipated revenues for next year.

For FY 2016-2017, adjustments have been made to fees in the Sports, Aquatics, Facility Rentals, and Children, Youth and Family programs.

Exhibit A shows the proposed fees for FY 2016-2017. These fees and charges will be set through June 30, 2017.

Budget Impact:

The proposed FY 2016-2017 budget for the Parks and Recreation Fund (202) anticipates the revenues from the proposed fees and charges.

EH

Attachments:

- Resolution
- Exhibit A, Schedule of Fees and Charges

RESOLUTION NO. _____

A RESOLUTION REPEALING RESOLUTION 6440(A RESOLUTION ESTABLISHING FEES AND CHARGES FOR PARK AND RECREATION SERVICES) AND REVISING FEES AND CHARGES FOR PARKS AND RECREATION SERVICES FOR FY 2016-2017.

WHEREAS, the City of Albany, Oregon, is dedicated to delivering the services that Albany's citizens need, want, and are willing to support; and

WHEREAS, the City of Albany, Oregon, has duly adopted Resolution 6440, establishing fees and charges for the Parks and Recreation Services for Fiscal Year 2015-2016; and

WHEREAS, the effective date of Resolution 6440 has expired;

NOW, THEREFORE BE IT RESOLVED by the Albany City Council that Resolution No. 6440 is hereby repealed; and

NOW, THEREFORE BE IT FURTHER RESOLVED the fees and charges listed as "Exhibit A," as attached be established for the Parks and Recreation Department programs and services, effective July 1, 2016.

DATED AND EFFECTIVE THIS 8th DAY OF JUNE, 2016.

Mayor

ATTEST:

City Clerk

EXHIBIT A

Albany Parks and Recreation Schedule of Fees and Charges FY 2016-2017

RECREATION PROGRAMS

NOTE: Recreation fees are intended to recover the following expenses: all direct costs as well as marketing costs associated with programs. These include (as appropriate): facility expenses, transportation, instruction, equipment, supplies and materials. Charges may vary according to location, instructor wages, and contracted services rates. All direct costs are divided proportionately among the participants.

SPORTS PROGRAMS

Team Fees	Per Game
Volley Ball	28.00
Basketball	60.00
Men's League Softball	55.00
Women's League Softball	55.00
Co-ed League Softball	62.00 <u>55.00</u>

NOTES: Fees include costs for staffing, officials, facilities, capital enhancement fees, marketing costs associated with programs, field maintenance and awards. Prices may be adjusted to reflect unanticipated increases in gym rental prices. Number of games offered may be affected by gym availability.

MAPLE LAWN PRESCHOOL

Session	Resident/Non-Resident	Unit
Garden class 3-day session	115.00/154.00 <u>124.00/162.00</u>	Monthly
3 day Garden class materials fee	50.00/50.00 <u>55.00</u>	One-time fee
Garden class 2-day session	90.00/ 117.00	Monthly
2 day Garden class materials fee	45.00/45.00 <u>50.00</u>	One-time fee
Ready, Set, Go! (Turn 5 in Sept/Oct/Nov)	150.00/200.00 <u>155.00/202.00</u>	4 day class / 2 ½ hrs
Ready, Set, Go! materials fee	60.00 <u>65.00</u>	One-time fee

ALBANY RESIDENT DISCOUNT

For most services, Albany residents receive a discount between 20% and 33%. Non-residents typically pay full price. However, frequent non-resident customers may elect to purchase a Frequent Customer Card (FCC), which covers any non-resident surcharges for one full year.

Individual FCC	40.00	Per year
Family FCC	80.00	Per year

EXHIBIT A

AQUATICS PROGRAM

COOL! SWANSON PARK ACTION CENTER

Admission	Daily	10-Visit	Season Pass
Adults/Senior	4.00/5.00 <u>4.25/5.25</u>	37.00/45.00 <u>38.25/47.25</u>	120.00/150.00 <u>127.50/157.50</u>
Youth (6-17 years)	3.50/4.50 <u>3.75-4.75</u>	31.50/40.50 <u>33.75/42.75</u>	105.00/135.00 <u>112.50/142.50</u>
Tot (Through 5 years)	2.50/3.00 <u>2.75/3.25</u>	22.50/27.00 <u>24.75/29.25</u>	75.00/95.00 <u>82.50/97.50</u>
Family (Up to 4 people)	-	-	250.00/300.00 <u>275.00/325.00</u>
Observers	2.00	-	-

COOL! POOL RENTALS

Pool/Deck	Hourly Resident/Non-Resident
1-50	160.00/185.00
51-100	195.00/220.00
101-150	230.00/255.00
151-200	265.00/290.00
201-250	300.00/ 325.00
251-300	335.00/ 360.00

For each additional 50 persons, add \$35.00

COOL! FACILITY RENTALS

Community Room Rental	35.00/40.00
Recreation Room Rental	Rate negotiable
Refundable Damage Deposit	100.00

Maximum 15 persons in Community Room

ALBANY COMMUNITY POOL (ACP)

General Admission	Individual	Annual Pass	20-Visit Cards
Youth	3.25 <u>3.50</u>	210.00 <u>225.00</u>	60.00 <u>65.00</u>
Adult	3.50 <u>3.75</u>	225.00 <u>240.00</u>	65.00 <u>72.00</u>
Senior (55+)	3.25 <u>3.50</u>	210.00 <u>225.00</u>	60.00 <u>65.00</u>
Family (<u>first 6 then \$2.00 each person</u>)	10.00 <u>12.00</u>	365.00 <u>400.00</u>	-
Parent/Child	4.00 <u>4.25</u>	-	<u>40.00 (10-visit card only)</u>
Sports	-	210.00 <u>225.00</u>	-
Combination	-	-	62.50 <u>68.50</u>

EXHIBIT A

ACP FACILITY RENTAL

Entire Pool (up to 40 persons)	110.00/hr
Half pool (up to 40 persons)	65.00/hr

FACILITY RENTALS

Picnic Shelters and Stages**	Weekday (M-TH)	Weekend/Holiday
	All Day	All Day
	Resident/Non-Resident/Non-Profit	Resident/Non-Resident/Non-Profit
Bowman	55.00/73.00/44.00	75.00/100.00/50.00
Bryant #1 or Bryant #2	65.00/86.00/52.00	80.00/106.00/64.00
Eleanor	40.00/55.00/32.00	55.00/75.00/44.00
Grand Prairie	65.00/86.00/52.00	100.00/133.00/80.00
Monteith Shelter	65.00/86.00/52.00	90.00/120.00/72.00
Monteith Stage/Shelter	125.00/166.00/96.00	265.00/352.00/212.00
Timber Linn #1 or #2	75.00/100.00/50.00	175.00/233.00/140.00
Timber Linn Amphitheater*	375.00/375.00	500.00/500.00
Non-Shelter Areas	Rates Negotiable	Rates Negotiable
Refundable Damage Deposit – \$25 \$50.00 Regular, \$100 Extraordinary		

* Or 15% of gross ticket sales, whichever is greater, not to exceed \$5,000

** \$25.00 vendor booth fee or 15% of gross sales, whichever is greater for merchandise sales.

Exclusive Event at Monteith Riverpark*	
	Daily rate
Standard	1700.00
Commercial	2500.00
Non-Profit/Partner	1200.00
Refundable deposit	500.00

* \$50.00 vendor booth fee

Sports Complex Rentals	Timber Linn	Bryant
Package A*	530.00	530.00
Package B*	630.00	630.00
Package C*	720.00	720.00
Refundable deposit		150.00
Day 2 & 3	Without Lights	With Lights
	270.00	370.00

*Packages are different levels of service

EXHIBIT A

SENIOR CENTER ROOM RENTALS

	Non-Profit Per-Hour	Private Per-Hour	Commercial Per Hour
1 Bay	20.00	30.00	35.00
2 Bays	25.00	35.00	45.00
3 Sections	35.00	50.00	60.00
Activity Room	25.00	40.00	50.00
Meeting Room	20.00	25.00	30.00
Kitchen	30.00	45.00	70.00
Entire Facility/ First 2 Hours	50.00 Per Hour	100.00 Per Hour	125.00 Per Hour
Entire Facility/ Third Hour +	50.00 Per Hour	90.00 Per Hour	110.00 Per Hour
Refundable Security Deposit	100.00 Per Event		
Refundable Alcohol Deposit	500.00 Per Event		
Janitorial Fee – Groups Over 100	100.00 Per Event		
Non-refundable application processing fee	10.00 Per Event		



TO: Albany City Council

VIA: Wes Hare, City Manager

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

DATE: June 1, 2016, for the June 8, 2016, City Council Meeting

SUBJECT: Santiam-Albany Canal Intergovernmental Agreements with the City of Lebanon

Action Requested:

Staff recommends Council adopt the attached Resolution, authorizing execution of two intergovernmental agreements (IGAs) with the City of Lebanon, for shared use of the Santiam-Albany Canal (Canal).

Discussion:

The attached Resolution and accompanying IGAs represent several years of negotiations between the Cities of Albany and Lebanon. Staff suggests that the IGAs meet the two communities' common goals of defining a fair and equitable cost-sharing arrangement for shared use of the Canal while also protecting community resources and neighboring properties.

Albany and Lebanon staff have built strong working relationships through the negotiation process. Execution of the IGAs will provide the framework necessary for the two communities to continue their partnership into the future and further common goals.

Budget Impact:

Execution of new IGAs with the City of Lebanon will result in additional revenue for the water utility, as defined in the agreements.

JB:rk
Attachment

RESOLUTION NO. _____

A RESOLUTION AUTHORIZATING EXECUTION OF TWO INTERGOVERNMENTAL AGREEMENTS WITH THE CITY OF LEBANON FOR SHARED USE OF THE SANTIAM-ALBANY CANAL.

WHEREAS, Albany purchased the Santiam-Albany Canal (Canal) from Pacific Power and Light in 1984; and

WHEREAS, subsequent to the 1984 purchase, Albany and Lebanon entered into an Intergovernmental Agreement for shared use of the Canal; and

WHEREAS, Lebanon is pursuing a new water intake on the South Santiam River and no longer intends to rely on the Canal for raw water delivery; and

WHEREAS, the two communities still have shared interests in the Canal and have negotiated two new intergovernmental agreements based on the current interests of each community; and

WHEREAS, the newly negotiated intergovernmental agreements call for adoption of the agreements by Resolution of each respective City Council.

NOW, THEREFORE, BE IT RESOLVED that the City of Albany City Council hereby authorizes the Mayor and City Manager to execute the attached intergovernmental agreements with the City of Lebanon, provided as Attachment 1 and Attachment 2, respectively.

DATED AND EFFECTIVE THIS 8TH DAY OF JUNE 2016.

Mayor

ATTEST:

City Clerk

ATTACHMENT 1

SANTIAM-ALBANY CANAL GENERAL AGREEMENT

THIS AGREEMENT is made and entered into on this ____ day of _____, 2016, by and between the CITY of ALBANY, a Municipal Corporation, hereinafter referred to as "Albany," and the CITY of LEBANON, a Municipal Corporation, hereinafter referred to as "Lebanon."

The purpose of this Agreement is to terminate and replace the Agreement titled "Intergovernmental Agreement for Operation of Albany-Santiam Canal," dated April 23, 1986, between Albany and Lebanon, including that Agreement referenced therein referred to as dated December 12, 1984.

RECITALS

WHEREAS, Albany and Lebanon are Municipal Corporations of the State of Oregon; and

WHEREAS, Albany owns the Santiam-Albany Canal (Canal), Diversion Dam, Intake (or Headworks) Facilities, Flow Control Facilities, and other appurtenances to the Canal; and

WHEREAS, Canal flows and the Canal itself must be maintained; and

WHEREAS, Albany and Lebanon have other areas of shared interest regarding the Canal that will require cooperation into the future; and

WHEREAS, Albany and Lebanon are units of local government, authorized under ORS 190.010 to enter into written intergovernmental agreements for the performance of specified activities; and

WHEREAS, both communities desire a fair and equitable cost-sharing arrangement for their respective rate payers.

NOW, THEREFORE, the Parties agree as follows:

1. **Background:**

1.1 The Canal as it presently exists was built in two phases:

1.1.1 The first section, known as the "Albany Canal," was built in 1872-73 and reached from the South Santiam River near Lebanon and stretched 12 miles in a generally northwestern direction to Albany.

1.1.2 In approximately 1891-92, a second intake from the South Santiam River was constructed with an accompanying six miles of Canal built to the south of the Albany Canal, referred to as the "Lebanon Canal."

1.2 The Canal was constructed to allow water gravity flow across the valley floor from the South Santiam River south of Lebanon to the Calapooia River in Albany. When built, the Canal intercepted and changed some of the natural drainage patterns/contours. Over time as development occurred, further changes in these natural drainage patterns occurred. The nature and location of the changes are not presently known and these changes are not the subject of this agreement.

1.3 In 1921 a flood destroyed the original intake to the Albany Canal. At that time, the upper reaches of the Albany Canal built in 1872-73 were abandoned and the diversion from the South Santiam River to the Lebanon Canal was used to deliver water through both Canal systems. In 1923, the two Canals came under single ownership.

- 1.4 Canal ownership has changed hands over the years. The City of Albany purchased the Canal and all of its appurtenances from Pacific Power and Light (PP&L) in 1984.
 - 1.5 In 1984 Albany also acquired from PP&L the Vine Street water treatment plant (WTP), Albany's power generation facilities, associated water rights, and Albany's water distribution system.
 - 1.6 In 1984, Lebanon purchased its WTP and distribution system along with the associated water rights.
 - 1.7 Subsequent to the 1984 purchases, Albany and Lebanon entered into an Intergovernmental Agreement for use of the Canal.
 - 1.8 At various times, bridges, utility, and other types of crossing over, under, or through the Canal were also constructed.
 - 1.9 Stormwater enters the Canal along its 18.3 miles.
2. **New Agreement:** This Agreement terminates, replaces, and resolves all claims related to the Agreement titled "Intergovernmental Agreement for Operation of Albany-Santiam Canal," dated April 23, 1986, between Albany and Lebanon, including that Agreement referenced therein referred to dated December 12, 1984, and all subsequent modifications to those agreements.

