



NOTICE OF PUBLIC MEETING

CITY OF ALBANY

CITY COUNCIL

Council Chambers

333 Broadalbin Street SW

Wednesday, July 13, 2016

7:15 p.m.

AGENDA

OUR MISSION IS

"Providing quality public services for a better Albany community."

OUR VISION IS

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

Rules of Conduct for Public Meetings

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

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

a. Communication

- 1) Accepting Judge Roark's resignation from the Airport Advisory Commission. [Page 3]

Action: _____

b. Business from the Public

c. Adoption of Resolutions

- 1) Approving ongoing vehicle lease contracts with Wire Works, LLC. [Pages 4-5]

Action: _____ RES. NO. _____

- 2) Approving exemption from the competitive bidding requirements through the use of an interstate cooperative procurement for remounting and refurbishing two medic units and declaring assets as surplus property. [Pages 6-7]

Action: _____ RES. NO. _____

- 3) Authorizing application to the Federal Transit Administration for federal transportation assistance. [Pages 8-9]

Action: _____ RES. NO. _____

d. Adoption of Consent Calendar

1) Approval of Minutes

- a) April 7, 2016, Joint Work Session with City Council, Planning Commission, and Budget Committee. [Pages 10-11]
b) April 27, 2016, Regular Session minutes. [Pages 12-18]
c) May 9, 2016, Work Session minutes. [Pages 19-22]
d) May 11, 2016, Regular Session minutes. [Pages 23-24]

2) Annual liquor license renewals. [Page 25]

3) Accepting the following easements:

- a) Five-foot wide sanitary sewer easement as part of SS-15-02, 2015 Pipe Bursting Projects, for tax lot 11S-03W-07DD-06600, from Larry and Viola Johnston. [Pages 26-31] RES. NO. _____
b) Five-foot wide sanitary sewer easement as part of SS-15-02, 2015 Pipe Bursting Projects, for tax lot 11S-03W-07DD-00800, from Linnie and Earline Townlin Revocable Living Trust. [Pages 32-37] RES. NO. _____
c) 15-foot wide water line easement for a public water line as part of the Hickory Station, LLC, development project, from Hickory Station LLC. [Pages 38-43] RES. NO. _____
d) 15-foot wide sidewalk easement, as required by a Property Line Adjustment Condition of Approval, for tax lots 11S-03W-08AD-01800 and 00600, from GRH Albany LLC, HOC Albany LLC, and MRH Taylorsville LLC. [Pages 44-52] RES. NO. _____

- 4) Granting and accepting a street and utility right-of-way dedication to place the public improvements at the Main Street roundabout into the public right-of-way, from City of Albany. [Pages 53-58]

RES. NO. _____

Action: _____

e. Award of Bids

- 1) WL-16-04, Meadow Wood Drive Water Line. [Pages 59-61]

Action: _____

- 2) MS-16-02, Fire Station 11; and MS-16-03, Police Station. [Pages 62-67]

Action: _____

f. Appointments [Page 68]

- 1) Appointing John Harshberger, Sr., to the Airport Advisory Commission. [Pages 69-70]

- 2) Appointing Arwen McGilvra and Janel Bennett to the Library Board. [Pages 71-74]

Action: _____

g. Report

- 1) 2017 League of Oregon Cities legislative priorities. [Pages 75-92]

Action: _____

5. BUSINESS FROM THE COUNCIL

6. NEXT MEETING DATE: Work Session: Monday, July 25, 2016
Regular Session: Wednesday, July 27, 2016

7. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net

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

Judge Franklin Roark, III
4036 McFarlin Boulevard
Dallas, Texas 75205

PUBLIC WORKS → OPS

JUN 27 2016

RECEIVED BY JENNY

June 21, 2016

Ms. Chris Bailey
Public Works Operations Director
310 Waverly Drive N.E
Albany, OR 97322

Dear Chris,

Please accept my resignation from the Albany Airport Commission. I regret that I must re-locate to Dallas, Texas and will be unable to fulfill my term. It has been a pleasure to have been able to serve.

Sincerely,

A handwritten signature in cursive script that reads "Judge F. Roark". The signature is written in dark ink and is positioned above the printed name.

Judge F. Roark



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Mario Lattanzio, Chief of Police *ML*
DATE: July 6, 2016, for the July 13, 2016, City Council Meeting
SUBJECT: Approval of the Vehicle Lease Contracts with Wire Works, LLC
RELATES TO STRATEGIC PLAN THEME ● An Effective Government

Action Requested:

Staff is asking the Council to authorize the Chief of Police to sign ongoing police vehicle capital lease contracts with Wire Works, LLC, located at 4775 Portland Road NE, #200, Salem, Oregon, 97305; Auto Leasing Specialists, LLC, 6696 E. Millstone Street, Highlands Ranch, Colorado, 80130; Ford Motor Credit Company, P.O. Box 670000, Detroit, Michigan, 48267; Government Leasing Company, 830 Tenderfoot Hill Road, Suite 301, Colorado Springs, Colorado, 80906; and/or any other legal vendor that Wire Works utilizes for vehicle leasing.

Discussion:

At the December 15, 2004, City Council meeting, the Police Department received approval to initiate a lease program for police vehicles. At the November 5, 2007, City Council meeting, the Police Department received approval for the Chief of Police to sign police vehicles lease agreements with Auto Additions, Inc., and Auto Leasing Specialists, LLC. On March 14, 2012, after a competitive bid process, the City Council authorized the Chief of Police to sign a contract with Wire Works, LLC, to lease police vehicles, upfit, and maintain vehicle equipment through April 1, 2014, with the option to extend for three additional one-year terms through April 1, 2017. This will be the final extension.

Wire Works has developed leasing programs tailored to individual law enforcement agency needs. Wire Works has been awarded our contract for building and leasing vehicles. They select and determine the most economical lease companies to use, which may include but are not limited to: Government Leasing Company, Ford Motor Credit Company, and Auto Leasing Specialists, LLC. Lease companies require annual written confirmation via copies of City Council minutes that the Chief of Police has the authority to sign the lease contracts.