While this Agreement is in effect, its terms shall govern the parties' rights and responsibilities for discharges into the Canal. Following termination, nothing in this agreement shall be deemed to grant, recognize, or limit any claim or defense either party may wish to advance concerning their respective rights or liabilities for discharges subsequent to the termination of this Agreement.

3. **Lebanon's Uses of Canal:** Lebanon's current use of the Canal includes the matters listed below. Further terms concerning these uses are set forth in this Agreement.
- 3.1 **Raw Water Supply and Delivery:** Upon execution of this agreement, and except as authorized by an accompanying water delivery agreement, the Canal shall not be used for raw water supply and delivery except as may be provided for through a separate written Intergovernmental Agreement or contract.
 - 3.2 **Drainage:** The locations of known public drainage connections within Lebanon's urban growth boundary are identified in Exhibit A. Other unknown connections may exist.
 - 3.3 **Crossings:** The locations of known crossings within Lebanon's urban growth boundary are identified in Exhibit B attached hereto. Other unknown crossings may exist.

4. **Drain/Storm Water Management:**

- 4.1 The Parties agree that Lebanon shall pay Albany \$900,000 for stormwater removal and/or maintenance projects on the Canal. The Parties agree that, once improved, and as allowed by regulatory agencies, the Crown Zellerbach Gates and Mark's Slough weir can be used to help mitigate the impact of storm event flows to the Canal and reduce the risk of downstream Canal flooding by diverting flows to Mark's Slough.

4.1.1 Lebanon will pay Albany the following sums:

- 4.1.1.A \$500,000 July 15, 2016;
- 4.1.1.B \$250,000 January 15, 2018;

- 4.1.1.C \$75,000 January 15, 2019;
- 4.1.1.D \$75,000 January 15, 2020; and
- 4.1.1.E Albany will invoice Lebanon for payments required per this Agreement. Lebanon agrees to pay all amounts owed by the dates shown, unless otherwise agreed to in writing by both parties. Any late payment shall bear interest at three (3) percent per annum if not paid within 30 days of invoice. Interest shall accrue automatically with written notice from Albany. Unless otherwise requested by the City of Albany, payments shall be submitted to:

City of Albany Public Works Department
Attention: Jeff Babbitt
333 Broadalbin Street SW
PO Box 490
Albany, OR 97321-0144

- 4.1.2 Albany will use the monies paid by Lebanon for projects and activities intended to remove stormwater from, and maintain, the Canal including, but not limited to, the projects identified in 4.1 above.
 - 4.1.3 Lebanon will transfer to Albany by appropriate deed, title of the Crown Zellerbach (CZ) gates by January 1, 2017. The form of deed and legal description is attached as Exhibit C.
 - 4.1.4 Lebanon will convey to Albany permanent easements to allow Albany access to Marks Slough weir structure for construction, inspection, maintenance, and improvement activities by January 1, 2017. The form of easement and legal description is attached as Exhibit D.
- 4.2 Lebanon agrees to undertake the following projects:
- 4.2.1 Lebanon will rehabilitate or replace the two facilities that drain Cheadle Lake over and under the Canal. A capacity analysis will be completed to determine if additional capacity is required for replacement facilities. This work is estimated to cost \$100,000 and will be completed by January 1, 2018.
 - 4.2.2 Lebanon will reroute the inlet on Bromil Street away from the Canal and fill the abandoned drain line with non-shrink grout for a distance of approximately 10 feet from the current outlet to the Canal. This work does not have a significant cost and will be completed by January 1, 2018.
 - 4.2.3 As part of the Russell Drive street project identified in the Cheadle Lake Urban Renewal Plan, Lebanon will construct stormwater infrastructure necessary to redirect approximately 15 acres of property (portions of parcels 12S02W14DC00100 and 12S02W14DC02300) away from the Canal. This work is estimated to cost \$50,000 and will be completed by January 1, 2019.
- 4.3 Within five (5) years of the date of this Agreement, Lebanon will complete and follow a refinement plan to Lebanon's Stormwater Master Plan for the portions of Lebanon that drain to the Canal or have the potential to drain to the Canal through future development (Lebanon-Albany Canal Basin (L), the Cox Creek Basin and other known smaller areas of Lebanon public discharges to the Canal). The refinement plan will be completed in compliance with the requirements of Exhibit E.

- 4.3.1 “Master Plan” and “Refinement Plan” for purposes of this agreement are defined as municipal utility master planning documents developed based on industry standard methods and practices that contain the items identified in Exhibit E and establish a comprehensive long-term strategy for removing stormwater from, and preventing stormwater from entering, the Canal.
- 4.3.2 It is anticipated that the refinement plan effort can be completed for less than \$150,000 in consultant costs. If consultant proposals exceed this amount, the Parties will meet to identify funding/scope alternatives to bring the project within budget or identify additional funding sources.
- 4.4 Lebanon will not construct or authorize any new stormwater connections to the Canal without Albany’s written approval. As used in this subsection, new stormwater connection refers to a new manmade point of connection, or increase in capacity of an existing connection, between a stormwater collection facility or drainage way and the Canal, usually in the form of a pipe or ditch.
- 4.5 The Parties are each responsible for complying with any current and future legal or regulatory requirements placed on or resulting from drainage entering the Canal from their respective jurisdictions, including any identified and/or incremental costs required to assure compliance with regulatory standards directly resulting from discharges within their respective jurisdictions.
- 4.6 For developing and redeveloping properties that drain directly or indirectly to the Canal (meaning, any property where drainage ultimately discharges to the Canal) in a legal, Albany-approved pre-developed or existing condition, and have no other drainage options available, Lebanon will require the development to detain 100 percent of stormwater runoff through a 100-year event (10-, 25-, 50-, and 100-year) with a 10-year pre-development maximum release rate and provide permanent post-construction stormwater quality improvements that meet Oregon DEQ 401 Water Quality Certification requirements for all runoff. The requirement of this section shall only apply to development/re-development projects on property of 0.5 acres or more.
- 4.6.1 For redevelopment projects with existing impervious surfaces, the assumed run off coefficient for existing impervious areas, for detention calculations, shall be no greater than 0.4.
- 4.7 Albany agrees to continue/initiate discussions with Oregon Department of Transportation (ODOT) and the Linn County Road Department regarding removal of other unauthorized stormwater inflows to the Canal, as may be applicable.
- 4.8 Impact of this Agreement on Future Land Use Decisions: In making future land use decisions, Lebanon shall consider and be bound by the terms of this Agreement and the Refinement/Master Plan. Albany will be entitled to notice of all land use proposals wherein development/redevelopment is proposed in drainage basins that drain directly or indirectly to the Canal.
5. **Cheadle Lake:** Prior to June 1, 2017, Albany and Lebanon agree to develop and implement a Cheadle Lake Management Plan that is protective of the Canal berm and downstream properties. Neither party, by virtue of this agreement, assumes any additional liability related to Cheadle Lake.
6. **Access and Use:** As owner of the Canal and its appurtenances, access to the Canal and the extents of the Canal rights-of-way and easements is restricted to Albany staff and its agents, except as may be expressly allowed through this Agreement, separate written agreements, or

deeded rights. The Parties agree to comply with all state and federal environmental and safety laws and regulations when accessing and using the Canal. Notwithstanding the termination clause set forth in Section 11 below, the rights and responsibilities set forth in this Section 6 survive termination of the Agreement.

6.1 General Authorizations and Restrictions:

- 6.1.1 Lebanon shall not authorize any public or private uses of, or access to, the Canal rights-of-way or easements, or the Albany-owned assets within those boundaries, for any purpose. Lebanon shall refer such requests to Albany.
- 6.1.2 Lebanon must obtain written permission from Albany for any new infrastructure proposed within Canal rights-of-ways or easements (i.e., crossings where they do not currently exist).
- 6.1.3 Each party grants to the other the right to enter onto and across the property of the other as reasonably necessary for the construction, maintenance, and protection of their respective facilities and improvements. Nothing herein shall separately authorize the placement of any facilities, improvements, fixtures, appurtenances, or other property in, on, or across the Canal and/or property of the other.
- 6.1.4 Lebanon will convey to Albany permanent easements to allow Albany access to the Lebanon Flow Control Structure for construction, inspection, maintenance, and improvement activities by January 1, 2017. The form of easement and legal description is attached as Exhibit D.
- 6.1.5 Either Party exercising their rights hereunder to gain access over or across the property of the other shall take all reasonable steps to return the property to its original condition following the completion of the work for which access is required. Either Party causing damage to real or personal property of the other shall promptly restore and repair the damage at no cost to the other Party.

6.2 Maintenance/Construction – Lebanon’s Existing Infrastructure:

- 6.2.1 **When Permissions are Required.** Lebanon will seek and obtain permission from Albany prior to conducting work on existing infrastructure (i.e. bridge and utility crossings identified in Section 3.3) that impacts Canal flows, water quality, water diversions, the integrity of Canal infrastructure, access within Canal right-of-way and easements for more than 24 hours, or if the desired infrastructure repair/replacement is different in size, location, elevation, or cross-section from what exists. Lebanon understands that some maintenance/construction activities may require Federal Energy Regulatory Commission (FERC) review and approval.
- 6.2.2 **Emergencies.** In the case of emergency not covered by the terms of Section 8 below, Lebanon will attempt to notify appropriate Albany staff before proceeding to affect emergency repairs on Lebanon’s infrastructure, but in any event shall notify Albany within 24 hours of its emergency activity.

6.3 Indemnification: Each party shall indemnify and hold harmless from all claims, demands, regulatory sanctions, and damages, including costs of defense, arising from their use of, or access onto and across, the property of the other.

7. Communications of Hazardous Conditions: Lebanon agrees to communicate potentially hazardous conditions that may impact Canal operations or that may warrant a response. Examples of these types of conditions include, but are not limited to, animal carcasses, downed

trees, pollution or unidentified substances, obstructions, observable water losses or intrusions, and vandalism or other nuisance conditions in the Canal requiring remediation. Albany will communicate with Lebanon if they identify any potentially hazardous conditions that could impact Lebanon.

8. Emergency Preparedness and Response:

8.1 Albany agrees to maintain an Emergency Action Plan (EAP) for the Canal and its associated structures, and to implement the EAP as necessary to protect the health, safety, and welfare of Albany and Lebanon citizens and properties.

8.2 Lebanon agrees to assign qualified staff and to participate, as staff is available, in the development and updates to the EAP for the Canal, and to carry out the roles and responsibilities agreed to by Lebanon in the EAP.

8.3 Lebanon agrees to take all prudent measures to respond to spills, accidents, or other emergency situations in Lebanon that may impact the Canal and/or the health and safety of adjacent or downstream properties and residents, and to communicate with Albany as soon as the situation is identified.

9. Indemnification: Each Party agrees to indemnify and hold the other Party and its agents harmless from any governmental or third party claims or damages, including costs of defense and mitigation, resulting, or claimed to result, in any manner from the indemnifying Party's acts or omissions in violation of the terms of this Agreement.

10. Modification: All modifications to the Agreement must be approved in writing by both cities' governing bodies.

11. Term and Termination: The initial term of this Agreement is 15 years. Following the initial term, this Agreement may be terminated as follows:

11.1 Either Party gives written Notice to the other Party of its intent to terminate the Agreement at least two years in advance, in which case this Agreement will terminate automatically on the second annual anniversary of the written Notice.

11.2 In the event of the termination of this Agreement, except for the terms of Section 6 above, the rights and responsibilities of the parties will thereafter be determined without regard to the recitals, statements or terms of this Agreement. In such a circumstance, claims or defenses based upon time limitations, laches, or waiver shall be tolled as of the date of this Agreement until the date of termination.

12. Good Faith: With regard to their respective obligations and commitments under this Agreement, each party covenants that it shall act in good faith and deal fairly with the other party.

13. Dispute Resolution: It is the intent of the Parties to limit the issues available for dispute resolution. The issues raised must be related to interpretation of the express terms of this Agreement and the enforcement thereof and/or damages for breach. Disputes shall first be subject to mediation followed by binding arbitration. Either party may initiate the mediation/arbitration process by providing written notice to the other suggesting the persons proposed to mediate or arbitrate and the procedures and timelines therefore. Should the parties be unable to agree upon these matters, within 30 days of the written demand for mediation/arbitration set forth above, either party may apply to the presiding judge of Linn County for the selection of the mediator and/or arbitrator(s) and the presiding judges selection thereof shall be binding. In such event, the mediator or arbitrator(s) thus selected shall determine

the procedures and timelines to be employed and the Parties shall share equally in all dispute resolution costs.

- 14. **Compliance with Applicable Law:** The Parties shall comply with all federal, state, and local laws and ordinances applicable to the Agreement, including, without limitation, applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations.
- 15. **Severability:** The parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction or authorized regulatory agency to be illegal or in conflict with any law or applicable government regulation, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid or in conflict with regulations. In the event that the invalidation of the term or provision results in the Agreement thereby failing in its essential purpose, the parties may proceed pursuant to law subject to the dispute resolution procedures contained here.
- 16. **Construction of Contract:** This Agreement shall not be construed against either Party regardless of which Party drafted it. Other than as modified by this Agreement, the applicable rules of contract construction and evidence shall apply.
- 17. **Waiver:** No provision of this Agreement may be waived except in writing by the Party waiving compliance. No waiver of any provision of this agreement shall constitute waiver of any other provision, whether similar or not, nor shall any one waiver constitute a continuing waiver. Failure to enforce any provision of this Agreement shall not operate as a waiver of such provision or any other provision.
- 18. **Resolution:** Both Parties agree to adopt this Agreement by Resolution of its respective City Council.