Leasing police vehicles makes financial and operational sense which is the reason many police agencies are adopting this option instead of purchasing vehicles. Wire Works provides this service in the Pacific Northwest and is used by many agencies in Oregon. Wire Works qualifies as our contract vendor and was approved by City Council on March 14, 2012, by Resolution No. 6090.

Funds for police vehicle leasing are in the approved FY2016-17 Police budget and will be used from the Equipment Replacement Fund, Leased Vehicles. The appropriate funds will be included in each annual budget request for the ongoing vehicle lease program.

Budget Impact:

Costs are supported by the approved FY2016-17 Police budget in the Equipment Replacement Fund, Leased Vehicles.

ML:de

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE THE CHIEF OF POLICE TO SIGN ONGOING POLICE VEHICLE LEASE CONTRACTS BETWEEN THE CITY OF ALBANY AND WIRE WORKS, LLC; AUTO LEASING SPECIALISTS, LLC; FORD MOTOR CREDIT COMPANY; GOVERNMENT LEASING COMPANY; AND/OR ANY OTHER LEGAL VENDOR WIRE WORKS, LLC, UTILIZES.

WHEREAS, the City of Albany Police Department has been leasing police vehicles since 2004; and

WHEREAS, Wire Works, LLC, was determined to best meet the requirements of the Request for Proposals and the needs of the City; and

WHEREAS, Wire Works, LLC, qualifies as our contract vendor and was approved by Council on March 14, 2012, by Resolution Number 6090; and

WHEREAS, Wire Works, LLC selects and determines the most economical lease companies to utilize, including but not limited to: Government Leasing Company, Ford Motor Credit Company, and Auto Leasing Specialists, LLC; and

WHEREAS, the Albany City Council authorized Department Directors to sign contracts and agreements by Resolution No. 5183, dated August 24, 2005.

NOW, THEREFORE, BE IT RESOLVED that the Chief of Police is hereby authorized to sign contracts between the City of Albany and Wire Works LLC; Auto Leasing Specialists, LLC; Ford Motor Credit Company; Government Leasing Company; and/or any other legal vendor Wire Works, LLC, utilizes.

DATED AND EFFECTIVE THIS 13TH DAY OF JULY 2016.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Shane Wooton, Assistant Fire Chief ^{SW}
DATE: July 6, 2016, for the July 13, 2016, City Council Meeting

SUBJECT: Exemption from Competitive Bidding - Use of an Interstate Cooperative Procurement

RELATES TO STRATEGIC PLAN THEME:

- A Safe City
- An Effective Government

Action Requested:

Staff recommends City Council approve, by resolution, exemption from the competitive bidding requirements for the remount/refurbish of up to two Lifeline ambulances through an existing interstate cooperative contract with Kittitas County Public Hospital District 2 and Braun Northwest, Inc., not to exceed \$300,000; and award a contract to Braun Northwest, Inc.

In addition, staff recommends City Council to declare two (2) Fire Department ambulance chassis as surplus property and authorize the Fire Department to dispose of the assets in accordance with Albany Municipal Code 2.66.080 Disposition of Surplus Property.

Discussion:

It is Albany Fire Department's standard to replace frontline ambulances after ten years of service. In fiscal year 2015-16, two of the Fire Department's 2006 Lifeline medic units were remounted on new chassis and refurbished by Braun Northwest, Inc. This leaves two frontline medic units, a 2006 and 2009, in need of remount/refurbish.

The fiscal year 2016-17 budget includes the remount/refurbish of one medic unit. On June 22, 2016, the 2009 Lifeline medic unit was involved in a motor vehicle collision that resulted in damages to the chassis in excess of \$42,000. This medic unit now takes priority for remount/refurbish and leaves a 2006 Lifeline medic unit in service. This request forecasts the potential to also remount/refurbish the remaining 2006 Lifeline medic unit, with the understanding it is subject to approved funding.

Kittitas County Public Hospital District 2 in Washington has a cooperative purchasing agreement with Braun Northwest, Inc. for remounting an ambulance that meets the specification needs of the Fire Department and the purchasing requirements of ORS 279A.220 and OAR 137-046-0450.

Time is of the essence to replace the medic unit that is out of service. The Notice of Intent to Award a proposed contract was advertised on July 6, 2016, with a protest period ending July 13, 2016. Contingent on City Council approval to use an interstate cooperative agreement and no protests received, the Fire Department will award a contract to Braun Northwest, Inc. to remount and refurbish a 2009 Lifeline ambulance.

The City must also declare the old chassis surplus property in order to transfer ownership to Braun Northwest. The two chassis are:

Asset #122 - 2009 International Truck, VIN #1HTMNAAM3AH177724
Asset #121 - 2006 International Truck, VIN # 1HTMNAAM17H464701

Budget Impact:

Not to exceed \$300,000 from the Capital Replacement Fund/Equipment Replacement Program (217-10-1010)

Attachment

RESOLUTION NO. _____

A RESOLUTION APPROVING EXEMPTION FROM THE COMPETITIVE BIDDING REQUIREMENTS THROUGH A CONTRACT WITH KITTITAS COUNTY PUBLIC HOSPITAL DISTRICT 2 AND BRAUN NORTHWEST, INC.; ISSUING A NOTICE TO AWARD A PROPOSED CONTRACT WITH BRAUN NORTHWEST, INC.; DECLARING TWO CHASSIS SURPLUS PROPERTY; AND AUTHORIZING THE FIRE CHIEF TO ENTER INTO A CONTRACT WITH BRAUN NORTHWEST, INC. NOT TO EXCEED \$340,000 TO REMOUNT/REFURBISH UP TO TWO LIFELINE AMBULANCES.

WHEREAS, Kittitas County Public Hospital District 2 conducted a formal, competitive process for the remount/refurbish of an ambulance that meets the specification needs identified by the Albany Fire Department; and

WHEREAS, ORS 279A.220 and OAR 137-046-0400 through 137-046-0480 allow for use of interstate cooperative procurements for government agencies;

WHEREAS, a remount/refurbish of an ambulance from a competitively bid, cooperative contract with Kittitas County Public Hospital District 2 and Braun Northwest, Inc. would not reduce competition or give favoritism and would provide both time and cost savings to the City; and

WHEREAS, the Albany Fire Department advertised a Notice of Intent to Award a proposed contract to Braun Northwest, Inc. for the remount/refurbish of a 2006 Lifeline ambulance and a 2009 Lifeline ambulance contingent on City Council approval and available approved funding; and

WHEREAS, the City must declare the old chassis surplus property to transfer the chassis ownership to Braun Northwest, Inc. for the remount and refurbishment; and

WHEREAS, the Notice of Intent to Award must be advertised seven days prior to awarding the procurement contract; and

WHEREAS, if the City does not receive any formal protests to the Notice of Intent to Award, and with Council approval, the Fire Chief may award a contract to Braun Northwest, Inc. for the remount/refurbish of two Lifeline ambulances.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council authorizes an exemption from the competitive bidding process for the remount/refurbish of a 2006 Lifeline ambulance and a 2009 Lifeline ambulance through the use of an interstate cooperative agreement between Kittitas County Public Hospital District 2 and Braun Northwest, Inc.; and

BE IT FURTHER RESOLVED that the Albany City Council declare Asset #122 – 2009 International Truck and Asset #121 - 2006 International Truck surplus property; and

BE IT FURTHER RESOLVED that the Albany City Council authorizes the Fire Department to award a contract to Braun Northwest, Inc. and authorizes the Fire Chief to enter into a contract not to exceed \$340,000 with Braun Northwest, Inc. to remount/refurbish up to two Lifeline ambulances.

DATED AND EFFECTIVE THIS 13TH DAY OF JULY 2016.

Mayor

ATTEST:

City Clerk



TO: Albany City Council

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

FROM: Jon Goldman, Transportation Superintendent
Barry Hoffman, Transit Programs Supervisor

DATE: July 6, 2016, for the July 13, 2015, City Council Meeting

SUBJECT: Transition of FTA Computer Programs and Authorizing a Resolution.

RELATES TO STRATEGIC PLAN THEME: ● An Effective Government

Action Requested:

Staff requests the Council to authorize the City Manager or his designee to execute grants and cooperative agreements with the Federal Transit Administration on behalf of the City of Albany.

Discussion:

Requests for operating and capital assistance from the Federal Transit Administration (FTA) must now be executed through the TrAMS system. The FTA has transitioned from the TEAM system to the new TrAMS system. As part of this transition City staff must be established by resolution to have certain roles in TrAMS. The FTA requires a resolution from the City Council authorizing the City Manager or his designee to act on behalf of the City.

Budget Impact:

The impact is to continue to receive funds budgeted for various FTA-granted projects and capital equipment.

BH:rk
Attachment

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23 UNITED STATES CODE, AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION.

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project; and

WHEREAS, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the Applicant, and may require the Applicant to provide the local share of the project cost; and

WHEREAS, the applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project.

NOW, THEREFORE, BE IT RESOLVED that the City Manager is authorized to execute and file an application for Federal assistance on behalf of the City of Albany, Oregon with the Federal Transit Administration, for Federal assistance authorized by 49 U.S.C. chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration; and

BE IT FURTHER RESOLVED that the City of Albany is the Designated Recipient as defined by 49 U.S.C. 5307(a)(2), and has received authority to apply for Urbanized Area Formula Program assistance; and

BE IT FURTHER RESOLVED that the City Attorney is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a Federal assistance grant or cooperative agreement; and

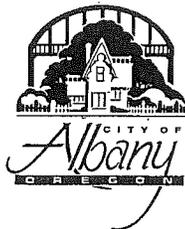
BE IT FURTHER RESOLVED that the City Manager is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the City of Albany, Oregon.

DATED AND EFFECTIVE THIS 13th DAY OF July 2016.

Mayor

ATTEST:

City Clerk



CITY OF ALBANY

CAPITAL IMPROVEMENT PROGRAM (CIP)
JOINT WORK SESSION
CITY COUNCIL – PLANNING COMMISSION – BUDGET COMMITTEE
City Hall, Council Chambers
333 Broadalbin SW
Thursday, April 7, 2016
6:30 p.m.

MINUTES

City Council: Councilors Bill Coburn, Rich Kellum, Ray Kopczynski, Dick Olsen, and Bessie Johnson

Budget Committee: Sue Folden, Dick Conolly, Michael Thomson, Colleen Keller

Planning Commission: Larry Tomlin, Bobby Schueller, Dan Sullivan, Dala Rouse

Staff Present: Jeff Blaine, Public Works Engineering & Community Development Director; Chris Bailey, Public Works Operations Director; Jeff Babbitt, Senior Accountant; Staci Belcastro, City Engineer; Guy Graham, Engineering Manager; Eric Carter, Police Captain; Kate Porsche, Economic Development & Urban Renewal Director; Wes Hare, City Manager; Marilyn Smith, Public Information Officer; Stewart Taylor, Finance Director; Anne Baker, Senior Accountant; Nathan Reid, Economic Development/Urban Renewal Coordinator

CALL TO ORDER / INTRODUCTION

Wes Hare called the meeting to order at 6:30 p.m. and gave an introduction to the Capital Improvement Program (CIP).

COMMUNITY NEEDS

Jeff Blaine gave an overview of the Community Needs section.

Wes Hare discussed the progress of the new Police and Fire Stations.

Dala Rouse asked if the overflows on the Riverfront Interceptor were increasing or decreasing. Blaine stated that it was most likely less due to the new Water Reclamation Facility (WRF).

ACCESSIBILITY

Jeff Blaine gave an overview of the Accessibility section.

PARKS

Wes Hare gave an overview of the Parks section.

Ray Kopczynski requested using more of the CDBG funds for the Parks. Hare stated that there are limitations on what the CDBG funds can be used for.

PUBLIC FACILITIES

Eric Carter gave an overview of the Public Facilities section.

Wes Hare discussed the potential need for a Fire Training Tower, as shown in the unfunded section of the CIP.