FOR CITY OF LEBANON:

FOR CITY OF ALBANY:

Paul Aziz, Mayor

Sharon Konopa, Mayor

Gary B. Marks, City Manager

Wes Hare, City Manager

Approved as to Content:

Approved as to Content:

Ron Whitlatch, Engineering Services Director

Jeff Blaine, P.E., Public Works Engineering and
Community Development Director

Chris Bailey, Public Works Operations Director

Approved as to Form:

Approved as to Form:

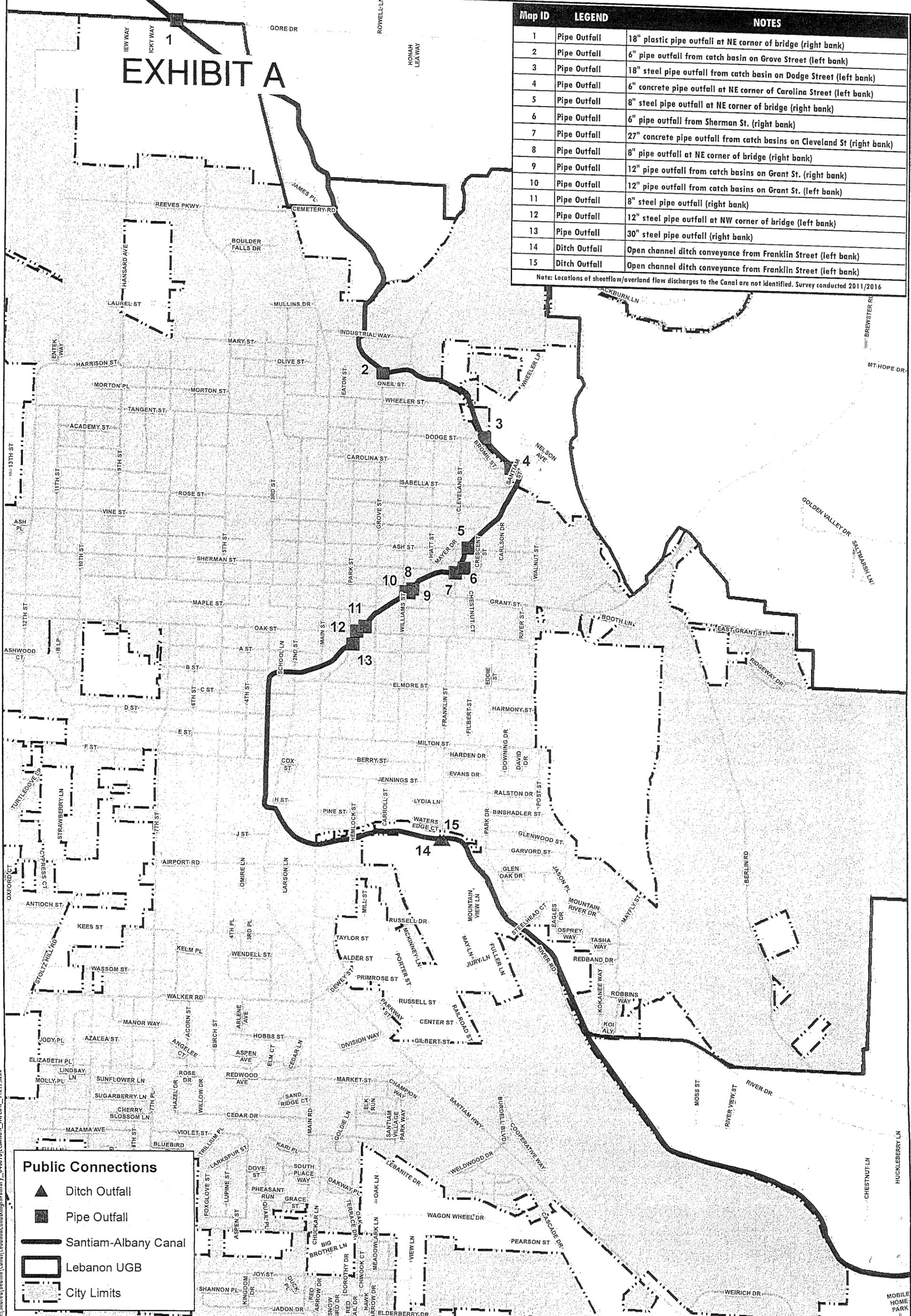
John Tre' Kennedy, City Attorney

James Delapoer, City Attorney

EXHIBIT A

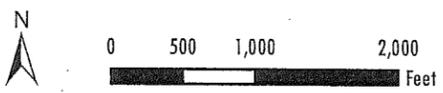
Map ID	LEGEND	NOTES
1	Pipe Outfall	18" plastic pipe outfall at NE corner of bridge (right bank)
2	Pipe Outfall	6" pipe outfall from catch basin on Grove Street (left bank)
3	Pipe Outfall	18" steel pipe outfall from catch basin on Dodge Street (left bank)
4	Pipe Outfall	6" concrete pipe outfall at NE corner of Carolina Street (left bank)
5	Pipe Outfall	8" steel pipe outfall at NE corner of bridge (right bank)
6	Pipe Outfall	6" pipe outfall from Sherman St. (right bank)
7	Pipe Outfall	27" concrete pipe outfall from catch basins on Cleveland St (right bank)
8	Pipe Outfall	8" pipe outfall at NE corner of bridge (right bank)
9	Pipe Outfall	12" pipe outfall from catch basins on Grant St. (right bank)
10	Pipe Outfall	12" pipe outfall from catch basins on Grant St. (left bank)
11	Pipe Outfall	8" steel pipe outfall (right bank)
12	Pipe Outfall	12" steel pipe outfall at NW corner of bridge (left bank)
13	Pipe Outfall	30" steel pipe outfall (right bank)
14	Ditch Outfall	Open channel ditch conveyance from Franklin Street (left bank)
15	Ditch Outfall	Open channel ditch conveyance from Franklin Street (left bank)

Note: Locations of sheetflow/overland flow discharges to the Canal are not identified. Survey conducted 2011/2016



Public Connections

- ▲ Ditch Outfall
- Pipe Outfall
- Santiam-Albany Canal
- - - Lebanon UGB
- City Limits



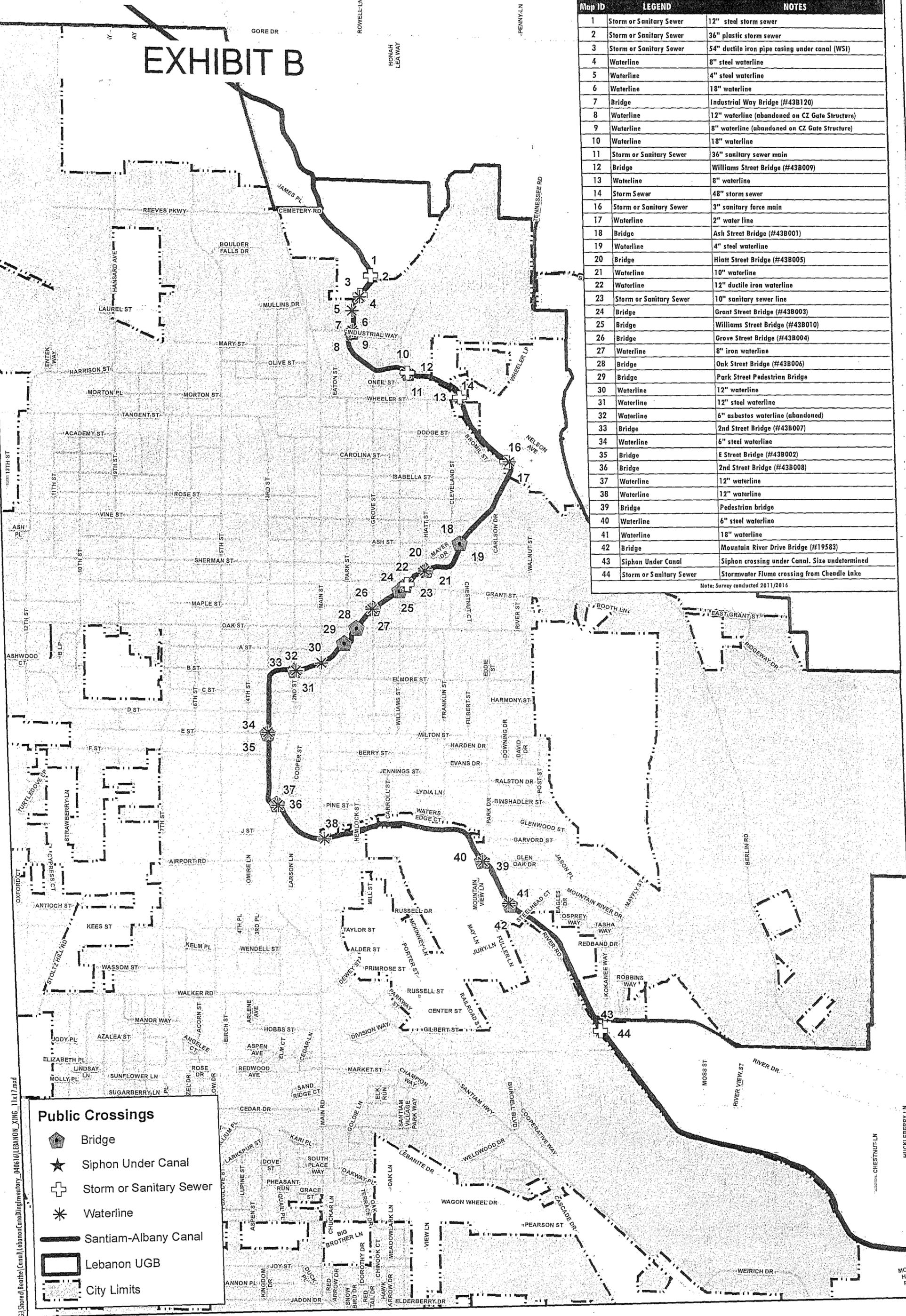
Date: 5/25/2016

City of Lebanon Drainage Connections to the Santiam-Albany Canal

EXHIBIT B

Map ID	LEGEND	NOTES
1	Storm or Sanitary Sewer	12" steel storm sewer
2	Storm or Sanitary Sewer	36" plastic storm sewer
3	Storm or Sanitary Sewer	54" ductile iron pipe casing under canal (WSI)
4	Waterline	8" steel waterline
5	Waterline	4" steel waterline
6	Waterline	18" waterline
7	Bridge	Industrial Way Bridge (#43B120)
8	Waterline	12" waterline (abandoned on CZ Gate Structure)
9	Waterline	8" waterline (abandoned on CZ Gate Structure)
10	Waterline	18" waterline
11	Storm or Sanitary Sewer	36" sanitary sewer main
12	Bridge	Williams Street Bridge (#43B009)
13	Waterline	8" waterline
14	Storm Sewer	48" storm sewer
16	Storm or Sanitary Sewer	3" sanitary force main
17	Waterline	2" water line
18	Bridge	Ash Street Bridge (#43B001)
19	Waterline	4" steel waterline
20	Bridge	Hiatt Street Bridge (#43B005)
21	Waterline	10" waterline
22	Waterline	12" ductile iron waterline
23	Storm or Sanitary Sewer	10" sanitary sewer line
24	Bridge	Grant Street Bridge (#43B003)
25	Bridge	Williams Street Bridge (#43B010)
26	Bridge	Grove Street Bridge (#43B004)
27	Waterline	8" iron waterline
28	Bridge	Oak Street Bridge (#43B006)
29	Bridge	Park Street Pedestrian Bridge
30	Waterline	12" waterline
31	Waterline	12" steel waterline
32	Waterline	6" asbestos waterline (abandoned)
33	Bridge	2nd Street Bridge (#43B007)
34	Waterline	6" steel waterline
35	Bridge	E Street Bridge (#43B002)
36	Bridge	2nd Street Bridge (#43B008)
37	Waterline	12" waterline
38	Waterline	12" waterline
39	Bridge	Pedestrian bridge
40	Waterline	6" steel waterline
41	Waterline	18" waterline
42	Bridge	Mountain River Drive Bridge (#19583)
43	Siphon Under Canal	Siphon crossing under Canal. Size undetermined
44	Storm or Sanitary Sewer	Stormwater Flume crossing from Cheadle Lake

Note: Survey conducted 2011/2016

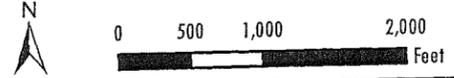


Public Crossings

- Bridge
- Siphon Under Canal
- Storm or Sanitary Sewer
- Waterline
- Santiam-Albany Canal
- Lebanon UGB
- City Limits

City of Lebanon Utility Crossings on the Santiam-Albany Canal

Santiam-Albany Canal General Agreement
Exhibit B



Date: 5/26/2016

EXHIBIT C

QUITCLAIM DEED

The **City of Lebanon**, a political subdivision of the State of Oregon, **Grantor**, releases and quitclaims to the **City of Albany**, a political subdivision of the State of Oregon, **Grantee**, all right, title and interest in and any associated easements over the following described real property together with any rights of access thereto for the purposes of operating, maintaining, repairing, and replacing the existing Albany-Lebanon Santiam Canal flow control gate structure commonly known as the Crown-Zellerbach (CZ) Gates and together with those fixtures including but not limited to the flow control dam, its electrical mechanical systems, and those abandoned water pipes located within said real property described as follows:

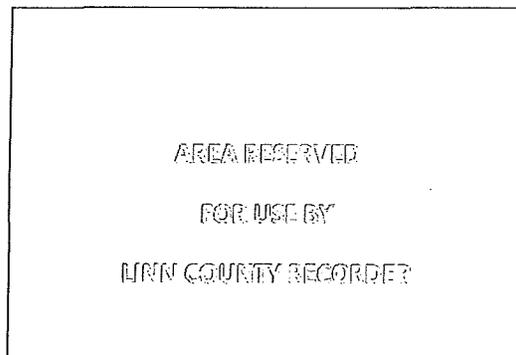
An area of land within the southwest 1/4 of Section 2, Township 12 South, Range 2 West, Willamette Meridian, in the City of Lebanon, Linn County, Oregon more particularly described as follows:

Beginning at a point on the south right of way line of Industrial Way in the City of Lebanon, Oregon, said point being the northwest corner of Parcel C of Linn County Survey 19190; thence, South 29°16'27" West along the east boundary of the Albany-Lebanon Santiam Canal 17.15 feet; thence, continuing along the east boundary of the Albany-Lebanon Santiam Canal South 22°48'16" West 16.78 feet; thence, South 44°28'05" West along the east boundary of said canal 54.17 feet; thence, North 46°29'26" West across said canal 67.48 feet; thence, North 56°08'21" East 45.73 feet to the south right of way line of Industrial Way in the City of Lebanon, Oregon; thence, South 87°26'21" East along said south right of way line of Industrial Way 63.86 feet to the point of beginning.