REVITALIZATION

Kate Porsche gave an overview of the Revitalization section and mentioned all the original projects of the Urban Renewal Plan are included in the unfunded projects listing and that the projects need to be updated in future versions of the CIP.

Dala Rouse asked if ODOT will be providing funding for the Ellsworth and Lyon Street portions of the funded project. Porsche stated that the portion of the project on Ellsworth and Lyon mostly isn't in the street.

STORMWATER

Jeff Blaine gave an overview of the Stormwater section and noted the City does not have a dedicated funding source for stormwater projects.

Dala Rouse asked if the city has any way to clean the silt buildup in the pipes. Blaine stated that currently there are no dedicated funds to clean the pipes with.

TRANSPORTATION

Blaine gave an overview of the Transportation section.

Dala Rouse asked if Marion Street from 3rd to 7th Avenue was expected to be repaired in the near future. Blaine stated that staff will look into the condition of the street.

WASTEWATER

Blaine gave an overview of the Wastewater section and mentioned the focus was on making a significant investment in the collections system.

Bessie Johnson requested an updated of the WRF project. Chris Bailey gave a project update.

WATER

Blaine gave an overview of the Water section.

Rich Kellum asked if trees are dug up when cleaning the canal. Bailey stated that trees are only removed if there is a issue with them causing damage to the canal.

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Jeff Babbitt
Senior Accountant

JMB:kw

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, April 27, 2016
7:15 p.m.

MINUTES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge of allegiance to the flag.

ROLL CALL

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

Councilors absent: None.

SPECIAL PRESENTATION

West Albany High School city flag proposal.

Cole Pouliot, from WAHS, said they are there representing Greater Unified Albany Vexillological Association (GUAVA). Taylor Pokorney, President; Tanner Mills, Vice President; Daniel Thompson, member; Kyle Smith, Webmaster; and Louis Morales-Ojeda, Treasurer, took turns presenting a Power Point presentation (see agenda file).

Thompson passed out booklets (see agenda file).

Morales-Ojeda thanked the City Council for allowing them to present.

Konopa said she visited GUAVA in their classroom to hear their proposal, and she was surprised by their process.

Councilor Bessie Johnson said that when her husband was a Linn County Commissioner years ago, they asked the high schools to do presentations for flag ideas, and that is how the Linn County flag came about.

Discussion followed about putting the proposed flags on the City's website or *City Bridges* for citizens to vote on.

Councilor Rich Kellum suggested broadening the request so more people can be involved. He wants it to be more inclusive. Councilor Ray Kopczynski offered to contribute \$100 to a prize fund for the chosen flag. Discussion followed.

Councilor Floyd Collins agreed with the process suggested.

Konopa thanked the students for taking on this project. A City flag will be a wonderful addition.

City Manager Wes Hare will be the contact for this project.

PROCLAMATIONS

Historic Preservation Month.

Konopa read the proclamation for Historic Preservation Month as outlined in the agenda packet.

Konopa noted that a two-page list of events to occur in May to celebrate Historic Preservation Month is in the Council agenda packet.

Mental Health Month.

Konopa read the proclamation for Mental Health Month as outlined in the agenda packet.

Konopa introduced Linn County Health Administrator Frank Moore. Moore offered thanks to the City Council and the Human Relations Commission for routinely contacting him and his department on an annual basis to help recognize May as Mental Health Month. The first week of October is Mental Illness Awareness Week. Moore said that one in four people deals with major mental illness during their lifetime, and changes in the health care

delivery system over the last 3-4 years have dramatically increased the ability to provide prevention and promotion. Moore said he has been in this field since 1974, and before the advent of coordinated care organizations in Oregon (the notion of prevention and health promotion in regards to mental health and mental illness issues) funding was difficult. Because of support and funding by InterCommunity Health Network, training has been provided for 500 people in mental health first aid in Linn County, to help recognize signs and symptoms and intervene to provide help.

Konopa recognized Annie McDonald, Case Manager for Albany Partnership for Housing. Konopa said McDonald appreciates the partnership with Moore's office.

Konopa said Moore and his staff do a fantastic job.

SCHEDULED BUSINESS

Public Hearing

- 1) Adopting the 2016-2017 Community Development Block Grant (CDBG) Action Plan.
- 2) Amending the 2014-2015 CDBG Action Plan as adopted by Resolution No. 6322.
- 3) Amending the 2013-2014 CDBG Action Plan as adopted by Resolution No. 6321.

Open: Konopa opened the public hearing at 7:43 p.m.

Planner III Anne Catlin manages the Community Development Block Grants (CDBG) for the City of Albany. These are federal funds that come through the Department of Housing and Urban Development (HUD) for community development projects and services. Program objectives include decent housing, suitable living environment, and expanding economic opportunities. The purpose tonight is to hold a public hearing on the plan that the Community Development Commission prepared for funding for the fiscal year starting July 1, 2016. There are also some minor amendments to move projects around. Catlin said another purpose is to hear from the community about other needs that could be supported by these federal funds.

Catlin gave a PowerPoint presentation (see agenda file), which outlined programs that will be offered this year and things that have already been done.

Councilor Ray Kopczynski explained that he works for Community Services Consortium (CSC) part-time. Because they are one of the CDBG recipients, he recused himself. He said CSC just learned that they have been fully funded for adult and youth services for the next year.

Councilor Rich Kellum asked Catlin to clarify why the money needs to be spent on projects as soon as possible. Catlin said that there are remaining funds in the 2013-2014 and 2014-2015 fiscal years dedicated to Sunrise Park. The plan amendments propose to put those funds towards other planned projects in the Sunrise neighborhood area, because those other projects can be completed independently of the wetlands timing and mitigation issues related to the park itself. Catlin said that once the Sunrise Park wetland issues are resolved, the City can move ahead with that project with current year funds.

Konopa pointed out people in the audience: Karen Cardosa and Chris Equinoa from the Community Development Commission, Executive Director for Linn Benton Housing Authority Donna Holt, and Case Manager for Albany Partnership for Housing Annie McDonald.

Konopa asked if anyone in the audience wished to speak. There were none.

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

Close: Konopa closed the public hearing at 7:55 p.m.

MOTION: Collins moved to adopt the 2016-2017 Community Development Block Grant (CDBG) Action Plan; to amend the 2014-2015 CDBG Action Plan; and to amend the 2013-2014 CDBG Action Plan. Kellum seconded the motion and it passed 5-0, with Kopczynski recused. The resolutions were designated Resolution No. 6492, Resolution No. 6493, and Resolution No. 6494 respectively.

MOTION: Collins moved to authorize the Mayor to sign the certifying documents as required by the US Department of Housing and Urban Development (HUD); and to authorize staff to submit the 2016-2017 Action Plan and amendments to the 2013-2014 and 2014-2015 Action Plans to HUD after review and final approval. Kellum seconded the motion and it passed 5-0, with Kopczynski recused.

Quasi-Judicial Public Hearing

VC-01-15, First Avenue Street Vacation for the Albany Historic Carousel and Museum.

Konopa said the next agenda item is a quasi-judicial public hearing regarding: VC-01-15, First Avenue Street Vacation for the Albany Historic Carousel and Museum.

Open: Konopa opened the quasi-judicial public hearing at 7:58 p.m.

Konopa said for those wishing to testify there is a signup sheet at the table.

Konopa asked if any Councilors wished to declare a conflict of interest. No one did.

Konopa asked if any Councilors wished to report any ex parte contact. Konopa commented that they have all heard about the Carousel.

Konopa asked if any Councilors wished to report a site visit. Konopa commented that most have visited the site.

Konopa asked if any Councilors wished to abstain from participating in the proceedings. No one did.

Konopa asked if anyone wished to challenge the City Council's right to determine this matter or the participation of any Councilor in this hearing and decision. No one did.

Konopa said, for those wishing to testify, please be aware that you must raise an issue with enough detail to afford the Council and parties an opportunity to respond to the issue if you later want to raise that issue on appeal to the Land Use Board of Appeals (LUBA). Testimony and evidence must be directed towards the approval standards staff will describe or other criteria in the Comprehensive Plan or Development Code which you believe to apply to the decision. If additional documents or evidence are provided by any party, the City Council may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension to the 120-day limit. Failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.

Konopa called for the staff report.

Staff Report

Planner II Melissa Anderson said this is for a street vacation of a portion of First Avenue to accommodate the proposed Carousel. The Carousel project is being processed as a separate land use application under a site plan review process.

Anderson gave a PowerPoint presentation (see agenda file).

Kellum asked, what is the value of the property we are vacating? He pointed out that the City is donating something of value and that should be acknowledged. City Attorney Jim Delapoer said that public right-of-way (ROW) is not land we own, but that the City of Albany has an easement over for the benefit of the public. He explained that vacating it means we are simply lifting the easement, and it goes back to the owner. Discussion followed. Kellum said his point is that the City is donating something of value and that it should be recognized.

City Councilor Bessie Johnson asked how the vacation will impact First Avenue, Second Avenue, and Washington Street intersections. Transportation Systems Analyst Ron Irish said the vacation itself won't trigger a conversion of those intersections to an all-way stop, but the Transportation System Plan (TSP) does have a project that envisions all-way stops at Washington Street, Second Avenue, and First Avenue. Irish said that when construction starts, that may be the point when an all-way stop is created. Citizens have requested a stop at that intersection before, primarily residents heading on Washington Street towards the Senior Center. Irish described what would happen to traffic during construction of the Carousel.

Applicant Testimony.

Applicant Doctor Gary Goby said he is excited about moving ahead on this project. He would like to get this out of the way. He noted that there was a \$2,100 permit for street vacation application. Konopa thanked him for his contribution.

Public Testimony

Konopa asked, does anyone wish to speak in support of the application? No one did.

Konopa asked, does anyone wish to speak in opposition of the application? No one did.

Konopa asked, does anyone wish to speak who is neither in favor nor in opposition to the application? No one did.

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

Konopa asked, does the applicant have any rebuttal testimony? No one did.

Konopa asked, does any staff member wish to respond to any testimony presented? No one did.
Close: Konopa closed the public hearing at 8:10 p.m.

City Attorney Jim Delapoer read for the first time in title only "AN ORDINANCE VACATING A PORTION OF THE FIRST AVENUE RIGHT-OF-WAY IN ALBANY OREGON."

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

Delapoer read the ordinance a second time in title only.

MOTION: Coburn moved to adopt the ordinance and Johnson seconded it. The motion passed 6-0 and was designated Ordinance No. 5870.

Konopa said, within five days of the decision the Community Development Director provides written notice of the decision to the applicant and any other parties entitled to notice. A decision of the City Council may be appealed to LUBA by filing a Notice of Intent to Appeal not later than 21 days after the decision becomes final.

Business from the Public

Tom Cordier, 2290 Park Terrace, said that on April 19, 2016, he filled a referendum petition to repeal Ordinance No. 5869, which was passed April 13, 2016. The Ordinance created a stormwater utility. He said, because it is an ordinance, it is legislative and can be challenged with a referendum petition. He read a portion of the ordinance. He said he has 90 days to collect signatures. He thinks that will be easy to do. His concern is that if the ordinance stands, administrative costs will increase in the City to administer this new public utility, and the fee schedules will be passed by resolution, and a resolution cannot be challenged by a referendum petition. He said that now is the only time to file the referendum petition, because it does not lay out a fee schedule, how it will be implemented, and the administrative costs. He said the question is how to keep voters engaged in the process. He said he is familiar with principle that initiative and referendum petitions cannot be filed against administrative decisions, only legislative decisions. He and the co-petitioner met with both City Attorneys to discuss this issue at length. He said he does not want to be perceived as just "the no guy", so he is proposing that the City Council provide assurances, hopefully in written form, that the fees and administrative costs, when they are understood and available, would be done by ordinance only, and not resolution. That way, citizens can have a voice if they don't like the fee schedule or the administrative costs. If the Council will do that, he will withdraw the referendum petition. He says he is not trying to get the City to not be in compliance with state and federal requirements; rather, he is concerned about growing bureaucracies that are accountable to no one. He offers this as a proposal. He received the ballot title for the referendum petition today but he does not agree with it. He acknowledged that it would be a difficult ballot title to write, so his proposal is one way out of the box. He is concerned about using a resolution or an ordinance for adoption.