Also including a license for additional perimeter fencing outside the land described herein which is presently located within the Industrial Way right of way some of which is presently bolted on the street bridge over said canal.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The true consideration for this conveyance is \$1.00 .



Dated this _____ day of _____,
20_____.

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

The City of Albany, Oregon hereby accepts conveyance of
property interest contained herein from the City of Lebanon,
Oregon this _____ day of _____, 20

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

Gary B. Marks
City Manager

GRANTOR

By: _____
Title: _____

By: _____
Title: _____

On the ____ day of _____, 20_____,
personally appeared the within named _____
who acknowledged the foregoing instrument to be a
voluntary act and deed.

GRANTEES

On the ____ day of _____, 20_____,
personally appeared _____

BEFORE ME: _____
NOTARY PUBLIC FOR OREGON

Commission Expires: _____

for the City of Albany, a Municipal Corporation, and that the
seal affixed to the foregoing instrument was signed and
sealed in behalf of said corporation by authority of its City
Council, which accepted this deed on the ____ day of
_____, 20_____, and acknowledged said instrument
to be a voluntary act and deed.

BEFORE ME: _____
NOTARY PUBLIC FOR OREGON

Commission expires: _____

EXHIBIT D

EASEMENT FOR ACCESS AND MAINTENANCE

THIS AGREEMENT, made and entered into this ____ day of _____, 20__ by and between the CITY OF LEBANON, (Address: 925 Main Street, Lebanon, Oregon 97355), a Municipal corporation, herein called Grantor, and the CITY OF ALBANY (Address: 333 Broadalbin Street S.W., Albany, Oregon 97321), a Municipal corporation, herein called "Grantee".

WITNESSETH:

That for and in consideration of the total compensation to be paid by the Grantee, the Grantor does bargain, sell, convey and transfer unto the Grantee, a perpetual and permanent easement and right-of-way over, across, through and under the lands hereinafter described, including the right to enter upon the real property hereinafter described, to maintain, repair, and improve the Lebanon-Albany Santiam Canal and its appurtenances including Mark's Slough diversion structure and the related channel, together with the right to demo unused foundations and structures, construct necessary access, excavate and refill related ditches and/or trenches, stage materials and equipment for construction activities, and the further right to remove trees, bushes, under-growth and other obstructions interfering with the location and maintenance of the said facilities or access thereto.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted is described as follows:
SEE EXHIBITS "A" and "B" ATTACHED
2. The permanent easement described herein grants to the Grantee and to its successors, assigns, authorized agents or contractors, the perpetual right to enter upon said easement at any time that it may see fit for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$ 0 _____, the receipt of which is hereby acknowledged, and in further consideration of the public improvements to be placed upon said property and the benefits Grantor may obtain therefrom.
4. The Grantor does hereby covenant with the Grantee that Grantor is lawfully seized and possessed of the real property above described, has a good and lawful right to convey it or any part thereof, and will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the Grantee will make reasonable efforts to return the site to its original condition.
6. No permanent structure shall be constructed on this easement except as expressly allowed.

IN WITNESS WHEREOF, we have set our hands hereto this ____ day of _____, 20__.

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

By: _____
Paul Aziz, Mayor
Bob Elliott, Council President

By: _____
Linda Kaser, City Clerk/Recorder

GRANTOR(S)

On the ____ day of _____, 20____, personally appeared _____ and LINDA KASER, who each being duly sworn, did say that the former is the Mayor/Council President and the latter is the Recorder for the City of Lebanon, a Municipal Corporation, and that the seal affixed to the foregoing instrument was signed and sealed in behalf of said corporation by authority of its City Council, which accepted this easement on the ____ day of _____, 20__, and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME: _____
NOTARY PUBLIC FOR OREGON

Commission expires: _____

IN WITNESS WHEREOF, we have set our hands hereto this ____ day of _____, 20__.

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

By: _____
Sharon Konopa, Mayor

GRANTEES

On the ____ day of _____, 20____, personally appeared _____ the _____ within _____ named _____ who acknowledged the foregoing instrument to be a voluntary act and deed.

BEFORE ME: _____
NOTARY PUBLIC FOR OREGON

Commission Expires: _____

AREA RESERVED
FOR USE BY
LINN COUNTY RECORDER

EXHIBIT "A"

An area of land located along the north boundary of the Lebanon-Albany Santiam Canal between South 2nd Street and South Main Street in the Southeast quarter of Section 10, Township 12 South, Range 2 West, Willamette Meridian in the City of Lebanon, Linn County, Oregon more particularly described as follows:

Beginning at the north line of the right of way of the Lebanon-Albany Santiam Canal where the same crosses the east boundary of Block 4, William Ralston's Addition to Lebanon; thence, North 14 feet along the east boundary of said Block 4; thence, South 67°00'59" West 52.46 feet; thence, North 23°50'53" West 16.82 feet; thence, South 67°15'08" West 37.91 feet; thence, South 23°50'53" East 21.38 feet; thence, South 67°00'59" West 118.64 feet; thence, South 75°07'45" West 147.15 more or less to the west boundary of said Block 4; thence, East along the south boundary of said Block 4 a distance of 150 feet; thence, North 59°06'29" East 213.09 along the north line of the right of way of the Lebanon-Albany Santiam Canal feet more or less to the point of beginning.

Save and except any portion within the streets or canal rights of way.

EXHIBIT "B"

An area of land located along the east boundary of the Lebanon-Albany Santiam Canal north of Wheeler Street in the Northwest quarter of Section 11, Township 12 South, Range 2 West, Willamette Meridian in the City of Lebanon, Linn County, Oregon more particularly described as follows:

Beginning on the north line of the Wheeler Street right of way where the same crosses the east boundary of the Lebanon-Albany Santiam Canal, said point being South 89°55' West 1014 feet and North 0°05' West 30 feet from the southwest corner of the James M. Marks Donation Land Claim 44; thence, North 28°17'30" West 99.64 feet along the east boundary of the Lebanon-Albany Santiam Canal; thence, continuing along said east boundary North 37°47'30 West 91.81 feet; thence, continuing along said east boundary North 51°56'15" West 124.74 feet; thence, North 7°26'15" East 68.56 feet; thence, North 64°39'45" East 33.04 feet; thence, South 47°20'59" East 97.27 feet; thence, South 42.18 feet; thence, South 28°41'48" East 173.08 feet; thence, South 25°01'01" East 65.53 feet to the north line of the Wheeler Street right of way; thence, South 89°55'00" West 19.39 feet to the point of beginning.

Save and except any portion within the streets or canal rights of way.

EXHIBIT E

The refinement plan analysis will:

- Begin soon after execution of this Agreement. The Parties agree to develop a work plan, with identification of interim milestones, which will accomplish the identified tasks within the five-year window.
- Clearly and accurately delineate areas that directly and indirectly drain to the Canal. (Meaning, all areas for which their drainage ultimately discharges to the Canal. This will include areas that are not adjacent to the Canal but are within a drainage basin discharging to the Canal.)
- Define required long-term infrastructure improvements to redirect stormwater away from the Canal, if allowed or able to be permitted by regulatory agencies. (Pumped solutions will not be required.)
- Identify infrastructure in undeveloped areas to route stormwater away from the Canal with future development, as allowed or able to be permitted by regulatory agencies. (Pumped solutions will not be required.)
- Identify areas that have “no other drainage options available” (as used in Section 4.6) other than the Canal for the purposes of clearly defining development requirements in areas that potentially drain to the Canal. These areas will be identified in collaboration with the City of Albany.
- Quantify Canal inflows from each drainage area in Lebanon draining to the Canal at 10-, 25-, 50-, and 100-year rain events for existing conditions and buildout conditions (post-reroute).

As it relates to Canal drainage, Lebanon will include Albany in the refinement/master planning process, including but not limited to, providing an opportunity for Albany to review and comment on the methodology, data collection, and work efforts required for each of the items identified above.

ATTACHMENT 2

SANTIAM-ALBANY CANAL WATER DELIVERY AGREEMENT (AGREEMENT)

THIS AGREEMENT is made and entered into on this ____ day of _____ 2016 by and between the CITY of ALBANY, a Municipal Corporation, hereinafter referred to as "Albany," and the CITY of LEBANON, a Municipal Corporation, hereinafter referred to as "Lebanon."

RECITALS

WHEREAS, Albany and Lebanon are Municipal Corporations of the State of Oregon; and

WHEREAS, Albany and Lebanon have entered into a general Intergovernmental Agreement (IGA) regarding the Santiam-Albany Canal titled Santiam-Albany Canal General Agreement and dated _____, 2016; and

WHEREAS, Albany owns the Canal, Diversion Dam, Intake (or Headworks) Facilities, Flow Control Facilities, and all other appurtenances to the Canal; and

WHEREAS, Canal flows and the Canal itself must be maintained; and

WHEREAS, the Parties, through separate authorizations from the Oregon Water Resources Department, hold certificates and permits to divert and beneficially use water from the South Santiam River; and

WHEREAS, Lebanon will continue to rely on the diversion and delivery of South Santiam River water by way of the Canal for its raw source of municipal water supply until their new water treatment plant (located at 2500 River Road) with a dedicated South Santiam River intake is fully operational; and

WHEREAS, Lebanon intends to abandon the current water intakes at Cheadle Lake and the water treatment plant (WTP) located at 1155 South Second Street once the new WTP is commissioned to obtain its water supply directly from the South Santiam River without the aid of the Canal; and

WHEREAS, Albany and Lebanon are units of local government, authorized under ORS 190.010 to enter into written intergovernmental agreements for the performance of specified activities; and

WHEREAS, both communities desire a fair and equitable cost-sharing arrangement for their respective rate payers.

NOW, THEREFORE, the Parties agree as follows:

1. **Purpose:** The Parties have entered into an Intergovernmental Agreement (IGA) titled Santiam-Albany Canal General Agreement and dated _____, 2016. The IGA requires a separate written agreement or contract between the Parties for any raw water supply and delivery via the Santiam-Albany Canal. The purpose of this Agreement is to satisfy that requirement and allow use of the Canal for water delivery from the South Santiam River to Cheadle Lake and Lebanon's Water Treatment Plant.

2. **Water Supply and Delivery**

2.1 **Albany's Duties**

2.1.1 Under the terms of this agreement, the Canal will continue to deliver water from the South Santiam River to Lebanon's diversions to Cheadle Lake and Lebanon's Water Treatment Plant (WTP) located at 1155 South Second Street (also referred to as Canal WTP herein), in volumes not to exceed Lebanon's municipal water rights

of use on record with the Oregon Water Resources Department, not to exceed 37 cubic feet per second.

- 2.1.2 Albany owns or controls, and agrees to take all reasonable actions to operate and maintain in good and proper working condition the Diversion Dam on the South Santiam River, the Canal intake facilities, and the Canal, for the purposes of delivering water as described in 2.1.1.
- 2.1.3 Albany shall not be responsible or liable for the quality of the water delivered to Lebanon Canal WTP or any cost associated with treating water delivered.
- 2.1.4 Any water delivery from the South Santiam River through the Canal to others holding water rights of use from the Oregon Water Resources Department is between Albany and the user; not the City of Lebanon.
- 2.1.5 If Albany must temporarily interrupt or curtail water delivery for a non-emergency situation, Albany agrees to notify Lebanon a minimum of one week prior to altering flows to the Lebanon Canal WTP.
- 2.1.6 Albany agrees to notify Lebanon as soon as reasonably possible once an imminent or emergency need to curtail or interrupt water delivery from the South Santiam River to the Lebanon Canal WTP is identified.
- 2.1.7 Notwithstanding any other provision in this Agreement, Albany shall have the right to interrupt, terminate, or reduce water delivery to Lebanon's WTP as a result of acts beyond Albany's control such as floods, low stream flows, equipment or structural failures, or contamination.
- 2.1.8 Albany shall have the right to reduce water delivery to Lebanon's Water Treatment Plant as necessary to meet any curtailment or conservation measure imposed upon Albany by any other unit of government. In such circumstance, Albany shall provide Lebanon with any pre-curtailment notification received from regulators.

2.2 Lebanon's Duties

- 2.2.1 Lebanon is responsible for operating and maintaining the Lebanon WTP.
- 2.2.2 Lebanon agrees to share water withdrawal information with Albany as necessary to assist Albany in managing the Canal.
- 2.2.3 Lebanon is solely responsible to comply with requirements imposed by the Oregon Water Resources Department or any other regulatory agency.
- 2.2.4 Lebanon is responsible for all fees and charges for water supply and delivery as identified in Section 3.