Adoption of Resolution

Waiving competitive bidding and awarding a special procurement contract for the continued operation of a photo red light enforcement program to Redflex Traffic Systems, Inc.

There was an email on the dais from Jim Lissner that the Councilors had received (see agenda file).

Police Chief Mario Lattanzio said this is a special procurement for continuing a contract we have with Redflex Traffic Systems, Inc. Lattanzio said there are no changes; it is the same contract with the same company, but we must use a special procurement procedure in order to continue the service.

Lattanzio said that Redflex has been good to work with. He said they have received emails mostly from people out of state complaining about Redflex. When he was going to be the traffic lieutenant at his former agency, they had 34 traffic control systems for photo safety by another vendor, and in their first year the loss was one million dollars because the program was not managed and the contract was not well written. The goal for photo safety is not to generate money, but to improve traffic safety. At the same time, we want to be good stewards of the program to make sure it is working the way it should. There can be issues with the equipment and if the vendor is not making repairs in a timely manner, the city may lose revenues, which was Lattanzio's experience at his previous agency. With Redflex, Lattanzio said, the City of Albany does not lose money.

Lattanzio showed traffic slides (see agenda file). The slides are posted to the website at www.cityofalbany.net. The slides are updated frequently so officers can focus their attention in areas that need it. Lattanzio said that photo safety is just one tool in the tool box. He described collisions and why they occur.

Lattanzio showed video clips from 2015 that showed vehicles running red lights. Lattanzio said the number one collision intersection is Queen Avenue and Geary Street based on the data they have available to date. The highest injury incidents occur at Waverly Drive and Santiam Highway, then Waverly Drive and Grand Prairie, and finally Geary Street and Queen Avenue. When the RedFlex program started in 2008 they distributed 1,119 citations; now they distribute about 500 a year. Lattanzio said the City only pays Redflex when a citation has been fully paid.

Lieutenant Alan Lynn said the state of Oregon sets the fines for tickets.

Lattanzio described the contract in detail. Before they add more cameras, they would ask the City Council. Discussion followed about violations and collisions. Lattanzio said the goal is to reduce injury accidents and serious injury accidents, and cameras help to reduce those numbers.

MOTION: Kopczynski moved to adopt the resolution and Collins seconded it.

Kellum said if this reduces accidents, he supports it. He asked, if a camera doesn't reduce accidents, can they move the camera? Lattanzio said there is a cost associated with moving the cameras. Discussion followed.

Olsen said people tell him that they avoid certain intersections, because they get tickets and they don't think it is right. Olsen said he will be voting no.

Lynn described the process from the point the camera takes a picture to the point when the driver receives the notification. Drivers have the option of claiming it is not them, or they can pay the fine, or they can plead not guilty. Discussion followed.

VOTE. A vote was taken on the motion and it passed 5-1, with Olsen voting no, and it was designated Resolution No. 6495.

Reports

Housing Fund disbursements.

Planning Manager Bob Richardson said the housing balance comprised of Community Development Block Grant (CDBG) funds is about \$283,000, which is considered program income, so the use of the funds is restricted. The state has asked the City to spend the funds as soon as possible for eligible projects. During the February 22, 2016, Work Session, the Council heard presentations from the Linn Benton Housing Authority (LBHA) and the Albany Partnership for Housing and Community Development (APHCD) regarding how those two organizations might use the funds if awarded to them. During the Work Session, Council directed staff to develop a recommendation on how to distribute the housing fund balance to one or both of the organizations that would directly respond to failing systems in the housing that is owned by the two organizations.

Richardson said that after reviewing the proposals from the two organizations, staff developed the recommendation that is before the Council tonight, which is to give the LBHA \$42,000 and the APH \$240,819. This funding would fully support the services identified by LBHA and the balance would go to APHCD.

MOTION: Kopczynski moved to disburse \$42,000 to LBHA and \$240,819 or the actual balance at the time of disbursement to APHCD. Collins seconded the motion and it passed 6-0.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) February 22, 2016, Work Session minutes.
 - b) February 24, 2016, Regular Session minutes.
- 2) Approving a temporary contract extension for citywide commercial card-lock fuel facility service with PetroCard, Inc.
- 3) Accepting conveyance of real property located at 405 Denver Street NE, Assessor's Map No. 11S-03W-05CB, Tax Lot 10200, from Gloria Jean Bodine by Quitclaim Deed. RES. NO. 6496
- 4) Licenses to Occupy Public Rights-of-Way
 - a) E-0090-16, Cellar Cat, 211 First Avenue NW.
 - b) E-0040-16, Samaritan Health Services, Hickory Street NW.

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

Approval of Agreement

Intergovernmental Agreement between Albany Police Department and Greater Albany Public Schools for the provision of School Resource Officers (SROs).

Lattanzio described the previous agreement. It was \$40,000 and Lattanzio tried to increase the amount to be more similar to the state rate of about \$50,000. The GAPS budget is on a two-year cycle so they didn't have a way to change it this year, so Lattanzio worked out a 50/50 agreement for a four-year term. The City of Albany has been taking on most of the cost, so this is a way to try to share the cost.

Johnson asked what schools the SROs respond to. Lattanzio said two SROs respond to West Albany High School, South Albany High School, and all the feeder schools. Johnson said it is important to have a presence in the schools.

MOTION: Collins moved to adopt the Intergovernmental Agreement between Albany Police Department and Greater Albany Public Schools. Kopczynski seconded the motion and it passed 6-0.

Appointment

Appointing Sam Flande to the Airport Advisory Commission.

MOTION: Collins moved to appoint Sam Flande to the Airport Advisory Commission. Coburn seconded the motion and it passed 6-0.