3. Fees and Charges for Water Supply and Delivery: In addition to the items identified elsewhere in this Agreement where funding requirements and responsibilities are explicitly stated, this section identifies the fees and charges to be paid to Albany by Lebanon. These charges are in consideration of the provision of capital infrastructure and operations, maintenance and management services associated with water delivery to Lebanon from the South Santiam River to Cheadle Lake and the Lebanon WTP located at 1155 South Second Street

- 3.1 Lebanon shall pay to Albany \$77,000 for fiscal year 2015-2016 (July 1, 2015, through June 30, 2016).

- 3.2 Lebanon shall pay to Albany \$133,000 per fiscal year (July 1st through June 30th) beginning July 1, 2016.
- 3.3 Lebanon shall not be responsible for additional capital expenses related to raw water supply and delivery through the Canal by Albany.
- 3.4 The annual payment referenced in Section 3.2 shall be adjusted annually based on the year-to-year increase in the March CPI-W rate for the previous year.
- 3.5 Lebanon will submit quarterly payments to Albany for one-fourth of the annual payment. Albany will invoice Lebanon for regular quarterly payments. Unless otherwise requested by the City of Albany, payments shall be submitted to: City of Albany Public Works Department, Attention: Jeff Babbitt; 333 Broadalbin Street SW; PO Box 490; Albany, OR 97321-0144. Payments are due: July 15th, October 15th, January 15th, and April 15th.
- 3.6 Lebanon agrees to pay all quarterly amounts owed by the dates shown on the payment schedule above, unless otherwise agreed to in writing by both parties. Any late payment shall bear interest at three (3) percent per annum, 30 days from invoice. Interest shall automatically accrue with written notice from Albany.
4. **Abandonment of Canal WTP:** Upon termination of this agreement, or within 18 months of Lebanon's South Santiam River WTP coming fully online (providing potable water for consumption), whichever occurs first, Lebanon will abandon its Cheadle Lake and WTP diversions/intakes on the Canal, the discharge connections from any backwash water and settling ponds, and restore the Canal banks/berms in the area of the Canal WTP and along Cheadle Lake where equipment has been removed or abandoned.
5. **Sharing of Information:** The Parties agree to promptly share information received from regulatory bodies that may be reasonably expected to impact the other Party's water use from the Canal.
6. **Termination:** The rights and obligations set forth in this Agreement shall expire 120 days after written notice from Lebanon to Albany that it will discontinue water delivery from the South Santiam River through the Canal, or five years from the date of this Agreement, whichever occurs first. The Parties may renew or extend the term of this Agreement upon mutual written agreement.
7. **Good Faith:** With regard to their respective obligations and commitments under this Agreement, each party covenants that it shall act in good faith and deal fairly with the other party.
8. **Dispute Resolution:** It is the intent of the Parties to limit the issues available for dispute resolution. The issues raised must be related to interpretation of the express terms of this Agreement and the enforcement thereof and/or damages for breach. Disputes shall first be subject to mediation followed by binding arbitration. Either party may initiate the mediation/arbitration process by providing written notice to the other suggesting the persons proposed to mediate or arbitrate, and the procedures and timelines therefore. Should the parties be unable to agree upon these matters, within 30 days of the written demand for mediation/arbitration set forth above, either party may apply to the presiding judge of Linn County for the selection of the mediator and/or arbitrator(s) and the presiding judges selection thereof shall be binding. In such event, the mediator or arbitrator(s) thus selected shall determine the procedures and timelines to be employed and the Parties shall share equally in all dispute resolution costs.
9. **Indemnification:** Each Party agrees to indemnify and hold the other Party and its agents harmless from any governmental or third party claims or damages, including costs of defense and

mitigation, resulting, or claimed to result, in any manner from the indemnifying Party's acts or omissions in violation of the terms of this Agreement.

- 10. **Modification:** All modifications to the Agreement must be approved in writing by both parties' governing bodies.
- 11. **Compliance with Applicable Law:** The Parties shall comply with all federal, state, and local laws and ordinances applicable to the Agreement, including, without limitation, applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations.
- 12. **Severability:** The parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction or authorized regulatory agency to be illegal or in conflict with any law or applicable government regulation, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid or in conflict with regulation. In the event that the invalidation of the term or provision results in the Agreement thereby failing in its essential purpose, the parties may proceed pursuant to law subject to the dispute resolution procedures contained here.
- 13. **Construction of Contract:** This Agreement shall not be construed against either Party regardless of which Party drafted it. Other than as modified by this Agreement, the applicable rules of contract construction and evidence shall apply.
- 14. **Waiver:** No provision of this Agreement may be waived except in writing by the Party waiving compliance. No waiver of any provision of this agreement shall constitute waiver of any other provision, whether similar or not, nor shall any one waiver constitute a continuing waiver. Failure to enforce any provision of this Agreement shall not operate as a waiver of such provision or any other provision.
- 15. **Resolution:** This Agreement will be adopted by City Council Resolution of each Party.

FOR CITY OF LEBANON:

FOR CITY OF ALBANY:

Paul Aziz, Mayor

Sharon Konopa, Mayor

Gary B. Marks, City Manager

Wes Hare, City Manager

Approved as to Content:

Approved as to Content:

Ron Whitlatch, Engineering Services Director

Jeff Blaine, P.E., Public Works Engineering and
Community Development Director

Chris Bailey, Public Works Operations Director

Approved as to Form:

Approved as to Form:

John Tre' Kennedy, City Attorney

James Delapoer, City Attorney



TO: Albany City Council

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

FROM: Bob Richardson, Planning Manager *RAR*

DATE: June 1, 2016, for the June 8, 2016, City Council Meeting

SUBJECT: Annual Adjustment to Planning Division Fees

RELATES TO STRATEGIC PLAN THEME: ● Effective Government

Action Requested:

Staff recommends that the City Council adopt the attached Resolution reconfirming Planning Division fees and clarifying application/fee descriptions.

Discussion:

Council's practice has been to provide for annual inflationary adjustments based on the year-to-year increase in the April U.S. Bureau of Labor and Statistics Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). The last fee increase occurred in July 2014. The April 2016 CPI-W figure is essentially the same as the April 2014 figure, indicating that an inflationary adjustment is not warranted at this time.

While an adjustment to Planning Division fees based on the CPI-W is not warranted, staff recommends passing the attached Resolution reconfirming Planning Division fees and clarifying application/fee descriptions. Proposed text amendments are shown in Exhibit A of the attached Resolution; amendments are highlighted with a gray background and shown in bold font for new text, and strike-out font for deleted text. Modifications to the fee sheet are intended to make it easier to understand, and to be consistent with related terms and processes in the Albany Development Code.

Budget Impact:

Retaining the current Planning Division fees is not expected to have an appreciable impact on the City budget.

RAR:rk
Attachment

RESOLUTION NO. _____

A RESOLUTION REVISING FEES FOR DEVELOPMENT CODE PROVISIONS AND REPEALING RESOLUTION NO. 6345

WHEREAS, it is appropriate that the City recover at least a portion of the costs associated with processing land use applications; and

WHEREAS, in December 2000, the City Council passed Resolution No. 4367 establishing that Development Code fees are to be adjusted on July 1 of each year based on the April CPI-W national index; and

WHEREAS, fees related to Development Code provisions were last revised on June 25, 2014, and took effect on July 1, 2014, by Resolution No. 6345; and

WHEREAS, there has been no change in the U.S. Bureau of Labor Statistics April CPI-W national index from 2014 to 2016.

NOW, THEREFORE, BE IT RESOLVED that fees established for the Planning Division to administer the Development Code shall not be increased, as reflected on the attached "Exhibit A"; and

BE IT FURTHER RESOLVED that the Planning Division's fees and charges shown in "Exhibit A" will become effective for all applications received after June 30, 2016; and

BE IT FURTHER RESOLVED that the fees and charges shown in "Exhibit A" are not subject to the limits of Section 11b, Article XI, of the Oregon Constitution; and

BE IT FURTHER RESOLVED that Resolution No. 6345 is hereby repealed.

DATED AND EFFECTIVE THIS 8th DAY OF June, 2016.

Mayor

ATTEST:

City Clerk

EXHIBIT A
PLANNING DIVISION FEES TO ADMINISTER THE ALBANY DEVELOPMENT CODE (a)
 Effective July 1, 2014 to June 30, 2015- July 1, 2016

TYPE OF APPLICATION (a)(b)	CURRENT FEES	PROPOSED FEES (+0%)
Adjustment (Type I)	\$67	\$67
Annexations – (set by separate resolution)	Varies	Varies
Appeals		
Appeal to City Council (Type III)	\$808	\$808
Appeal to PC only (Type I-L that had a neighborhood meeting)	\$269	\$269
Appeal to Hearings Officer – Expedited Land Division	\$300 dep./max \$500 (c)	\$300 dep./max \$500 (c)
Comprehensive Plan Amendment (Type IV)		
Map Amendment – Without Concurrent Zoning Map Amendment	\$3,367	\$3,367
Map Amendment – Concurrent with Zoning Map Amendment	\$4,715	\$4,715
Text Amendment	\$3,771	\$3,771
Conditional Uses		
New Construction (Type III)	\$2,696 plus (d)	\$2,696 plus (d)
New Construction (Type II)	\$1,750 plus (d)	\$1,750 plus (d)
Existing Building – Expand or Modify (Type III)	\$1,750	\$1,750
Existing Building – Expand or Modify (Type II)	\$990	\$990
Existing Parking Lot – Expand or Modify (Type II & III)	\$990	\$990
Home Businesses requiring Conditional Use Approval	\$500	\$500
Additional fee if Design Standards apply (Type II & III)	\$295	\$295
Additional fee if Traffic Report required (Type II & III)	\$673	\$673
Development Code Amendment (Type IV)		
Text Amendment	\$3,750	\$3,750
Floodplain Development Permit		
New Construction (Type I)	-	(h)
Placing an RV over 180 days (Type I)	\$73	\$73
Fencing and freestanding walls (Type I)	\$73	\$73
Site Plan Review Improvement in the Floodplain (Type I)	\$73	\$73
Development in the Floodway (Type I-L)	\$147 plus (f)	\$147 plus (f)
Grading, Excavation, Fill, Paving, Mining, and Drilling (Type I-L)	\$221 plus (g)	\$221 plus (g)
Continuous Storage Operation (Type I-L)	\$147 plus (f)	\$147 plus (f)
Alteration of a watercourse (Type II)	\$736 plus (g)	\$736 plus (g)
Land Divisions and Manufactured Home Parks (Type III)	\$736 plus (f)	\$736 plus (f)
Historic Review		
Exterior Alteration; Designation of Landmark (Type I & Type I-L)	\$41	\$41
New Construction; Substitute Materials (Type I & Type I-L)	\$41	\$41
Demolition/Moving (Type III)	\$673	\$673
Interpretation of the Code		
Quasi-Judicial (Type II)	\$673	\$673
Legislative (Type IV)	\$1,345	\$1,345
Land Divisions		
<i>Partition (2 or 3 parcels)</i>		
Tentative Plat – (Type I-L, Expedited)	\$2,155	\$2,155
Tentative Plat – (Type III)	\$3,099	\$3,099
Final Plat – (Type I-L) [not applicable to replats]	\$544	\$544
<i>Subdivision (4 or more lots)</i>		
Tentative Plat – (Type I-L, Expedited)	\$2,426 + \$50 per lot	\$2,426 + \$50 per lot
Tentative Plat – (Type III)	\$3,367 + \$50 per lot	\$3,367 + \$50 per lot
Additional fee if Traffic Report required	\$673	\$673
Final Plat (Type I-L) [not applicable to replats]	\$678	\$678
Land Use Status Letter (Type I)	\$57	\$57
Manufactured Home Park (Type I-L)	\$2,426 + \$20 per space	\$2,426 + \$20 per space
Additional fee if in the Floodplain (Type III)	\$944	\$944
Additional fee if Traffic Report required	\$673	\$673
Natural Resource Impact Review		
Natural Resource Impact review (Concurrent with another development application)	\$147	\$147
Natural Resource Impact Review for Residential Development (Not concurrent with another development application)	\$73	\$73
Natural Resource Impact review for other development (Not concurrent with another development application)	\$147	\$147
Natural Resource Boundary corrections and refinements	\$73	\$73

Nonconforming Situations (Type II)		
New Construction	\$808 plus (d)	\$808 plus (d)
No New Construction	\$404	\$404
Planned Development – 2-Step Process		
Preliminary (Type I) (Type III)	\$3,771	\$3,771
Interim (Type III)		
Final (Type I)	\$673	\$673
Additional fee if Traffic Report required	\$673	\$673
Property Line Adjustment (Type I)	\$269	\$269
Replat (Type I-L – Only for moving or removing existing subdivision or partition property lines) ***	269 (i)	269 (i)
Request for Public Hearing of a Type II Application	\$250 (e)	\$250 (e)
Residential Accessory Buildings (Type I-L and Type CUII)	\$404	\$404
Revision to Application in Process	\$268	\$268
Additional fee if re-notification required	\$133	\$133
Revised Decision		
Staff Decision (Type I, II, or I-L)	\$404	\$404
PC or CC Decision (Type III or IV)	\$944	\$944
Site Plan Review		
New construction (Type I-L)	\$2,561 plus (d)	\$2,561 plus (d)
Modify existing development or development with minimal impact (Type I-L)	\$1,750	\$1,750
Change of use and/or minor development (Type I)	\$133	\$133
New parking areas or existing parking areas expansion (Type I-L)	\$990	\$990
Special Requests –Temporary Uses (Type I)	\$133	\$133
Tree Felling – 5 or more		
Concurrent with a development proposal (Type I-L)	\$404	\$404
Not concurrent with a development proposal (Type I-L)	\$1,077	\$1,077
Urban Growth Boundary Amendment	\$6,329	\$6,329
Vacation (Type IV)		
Public Street or Alley	\$2,155	\$2,155
Public Easements	\$1,886	\$1,886
Variance (Type II)		
First, or individual variance to a code section (Type II)	\$808	\$808
Each additional concurrent variance to a code section	\$539	\$539
Willamette Greenway (Type II)	\$1,212	\$1,212
Zoning Map Amendment (Type IV)	\$3,367	\$3,367
Additional Fees		
Additional fee if Traffic Report required	\$673	\$673
Additional fee if Design Standards apply	\$295	\$295
Additional fee if Mitigation is required	\$147	\$147
Additional fee if Hillside Development (Type III)	\$942	\$942

REFUND POLICY: In cases of withdrawal of an application, refund of fees may be applicable, less costs incurred, as determined by the Director. Generally, refunds of 80% will be made for a withdrawn application if made in writing prior to the City sending out the Notice of Filing or Notice of Public Hearing and preparation of the staff report has not begun. If the notice has been sent but the staff report is not being prepared, then 50% of the application fee will be refunded. Exception: Refund policy of an appeal of an expedited land division shall follow ORS 197.375 regulations.

- Notes:**
- Fees in the current fee column took effect on July 1, 2014. There is no change to fees shown in the proposed fee column because there was no change in the April CPI-W index between 2014 and 2016.
- ~~*** No Final Plat review fee for "replats" to move or remove existing subdivision or partition property lines-~~
- (a) No fee for land use applications initiated by City of Albany General Fund departments.
 - (b) Unless determined otherwise by the CD Director, the fee to modify or revise an approved project shall be the same as a new application.
 - (c) Per ORS 197.375(6)
 - (d) 0.15 percent of the development's construction value over \$150,000 (construction value excludes the cost of the land).
 - (e) Fee to be paid by the project applicant, not the person requesting the hearing; initial hearing fee set by ORS 227.175(10)(b);
 - (f) Fee is in addition to the relevant land use application; plus pass-through cost for third-party review.
 - (g) Plus pass-through cost for third-party review.
 - (h) 5% of building permit fee is applied to building permit when the project is within a flood hazard zone.
 - (i) No Final Plat review fee for "replats" to move or remove existing subdivision or partition property lines.

July 1, 2016



TO: Albany City Council
VIA: Wes Hare, City Manager, and Stewart Taylor, Finance Director
FROM: Mary Dibble, City Clerk
DATE: June 2, 2016, for the June 8, 2016, City Council Meeting
SUBJECT: Abstract of votes for the May 17, 2016, General Election
RELATES TO STRATEGIC PLAN THEME: ● Effective Government

Action Requested:

By resolution, adopt the Abstract of Votes from Linn and Benton Counties for the May 17, 2016, General Election.

Discussion:

ORS 254.545 (3) requires counties to provide the final election results within 20 days of an election, and ORS 254.565 (3) requires city elections officer to canvass the vote on each city measure within 30 days of the election. Depending on how the election date and Council meeting dates fall, this occasionally creates an administrative timing issue with preparation of the City Council agenda packet.

This is the case with the May 17, 2016, election. The votes provided in the attached resolution are estimates pulled from the Benton County and Linn County websites as of June 1, 2016. The official results are due from the counties on June 6, 2016. If the numbers change, an updated resolution will be provided at the June 8, 2016, City Council meeting, for Council adoption.

Budget Impact:

No budget impact.

MD

Attachment: Linn County and Benton County Abstract of Votes according to website

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE ABSTRACT OF VOTES REGARDING THE BALLOTS CAST IN THE ELECTION HELD TUESDAY, MAY 17, 2016, REGARDING MEASURE 22-141, RENEWAL OF THE AMBULANCE, FIRE, AND POLICE LOCAL OPTION TAX.

WHEREAS, the Abstract of Votes prepared by Steve Druckenmiller, the duly elected, qualified County Clerk of the County of Linn, State of Oregon; as to the ballots cast in the Linn County election, held Tuesday, May 17, 2016, regarding the local measure for the City of Albany has been certified; and

WHEREAS, the Abstract of Votes prepared by Jeff Doty, the duly appointed, qualified Manager of Recording and Elections of the County of Benton, State of Oregon; as to the ballots cast in the Benton County election, held Tuesday, May 17, 2016, regarding the local measure for the City of Albany has been certified.

NOW, THEREFORE, BE IT RESOLVED that the same are hereby accepted.

TOTAL CERTIFIED

22-141: Renewal of the Ambulance, Fire, and Police Local Option Tax.

	<u>Linn County</u>	<u>Benton County</u>	<u>Total Votes</u>	
Yes	7,349	1,811	9,160	Passed
No	3,364	967	4,331	

DATED AND EFFECTIVE THIS 8th OF JUNE 2016.

Mayor

ATTEST:

City Clerk

Unofficial Election Results

Linn County, June 1, 2016:

http://www.co.linn.or.us/elections/ElectionArchive/20160517_Results.htm

22-141 City of Albany Fire and Police

Local Option Tax

Vote for 1

Yes	7,349	64.13
No	3,364	29.36
Under Votes	743	6.48
Over Votes	3	0.03
Total	11,459	

Benton County, June 1, 2016:

<https://www.co.benton.or.us/elections/page/may-17-2016-primary-election-results-and-turnout>

22-141 City of Albany

(VOTE FOR) 1

Yes	1,811	65.19
No.	967	34.81
Over Votes	0	
Under Votes	248	8.20

CITY OF ALBANY
 CITY COUNCIL
 Council Chambers
 Wednesday, March 23, 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.

PROCLAMATION

Child Abuse Prevention and Awareness Month.

Konopa read the proclamation in the agenda packet. She commended the Albany Downtown Association (ADA) for participating in a diaper drive for disadvantaged children.

SCHEDULED BUSINESS

Business from the Public

Greg Hansen, representing GQG Consulting, 2532 Santiam Hwy, Albany, passed out and read portions of a document titled "Data-Based Democracy" (see agenda file). He said he is impressed with the openness and transparency with which the City of Albany conducts business. He described "data-based democracy," and asked if the City Council would be open to serving as the first community in the United States and worldwide to use its processes.

Doris Johnston, 2780 19th Avenue NW, Albany, invited the Council to attend the ABC House Celebration of Hope on April 7, 2016, at 5:30 p.m. at the fairgrounds.

First Reading of Ordinance

Amending Albany Municipal Code Chapters 12.01.010, Intent and purpose, and 12.01.040, Definitions, and creating Chapter 12.30, Stormwater utility.

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

MOTION: Councilor Ray Kopczynski moved that the Ordinance be read a second time. Councilor Bessie Johnson seconded the motion, which passed 5-1, with Councilor Rich Kellum voting no. The Ordinance will come back to the April 13, 2016, Regular Session for a second reading.

Councilor Floyd Collins asked for an update on the remand from the Ninth Circuit Court to the Environmental Protection Agency (EPA), and for a redefinition of the Department of Environmental Quality's (DEQ) permit development process.

Utility Services Manager Mark Yeager said the DEQ is in the process of developing a new general permit for Phase 2 communities. Yeager serves on the advisory committee that has met for the last couple of years. DEQ says that on May 2, 2016, they will release the latest draft of the permit. On May 10, 2016, the committee will meet to discuss the new draft. Collins asked if the meeting will be a public meeting. Yeager said yes. The meetings are usually held in Portland or Eugene.

Yeager said about the remand that the United States Environmental Protection Agency (EPA) is in the process of changing the Phase 2 rules. The initial rules were adopted in 1999. Several communities in Oregon have received Phase 2 permits since 2006 or 2007. An environmental group sued the EPA, alleging that the permit process did not provide adequate public notice or opportunity for public input, and that they didn't adequately review communities' best management practices. The Ninth Circuit Court required EPA to do rule making to fix

the problems. Those rules were published in January and the comment period closed on March 21, 2016. The EPA will issue the new rules by November 2016. The EPA's response to the court ruling is broader than the three issues in the lawsuit, so many stormwater agencies and interested parties are commenting on the new rule.

Collins said that with new DEQ rules due to be adopted soon, and new federal rules in November, we might go through the permitting process and then face new rules in the fall. Yeager agreed that that is possible. Yeager said the DEQ is not doing a rulemaking, just developing a permit under existing rules. They expect to release the new permit in September or October.

Collins said it is all uncertain. Councilor Dick Olsen asked, do we need a stormwater ordinance, or not? Collins said he thinks there are two separate issues: the ordinance sets the framework and the permit implements the DEQ and EPA rules.

Olsen asked Yeager to briefly summarize the ordinance for the viewing audience. Yeager said the ordinance creates a stormwater utility like those for water and sewer. It creates a structure that allows the Council to segregate assets, and it creates a stormwater fund. We're currently using street and sewer funds to manage stormwater. The ordinance would give stormwater its own fund for clarity. And finally, the Ordinance authorizes the Council to impose a service charge in the future if they choose to do so. The adoption of the ordinance and creation of the stormwater utility would not result in any fees.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) January 13, 2016, Regular Session minutes.
 - b) January 25, 2016, Work Session minutes.
- 2) Authorizing the reinstatement of three Firefighter/EMT positions and funding for four Firefighter/EMT positions effective June 1, 2016. RES. NO. 6488

MOTION: Councilor Bill Coburn moved to adopt the Consent Calendar with Item 1) a) removed for discussion. Kellum seconded the motion, which passed 6-0.

Coburn, speaking on behalf of Johnson, asked for the following amendment to page 9 of the January 13, 2016, Regular Session minutes: "She thinks we need to consider more ~~Public-Service~~ public safety staff in the next budget year."

MOTION: Coburn moved to adopt Item 1) a) with the amendment described. Kellum second the motion, which passed 6-0.

BUSINESS FROM THE COUNCIL

Olsen said he wants to be sure John Bradner invites Amanda Jergens to come back to be recognized for her life-saving award. Fire Chief John Bradner said he will contact Jergens and ask her to come back.

Kopczynski said he would like to remind the public of the public safety levy. He is allowed to advocate, so he is advocating strongly for the levy's renewal.

City Manager Wes Hare said Greg Hansen's contract with Linn County to promote the Expo Center has been terminated, by mutual agreement. It's not certain what will happen. The Council budgeted \$90,000 for that purpose and some of it has been spent. The Linn County commissioners will need to consider how to proceed.

Public Information Officer/Management Assistant Marilyn Smith said the community survey on options for the intersection at Crocker Lane and Gibson Hill Road was posted early today to the website and social media. As of 7:15 p.m., sixty-two people have responded. The survey will be open until the community meeting, which will be scheduled early next week. The estimated cost of each alternative is posted on the website.

RECESS TO EXECUTIVE SESSION TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO CARRY ON LABOR NEGOTIATIONS IN ACCORDANCE WITH ORS 192.660 (2)(d)

The Council recessed to Executive Session at 7:43 p.m.

RECONVENE

The Council reconvened at 7:55 p.m.

MOTION: Kopczynski moved to approve the ratification of the AFSCME contracts for the General unit and the Transit unit. Coburn seconded the motion, which passed 6-0.

NEXT MEETING DATE: Work Session: April 11, 2016; and Regular Session: April 13, 2016

ADJOURNMENT

There being no other business, the meeting was adjourned at 7:56 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, April 11, 2016
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:01 p.m.

ROLL CALL

Councilors present: Mayor Sharon Konopa and Councilors Rich Kellum, Ray Kopezynski, Floyd Collins, Dick Olsen, Bill Coburn, and Bessie Johnson.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

Garry Steffy, 3874 Glendale Street SE, handed out a sample resolution opposing the Transpacific Partnership (TPP) agreement and similar trade deals (see agenda file), and requested that the Council consider passing the resolution. Steffy stated that under the TPP agreement, foreign countries can use meat in their products without having to identify the source of the meat, or they can use insecticides on their crops without having to disclose it. He stated that any country involved could sue the United States and enter into court proceedings. He commented that the United States would lose hundreds of thousands of manufacturing jobs. Konopa advised Steffy that Council would review the proposal and determine whether they'd like this item to be brought back to a future Council meeting for further consideration.

OBSTRUCTED BIKE LANES

Albany Bicycle and Pedestrian Advisory Commission (ABPAC) member Jim Lawrence reviewed the information provided in his letter to the Council and presented a slide show (see agenda file). Lawrence stated that a significant problem with having bike lanes in the streets is that many residents have decided that it is a good location to store trash and recycling cans and many other items. He pointed out that it is against the law to obstruct the right of way; but placing containers in bike lanes has become routine. Lawrence feels the hazard can be eliminated through a combination of education and enforcement. He is requesting that Council adopt an ordinance making it an offense to obstruct bike lanes other than in an emergency. He would propose enforcement through citations, which he feels is all that's needed to encourage citizens to cooperate. He sees this as a joint effort among Albany Police Department (APD), Republic Services, and ABPAC.

Discussion followed. Councilor Ray Kopezynski questioned where the cans should be placed in neighborhoods with curbs and gutters so as not to obstruct the sidewalks, if not in the bike lane. Lawrence suggested use of the driveway apron, placing one can on each side, or placing the cans in the planter strip between the sidewalk and street for streets that have them. He added that if there is no place to accommodate the cans, ABPAC could help to facilitate a program through which a safe location to place the cans would be constructed.

Konopa pointed out that even if the residents take great care in where they place their cans, they have no control over where the can is placed by Republic Services once it's emptied. Lawrence stated that Republic Services would be a partner in this effort, so they would address that concern. He reiterated that this is a serious hazard to bicyclists, not just an inconvenience. When cans are placed in the bike lane, it forces bicyclists to enter the roadway and dodge traffic.