General Contractor for Police and Fire Facilities Construction Project request for prequalifications process update.

Engineering Manager Staci Belcastro said the memo in the agenda packet is a summary of the process staff went through to prequalify general contractors. The four contractors listed are prequalified to respond to the Invitation to Bid (ITB) for police and fire facilities. Documents will be provided to them on May 2, 2016.

Collins said that bids are due June 21, 2016, and the Council will award the bid on July 13, 2016.

Adoption of the Strategic Plan for FY2016 through FY2020.

Assistant City Manager/Chief Information Officer Jorge Salinas said staff made the changes that were requested at the last Council meeting. Discussion followed about the usefulness of the Strategic Plan (SP).

Salinas said the current measurements that have been completed are added to the City's Dashboard program on the City's website at www.cityofalbany.net. The data is represented in a graph so it is easy to see how the City has met its goals.

Collins said the SP is a good approach, but asks for timing. The adoption of the SP comes too close to the Budget process. Hare said the SP guides the preparation of the Budget. The goal is to get the SP done first and it is usually done earlier in the calendar year. Collins thinks there should be input early in the budget process if there are significant issues, and then have staff prepare a budget to incorporate them. Collins wants an update on the SP at last Council meeting in November, before staff starts the budget process in January.

MOTION: Kopczynski moved to adopt the Strategic Plan for FY2016 through FY2020. Kopczynski seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Collins said there was another incident at Springhill Drive and Highway 20. The truck's load shifted and the second truck couldn't miss it. Traffic was very backed up. Collins talked to the community and staff about what can be done to reduce the risk at that intersection. Two recent truck accidents occurred directly adjacent to the bike path and sidewalk. It is a safety issue and also an inconvenience for our community. He thinks all the impacted jurisdictions need to work on this. Discussion followed.

Collins asked the City Council to direct staff to talk to Benton County and ODOT about the intersection.

Konopa agreed with Collins. She said the two of them were at a North Albany Neighborhood Association (NANA) meeting where this was discussed. Collins said that ODOT is currently studying safety along a corridor of which Springhill Drive and Highway 20 is the terminus, so the discussion is timely.

CONCUR: The City Council concurred that staff should begin discussions with Benton County and ODOT regarding safety at the intersection of Springhill Drive and Highway 20.

Konopa discussed the letter that was sent to Oregon Geology and Minerals asking them not to relocate their facilities. Representative Andy Olson said they have rescinded their decision and it looks like they will be staying in the area.

Konopa was thankful that LBHA and APHCD will be the recipients of the housing funds.

Hare said the Land Conservation and Development Commission (LCDC) will be meeting on May 19, 2016. One of the issues that continue to come up is the constraints on development inside the Urban Growth Boundary (UGB) and the continuing trend to make it more difficult to expand UGBs. There are a lot of new restrictions inside UGBs. Wetlands are a huge issue for Albany. Discussion followed. The City of Albany is hosting a reception for LCDC at City Hall on May 19, 2016, at 5:00 p.m.

Collins said it is a great opportunity to talk directly to the decision makers. Collins said the Councilors talk to DLCD staff, but he is not sure the decision makers hear directly how the City of Albany is impacted. The imposing agencies need to understand the consequences. Notably, McMinnville and Newberg have spent 17 years trying to amend their UGBs. Discussion followed.

Albany City Council Regular Session
April 27, 2016

NEXT MEETING DATE: Work Session: May 9, 2016; and Regular Session: May 11, 2016

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:01 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
City Clerk

Stewart Taylor
Finance Director

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, May 9, 2016
4:00 p.m.

MINUTES

CALL TO ORDER

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

ROLL CALL

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

Councilors absent: None.

BUSINESS FROM THE PUBLIC

None.

REPUBLIC SERVICES CUSTOMER SERVICE DISCUSSION – Julie Jackson and Kevin Hines

Julie Jackson, of Republic Services, informed the Council that Republic Services will be consolidating customer service in three resource centers across the country. Albany's customer service will be relocated to Phoenix, Arizona, sometime in mid-2017. The Albany office has already moved five customer service people within the company, and customers are spending more time on hold and waiting longer for service. Jackson said that she and Kevin Hines consider this unacceptable. They want to let the Council know what they are doing about it. They will be hiring two summer temporaries, one for the Albany office. The company has moved three employees from accounting back into customer service for a few hours a day. Already wait times are decreasing. The new centers are good work environments and will be well-staffed, so if a few employees are out at the same time, service will not be affected. Customer service hours will be extended from 8 to 15 hours per day. The company is very concerned now to keep current employees. They are offering bonuses and extended medical insurance, and trying to relocate people within the company.

Councilor Rich Kellum asked how many employees are affected. Hines said eight in the Albany office. Five of them already have other jobs in the company locally. The new people that are being hired know that it's temporary. They are eligible for the same benefits as long-time employees.

Councilor Ray Kopczynski asked if the end result would be eight fewer positions in Albany. Jackson said no, because they're creating five more positions in operations and accounting. Telephone calls will go to Phoenix. A dedicated supervisor will train people who answer calls for Albany. With the new system, they will have local information on weather, road closures, etc. Hines said there will still be someone in the local office for walk-ins, as well as a dispatcher, operations clerk, and supervisors.

Councilor Bessie Johnson asked, why the move? She said people in Albany don't care about the pretty office in Phoenix. Jackson said the new system will be much easier to use. Also, in Phoenix they will be able to extend service hours, which they can't do here. And with more customer service people available, if a few people are out, service won't suffer.

Councilor Dick Olsen asked how many employees other than drivers Republic has in Albany. Hines said ten. Olsen asked how many after the move? Jackson said ten or eleven office positions will stay here. Olsen said he is disappointed that Albany will be paying more people, and some of them will be out of town. He asked how much rates will go up. Hines said he doesn't anticipate any increases. Kellum said the savings is in being able to hire full positions seasonally in one location.

Konopa reported that she received another complaint about food recycling odors. She asked if Republic has received many complaints. Jackson said no. North Albany residents may be smelling the composting facility. Republic is testing to determine what keeps odors down the best. She said they want to hear from people who are concerned about the odor.