Councilor Rich Kellum echoed Konopa's concern that residents have no control over the placement of cans once they're emptied. He feels it's inappropriate to tell a homeowner that the section of street in front of their home cannot be used for trash pickup, just one day per week. He questioned who would cover the cost for construction of a new location for placing the cans, pointing out that the residents have already paid for the sidewalk and the streets. He feels strongly that this is something for neighbors and neighborhoods to discuss, and not something Council should be addressing through legislative action.

Councilors Floyd Collins and Bessie Johnson agreed with Kellum, that ABPAC could pursue the education piece of this request, but they have no desire for the City to start citing people for improper placement of trash cans.

Johnson asked Lawrence whether he had any statistics related to this issue, or knowledge of specific accidents, something to show that this is more than just a concern at this point. He was not personally aware of any accidents but he recognizes it's an issue. Collins said he is personally aware of an accident in which the right-of-way was obstructed and a bicyclist was injured. The incident ended up being settled by the homeowner's insurance.

ABPAC member Tim McCloud, Albany, explained that the Commission is also concerned about wheelchair access being restricted with the placement of trash cans on sidewalks. He stated that residents place their cans in the bike lanes and on sidewalks not because they don't know any better but, possibly, because they're not considering the

traffic passing by their homes on trash day. He stated that the Commission members, as a group, have experienced these issues, which also includes leaf pick up and being forced into the traffic lane at night. It is usually for a short period but there are occasions where it's for an extended timeframe.

Discussion followed. Collins pointed out that there is already a law in place that prohibits blocking the right-of-way for more than 24 hours, which should address the issue of cans being left out for an extended period. Transportation Systems Analyst Ron Irish confirmed that there are City code restrictions against blocking sidewalks and the authority already exists to cite people if they leave their trash cans out seven days per week. He researched how other cities address this issue, but couldn't find any written policies related to trash can placement.

Discussion followed and City Attorney Jim Delapoer voiced his concern about attempting to regulate this issue. He stated that if the City begins to tell people they have to place cans on sidewalks, for example, they're going to have an Americans with Disabilities Act (ADA) violation. He feels it is better to leave the responsibility to the homeowner with the understanding that if they leave their cans in an unsafe place and someone gets hurt, the homeowner could be liable. He stated that it would be unrealistic to try to address all circumstances in a single ordinance, and the City would invariably create hazards in which, for many cases, the common sense of the homeowner would avoid.

Management Assistant/Public Information Officer Marilyn Smith spoke in the absence of Police Chief Mario Lattanzio. Lattanzio has said that he is okay with the idea of a work group to discuss the issue and possible solutions. He would prefer that discussions take place before any code changes are made, as he is concerned with the details; specifically, who would be cited if a trash can is in an inappropriate location. Smith explained that it is extremely common for her to receive complaints from neighbors about each other's trash cans being left out. She stated that it is definitely an issue.

Collins and Konopa would advocate a conversation with Republic Services to discuss the education piece of this proposal. Collins pointed out that there is nothing preventing Republic Services from doing that now; they don't need Council approval for that. Council agreed that they would not be taking any action on this item.

STORMWATER UTILITY DISCUSSION

Utility Services Manager Mark Yeager stated that staff is working through the process to determine revenue requirements for the stormwater system. The ordinance to create the stormwater utility and stormwater fund will be brought to the April 13, 2016, City Council meeting for a second reading and adoption. Yeager explained that while the permit requirement through the state is a big driver, the city has many operations and maintenance needs with the stormwater system as well. The goal for this meeting is to identify revenue requirements and receive Council feedback, allowing staff to take the next step of determining how much the service will cost for customers.

Yeager gave a PowerPoint presentation (see agenda file).

Staff has estimated some program costs based on the receipt of a reasonable permit. Since the permit is not finalized, there will be some changes to those costs once the permit is received. Yeager explained that operations and maintenance for stormwater has been neglected for many years. They are including some funds for a perpetual life replacement program. The goal would be to address, initially, the portions of the stormwater system that are in the worst condition in order to avoid catastrophic failure. The program will be ramped up slowly from there. Staff is not assuming in the cost estimates any expenses related to capacity within the stormwater system. Yeager stated that staff recognizes Council's concerns about a new fee for service. Staff has tried to develop a realistic approach to how the program could be implemented and the City will be in compliance with the permit. He added that the City has over \$100 million worth of stormwater assets that are simply not being maintained.

Kopczynski asked whether the money that is currently being spent on stormwater activities would move into the new stormwater program. Yeager responded that everything would be up to Council in terms of how the process is rolled out. The idea might be that Council would, at a minimum, replace the funding that is currently being taken from the street fund, for example, and that money would then be able to accomplish new street projects. Money currently being taken from the sewer fund could be used to delay rate increases. There are existing costs that have previously been paid by other funds and other work areas. Yeager said that it would seem logical that the work being done now, we would continue doing. As far as how to handle the funds that are freed up as part of that process, that would be a Council decision.

Yeager continued with his presentation. He noted that staff should be ready to come back with a preliminary cost figure at a Council work session in May or June. Kopczynski commented that because this is all new, it is very subjective. They don't have any way to look at the information presented and know whether it's accurate; therefore, he has no way of saying whether he agrees with Yeager's figures. Collins stated that while he doesn't know if the figures are correct, he would comment on the process. He feels the process is correct. Staff and Council are defining what is currently being spent on stormwater activities and defining the minimum level of service needed. Collins feels that staff needs to go with the figures being presented in order to determine the cost for customers and then Council can review things from there. Kellum agrees with the process to start with the minimum, determine cost to citizens, and then ramp up from there, once they can determine whether the funding meets the need.

Councilor Dick Olsen asked whether funds would still be available for the rain drain disconnect program. Yeager stated that the program for disconnecting rain drains from the sanitary sewer system is funded by the Sewer Fund and is a policy question that could be looked at later on. The assumption by staff is that the disconnect program would stay in the Sewer Fund because it affects the sewer system. Olsen stated that he would like to see the program continue, as it is a great program. Collins noted that this is something for Council to decide when the budget is presented. He added that every drop that can be kept out of the sanitary sewer system is avoiding the potential of having to build a larger treatment facility.

Public Works Engineering and Community Development Director Jeff Blaine pointed out that based on discussions that took place with Council earlier in the year, the program developed for rain drain disconnections was temporarily suspended. That being said, there is still work to be done with over 200 homes as part of standard sewer replacement projects. He added that if someone comes in and wants assistance with disconnecting their rain drains from the sewer system, staff is going to look for ways to help. While there's not a defined program for this, they'll still work to address the issue.

STRATEGIC PLAN REVIEW

City Manager Wes Hare said that the Strategic Plan is reviewed as part of the budget process and staff attempts to align this document with the goals of the City Council on an annual basis. He explained that with this year's version, there have been a few formatting changes.

Assistant City Manager/Chief Information Officer Jorge Salinas reviewed the formatting changes to the Strategic Plan. The numbering system has changed to avoid the objectives needing to be renumbered throughout the entire document. Instead, with the new numbering system, the document will require adjustments to a particular section only. The change also makes it easier to follow which section is being discussed.

Collins asked whether staff maintains a list of pending items for Council to review. He mentioned skinny street standards and portable System Development Charges (SDCs) as items that he would like to ensure are on that list, noting that it has been at least two years since they last discussed those items. He would like to see the pending items list incorporated into a schedule so that Council can be checking items off each year.

Collins identified a number of additions and changes that he would like to see made to the document:

- GN-4 – add the numerical figure that is represented by the percentage in the table.
- GN-5 – add this to the list of pending items; needs to be reviewed.
- Police and Fire sections – update language to reflect current status of new Public Safety facilities.
- SC-9 – feels Council needs to have a thorough discussion related to Fire training facility needs.
- Economic Development section – partners of the City should be named, such as Albany-Millersburg Economic Development Corporation (AMEDC), Linn Benton Community College (LBCC), and Council of Governments (COG); and it should be noted how the City interfaces with our partners, reiterating the City's support of those organizations.
- All departments – where possible, define service level objectives within individual goals, for benchmarking purposes.
- Effective Government section – add succession planning for management staff, i.e. the replacement of the City Manager and Finance Director for this Plan year.
- EG-5 – clarify current success rate, not just target of 10%.
- Public Works Accomplishments – acknowledge the accomplishments of staff in reaching an agreement with City of Lebanon related to the Albany-Lebanon Canal.

Kopczynski asked for clarification on the following items:

- GN-8 and GN-9 – the reduction across the board is due to an increase in population, not a decrease in acreage, which Parks and Recreation Director Ed Hodney confirmed is correct.
- Can Community Development Block Grant (CDBG) funding be used to assist with Parks restoration and maintenance? Konopa explained that CDBG funding is reserved for targeted poverty areas; but if the restoration and maintenance activities fell within one of those targeted areas, then it might be possible.
- SC-5 – questioned why the Police Department was able to achieve an average response time of 3 minutes, 12 seconds this year, yet the annual goal going forward jumps up to 4 minutes, 15 seconds. Salinas explained that this is just a goal, which they will most likely exceed.
- SC-14 – the dramatic decrease from 13.2% down to 5% is due to lost staff positions. Fire Chief Bradner explained that they are in the process of filling that role but it will take time to get the new person trained. Bradner noted that Directors were asked to provide goals that are reflective of current conditions.

Konopa requested the following additions:

- GN-4 – add wording to reflect the City’s option to seek other sources of funding for the street system, such as a gas tax. She noted that Portland and Bend have already secured a local gas tax and explained that the COG has discussed a regional gas tax option with the cities of Corvallis and Philomath. She added that having the wording in the Strategic Plan doesn’t bind the Council to seeking a tax, but it should be included in the Plan should the opportunity present itself, which she believes could be later this year.
- Safe City section – add new objective to address life and safety issues that the city is facing with some transition and rental housing.

Salinas also identified a few changes that have been made since the draft document was posted:

- GN-1 – rewrite section to address cases that are open versus cases that are closed and begin tracking that information within the Strategic Plan document.
- GN-7 – clarification that “planning meetings” are not those of the Planning Department, but meetings at which planning is being done.
- GN-10 – correct the figure in the table to 10%.
- SC-3 – add a target completion date of December 2017.
- SC-10 – add a target of 72 hours per week.
- SC-11 – add a target of \$750,000 with an expected actual goal of Fiscal Year (FY)2017 of \$750,000. Funds will be coming from the sale of the armory and Police department buildings.
- SC-14 – the target of ≥15% was not met for FY2015 because of staffing levels.
- HE-4 – add “≥” to the target value of \$24,250.
- HE-6 – add a target value of ≥ 303.
- EG-1 – update target value from ≥58% to ≥55%.
- EG-3 – update target value from 0.52 to 0.60.
- EG-10 – update target from November 2013 to November 2017.

All of the changes requested by Council, along with the ones mentioned by Salinas, will be implemented and brought back to the April 27, 2016, City Council meeting for adoption.

BUSINESS FROM THE COUNCIL

- *Letter regarding Amtrak passenger rail performance – Mayor Konopa.*

Konopa handed out a letter addressed to the Surface Transportation Board in which the Mayors of Eugene, Portland, and Albany are requesting continued Federal funding of the Amtrak Cascades passenger rail service (see agenda file). Konopa explained that a policy being proposed would reduce Amtrak trips through Albany and the letter urges the Board not to move forward with the policy or a decrease in funding. Konopa stated that the letter doesn’t bind Council to anything financially, but it certainly would have a financial impact if Albany lost Amtrak. Council authorized the use of the Albany City logo on the letter and directed Konopa to sign on behalf of the City Council.

COUNCILOR COMMENTS

Johnson advised Council that Jeff Christman has resigned from the Transient Lodging Tax (TLT) Ad Hoc Advisory Committee. The individual she had considered to appoint has declined the appointment because of scheduling conflicts. Collins suggested another individual for appointment and Johnson is going to contact them.

Coburn and Johnson will not be at the Wednesday, April 13, 2016, City Council meeting.

Kellum advised the Council that he was contacted last week by Ed Wright, owner of Original Breakfast. Wright had a food cart tenant at the Original Breakfast property who Wright has since evicted because of an incident with the Oregon Department of Transportation (ODOT). ODOT cited the food cart operator for dumping grease in the street, rather than using the grease separator available to him, just 100 feet away. Kellum suggested that this be a topic of discussion in the Planning Department’s review of food carts, perhaps having a requirement that a food separator be installed on the food cart, or available at the property where it’s parked. Blaine confirmed that staff is reviewing this, along with many other details of concern. The food cart discussion is scheduled for a Council work session later this year.

Konopa noted that an article appearing in the *Democrat-Herald* recently related to food carts read as though her focus is on the competition with brick and mortar establishments and that she is against food carts, when really she was just relaying the concerns that Council has been hearing.

CITY MANAGER REPORT

Hare reported that International City Manager’s Association (ICMA) has asked Albany, once again, to host a couple of State Department fellows. One fellow will be coming from the Philippines and one from Malaysia in May 2016.

City Attorney Sean Kidd advised the Council that the League of Oregon Cities is developing recommended guidelines for Time, Place, and Manner Restrictions for marijuana, based on decisions being made at the state level in terms of licensing. Additionally, he has received word that if the voters approve recreational marijuana in November 2016, the State of Oregon is not going to begin licensing until the end of 2016. Time, Place, and Manner Restrictions for marijuana are scheduled for discussion at a work session later this year.

ADJOURNMENT

There being no other business, the meeting was adjourned at 6:02 p.m.

Respectfully submitted,

Reviewed by,

Holly Roten
Administrative Assistant I

Wes Hare
City Manager



TO: Albany City Council
 VIA: Stewart Taylor, Finance Director
 FROM: Kandice Easdale, Parks & Recreation Clerk II
 DATE: June 1, 2016, for the June 8, 2016, City Council Meeting
 SUBJECT: Annual Liquor License Renewals

RELATES TO STRATEGIC PLAN THEME: ● A Safe City

Action Requested:

Council approval of these annual liquor license renewals.

Discussion:

Following is a list of businesses that have submitted applications for liquor license renewal. These businesses have paid their fees.

Calapooia Brewing Co	Zone 7 Inc	140 Hill St NE
Applebee's Neighborhood Grill & Bar	Apple Oregon LLC	1525 Geary St. SE
Tom Tom Deli & Market	RJW & Sons Inc	321 Airport Rd. SE
Lum's Garden	Lin Lin Inc	1236 Price Rd. SE
Momiji Japanese Restaurant	Yong's Inc	641 Hickory St. #120
Wal-Mart #5396	Wal-Mart Stores Inc	1330 Goldfish Farm Rd. SE
VFW Post #584 Albany	VFW Post #584	1469 Timber St
Sweet Waters Family Restaurant	Sweet Waters Inc	2830 Santiam Hwy SE
Abby's Legendary Pizza of Albany	A-II LLC	3033 Santiam Hwy SE
Geary Street Market	Jeffery Song	2805 Geary St. SE
Pepper Tree Sausage House	Michael S Campbell	1125 Salem Ave SE
Pizzamore	Albany Pizza Company Inc	2212 Santiam Hwy SE
Tacos El Machin	Tacos El Machin LLC	1642 E Pacific Blvd
Los Dos Amigos Hacienda	Dos Amigos Hacienda Inc	2133 Santiam Hwy SE
Espolon Restaurante & Sports Bar	Espolon LLC	129 W 1 st St SW
No Baloney	EM BX2 LLC	2250 14 th Ave SE Suite D
No Baloney	EM BX2 LLC	2250 14 th Ave SE Suite D
Safeway Store #1659	Safeway Inc	1990 14 th Ave SE
Red Robin Restaurant	Restaurant Development Co of Albany LLC	1845 14 th Ave SE
Carino's Italian Restaurant	Johnny Carino's of Albany LLC	1825 14 th Ave SE
Mexico Lindo II	Mexico Lindo II Inc	637 Hickory St. #130
Albany Food Market	DS Albany LLC	3135 Santiam Hwy
Target Store T-0609	Target Corporation	2255 14 th Ave SE
Costco Wholesale #682	Costco Wholesale Corp	3130 Killdeer Ave SE
Walgreens #06530	Walgreen Co	1700 Pacific Blvd SE

Budget Impact:

Revenue of \$875.

ke



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*

DATE: June 1, 2016, for the June 8, 2016, City Council Meeting

SUBJECT: Award of Bid for SS-16-02, Umatilla Lift Station & Force Main Improvements

RELATES TO STRATEGIC PLAN THEME: A Safe City

Action Requested:

Staff recommends that Council, acting as the local contract review board, waive a minor bid irregularity and award this contract in the amount of \$235,690 to the low bidder, Pacific Excavation, LLC of Eugene OR.

Discussion:

On May 18, 2016, bids were opened for SS-16-02, Umatilla Lift Station & Force Main Improvements. There were two bids submitted for this project, ranging from \$235,690 to \$338,429. The Engineer's estimate was \$260,000. A bid summary is provided as Attachment 1 and a vicinity map as Attachment 2.

Project Description

This project includes installation of new pumps, supporting instrumentation, and related upgrades to the existing Umatilla Lift Station. In addition to the improvements to the lift station, this project includes construction of approximately 865 feet of 8-inch sewer force main. The existing force main is being replaced and re-routed to a different portion of the sanitary sewer system that has the capacity to convey additional flows; the new force main will discharge into the Industrial Interceptor sewer on the east side of Highway 99.

This project will provide capacity to handle peak buildout flows from this basin during a 5-year-design storm event and will reduce unpermitted overflows from the sewer system.

Minor Bid Irregularity

Staff identified a minor bid irregularity in the bid proposal Pacific Excavation, LLC submitted for this project. Pacific Excavation did not submit the Statement of Experience at the time of the bid opening. The Invitation to Bid did not specify when the Statement of Experience was required to be submitted. Pacific Excavation and their subcontractors have the necessary experience to complete the project and immediately submitted the form when informed that it was omitted. Staff recommends the minor bid irregularity be waived and the contract be awarded to Pacific Excavation, LLC.

Summary of Total Estimated Project Costs

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

Project Components	Estimated Cost
I. Costs	
a. Design Engineering	\$25,000
b. Consulting Engineering and Surveying	\$10,600
c. Construction Inspection	\$10,000
<i>Engineering Subtotal</i>	\$45,600
II. Construction Costs	
a. Construction Contract	\$235,700
b. Contingency	\$23,600
c. New Pumps	\$31,700
d. Power Service Upgrade	\$19,300
e. In-house Control Upgrades	\$20,000
<i>Construction Subtotal</i>	\$330,300
<i>Total Estimated Project Cost</i>	\$375,900
<i>Project Budget</i>	\$575,000
<i>Under/(Over) Project Budget</i>	\$199,100

Budget Impact:

This project will be funded from the Sewer System Capital Projects fund (601-50-2500).

NN:ms

Attachment

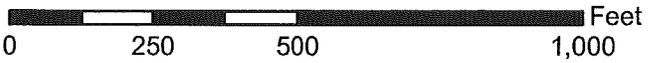
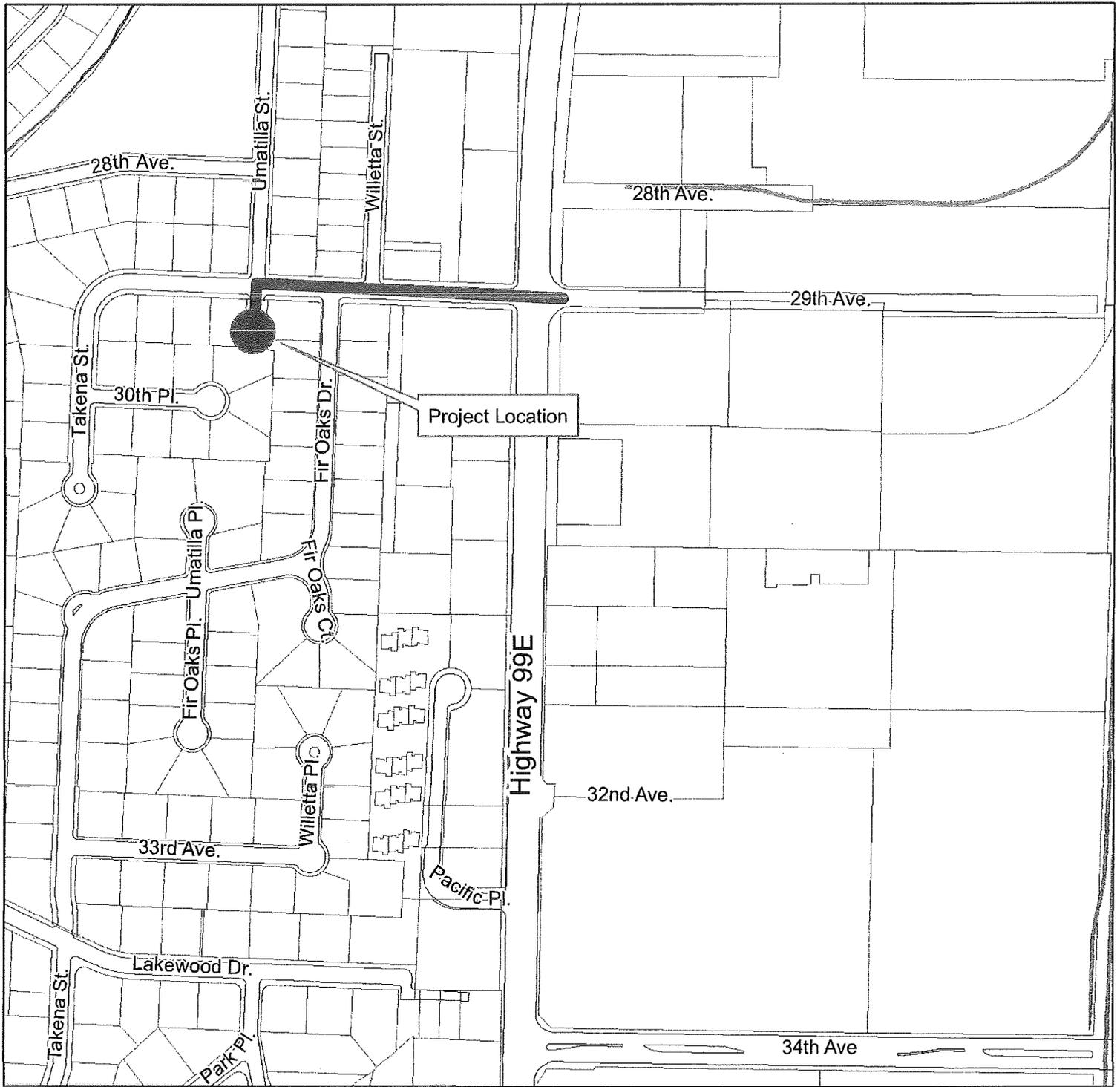


CITY OF ALBANY, OREGON
Public Works Department
Construction Contract Bids

Project: SS-16-02, Umatilla Lift Station & Force Main Improvements

Bid Opening: May 18, 2016

Engineer's Estimate	Pacific Excavation, LLC (Eugene)	Bateson Enterprises, LLC (Roseburg)
\$260,000	\$235,690	\$338,429



Attachment 2: Vicinity Map



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Mario Lattanzio, Chief of Police
Staci Belcastro, P.E., City Engineer *SB*

DATE: June 1, 2016, for the June 8, 2016, City Council Meeting

SUBJECT: MS-16-03, Albany Police Station Wetland Mitigation Credits

RELATES TO STRATEGIC PLAN THEME:

- A Safe City
- An Effective Government

Action Requested:

Staff recommends Council approve execution of the attached Albany and Eugene *Agreement to Purchase Wetland Mitigation Credits* (Attachment A).

Discussion:

The City identified the need to replace or expand the Police Station over a decade ago. After considerable research, it was determined that the Station should be replaced at a new site in the 2400 block of Pacific Boulevard SW on 3.69 acres of vacant property. Staff was aware that the property contained wetlands, and a delineation was completed on the property to identify the extent, quality, and type of wetlands.

Following completion of the delineation, staff submitted an application to both the United States Army Corps of Engineers (USACE) and Oregon Division of State Lands (ODSL) in order to obtain a Wetland Permit, which is required prior to starting construction of the new station. The USACE and ODSL have completed their review of the application, and prior to issuing the Wetland Permit require that impacts to the wetlands from the proposed station be mitigated through the purchase of 2.86 wetland mitigation credits. Purchasing mitigation credits from the City of Eugene's Coyote Prairie North Wetland Mitigation Bank will satisfy the wetland mitigation requirements for impacts from the new Police Station.

Budget Impact:

The project budget for purchasing wetland mitigation credits is \$205,000. The cost to purchase 2.86 credits from the City of Eugene's Coyote Prairie North Wetland Mitigation Bank is \$164,307.

This project will be funded from the Public Safety Contractual Services fund (402-10-1052-60101).

SB:rk
Attachment

Agreement to Purchase Wetland Mitigation Credits
City of Eugene Contract 2016-05419

BETWEEN: The City of Eugene, an Oregon Municipal Corporation (City)
AND: City of Albany (Developer)
DATED: May 9, 2016

RECITALS

- A. City has established a Mitigation Bank Instrument dated June 22, 2011 in agreement with the U.S. Army Corps of Engineers (USACE) and Oregon Department of Lands (ODSL), which describes the establishment, use, operation, maintenance, and long-term management of the Coyote Prairie North Wetland Mitigation Bank.
- B. It has been mutually agreed between USACE, ODSL, and the City that compensatory wetland mitigation requirements for impacts from the proposed City of Albany Police Station project located at 44.6169° Latitude and -123.1150° Longitude in Linn County, Oregon can be satisfied through the purchase of wetland mitigation credits from the Coyote Prairie North Wetland Mitigation Bank.
- C. Under permit #58720-RF to be issued by DSL and NWP# 2016-45 to be issued by USACE, the Developer is responsible for securing 2.86 wetland mitigation credits.
- D. Developer desires to purchase 2.86 wetland mitigation credits from the City's Coyote Prairie North Wetland Mitigation Bank.
- E. City is currently charging \$57,450.00 per mitigation credit to recover City's cost of establishing and maintaining mitigation wetlands.

AGREEMENT

- 1. This Agreement to Purchase Wetland Mitigation Credits shall begin on the date of execution by all parties and shall remain in effect for 30 days.
- 2. Developer bears all risk and responsibility associated with delays related to permitting, financing, or other issues that may impact timely full payment of funds to City.
- 3. Developer agrees to provide funds to the City in the total amount of \$164,307.00 within 30 days of execution of this Agreement for the purchase of 2.86 mitigation credits and remit payment to City of Eugene at 1820 Roosevelt Boulevard, Eugene, OR 97402, Attn: Wetland Mitigation Bank.

- 4. After receipt and deposit of full payment to the City, the City will notify USACE and ODSL that the Developer has purchased mitigation credits, and the City will allocate 2.86 credit from completed or approved wetland mitigation projects to meet the mitigation obligation covered by this Agreement.
- 5. This Agreement may be amended in writing by mutual agreement between Developer and City.

7/3
SM
SM
11C

City of Eugene

By: [Signature]

(signature)
Jon Ruiz, City Manager
City of Eugene

Date: 5/17/16

Developer

By: [Signature]

(signature)
Staci Belcastro, Acting City Engineer
City of Albany

Date: 5/9/2016

By: [Signature]

(signature)
Stewart Taylor, Finance Director
City of Albany

Date: 6-3-16