CROCKER LANE/GIBSON HILL ROAD INTERSECTION DISCUSSION

Transportation Systems Analyst Ron Irish reminded the Council that they asked Public Works in March to collect public input on options for the Crocker Lane/Gibson Hill Road intersection. Public Works received 327 responses to a survey posted online. Fifteen to 20 percent of respondents also left written comments. The responses were used to rank five options.

The intersection is a T with through traffic on Gibson Hill Road. A southbound left turn is the worst operation on that intersection. The performance standard is determined by how many people want to make this movement compared to the number of opportunities to make it. If 85 percent of the available opportunities are being used, the intersection meets the standard. At this intersection now, the ratio is 44 percent. However, because of traffic volume, the intersection meets signal warrants.

Irish said the modern roundabout option was most favored by responders to the report, followed by a traffic signal with turn lanes, a mini-roundabout, a signal with single lanes, and an all-way stop. An analysis showed that all of the options continued to work adequately through 2040 except the all-way stop. The 2040 numbers used traffic estimates for near-complete buildout of the area. Public Works is asking for direction on which of the five options to build, and on a schedule for building it. The schedule will be closely related to funding for the project. The intersection is in the Transportation System Plan (TSP) as funded by System Development Charges (SDCs). The Council previously directed that \$300,000 be kept in the SDC fund for emergencies, so about \$450,000 is available. Public Works thinks they can gather another \$100,000 from other funds, making nearly \$550,000 available now for an intersection project. The two most expensive options are the modern roundabout, at \$1.4 million plus the cost of acquiring right-of-way; and the signal with turn lanes, at \$1.8 million plus right-of-way. Pulling SDC funds from other projects would delay those projects. For instance, using SDC money allocated to the Hill Street improvement project in the Capital Improvement Plan (CIP) would risk Metropolitan Planning Organization (MPO) funding for that project by delaying it.

Olsen asked if the City would lose MPO funding on any other projects if we borrowed SDC funds. Irish said no, only on Hill Street.

Olsen asked how long it would take to save enough SDC money to do the most expensive option. Irish said five or six years.

Kopczynski said he likes the roundabout option. He thinks it should be part of the normal process, including putting it into the CIP so it will move up the priority list.

Councilor Floyd Collins said he would like to make the long-term decision now to build the full roundabout, and use some SDC money for design and right-of-way acquisition, and to resolve some current vision issues at the intersection.

Kopczynski said one of the property owners who will lose property to right-of-way is adamantly opposed to the improvements. The City needs to start negotiating now to make it work out for everyone. Collins said under all the options, the City will need to acquire right-of-way; the question is how much.

Kellum said he would like to just fix the problem to 2040, at the least cost, and after that, if neighbors want more improvements, do an LD.

Coburn asked for Irish's best guess when the area would reach full buildout. Irish said if building continues at the same rate as currently, it will take about 15 years to use all the available buildable land. Coburn asked how much time the Council has to do nothing and let the funds grow. Irish said, from an engineering point of view, probably five to ten years. Not many accidents happen yet at that intersection. Coburn asked if a temporary signal was an option. He said other jurisdictions do this for four or five years, when they know growth is coming but not how much or when. He agrees with Collins: the best choice is the modern roundabout, but we can't build it now and it isn't warranted now.

Collins said that area of the city is unique: there are only two ways in and out. There are already congestion problems. If we wait for buildout, they will get much worse. There was a lot of local frustration during the work on Valley View Drive and Crocker Lane last summer. Scenic Drive isn't really a good alternative for getting in and out of North Albany. When we fix this intersection, we need to fix it right. We only want to destroy and rebuild it once.

Johnson said she doesn't like to take property. She asked if there are any mini-roundabouts in town to compare to the modern roundabout option. Irish said Albany has three modern roundabouts in three different sizes. A mini-roundabout would be similar in size to the temporary one at Spring Hill and Quarry Road last summer. A modern roundabout here would be the same size as the one at Gibson Hill and North Albany Road.

City Manager Wes Hare asked if a mini-roundabout would be safe and effective through buildout. He asked what other factors might influence the need for these improvements. Irish said other factors could be increased development in Benton County outside Albany's Urban Growth Boundary (UGB); congestion on Highway 20; and traffic from Salem trying to avoid Highway 20 by using back roads. It would be hard to predict when these might become problems. A mini-roundabout would have the smallest capacity of the options, and might fail in 25 to 30 years.

Johnson asked if fixing visibility issues at the intersection would buy some time. She asked what the Council could do short of a major fix to make it easier to use the intersection. There are a lot of places in Albany that need to be fixed.

Kellum predicted a lot of new housing in the area soon, which will tell us more about what is needed. If the City cuts brush and improves visibility so it's safe, a couple of years isn't too long to wait and see. Would a temporary signal help? The longer we wait, the more SDCs we accumulate.

Kopczynski said he understands waiting a couple of years, but suggests earmarking the intersection now for the full roundabout in five years. It will take time to prepare for construction. If buildout happens as Irish expects, the project will already be in the plans.

Konopa said there are a lot of needs throughout City. We put a lot of SDCs in the Lowe's basket. Now we don't have funding capacity, and when will we? We will have more needs in years to come. She thinks we should start planning for this project now and working on property acquisition.

Motion: Collins moved to select the full-size roundabout as the ultimate plan for the intersection and direct staff to place the project in the CIP, and in the interim, to improve the intersection's vision issues, purchase right-of-way, and plan the design. Kopczynski seconded the motion.

Coburn said one of the respondents commented that the utility pole on the northwest corner of the intersection blocks visibility for westbound traffic. That pole will have to be moved regardless. He would like to hear from staff what other steps could be taken to improve visibility. Irish said it's complicated because both road rights-of-way are under Benton County jurisdiction. In the right-of-way, the City can only do what the County will allow. On private property we can't do anything outside of the vision clearance triangle as defined in the Albany Development Code.

Kellum said it's strange that we are proposing to move funds from City streets we own to a street we don't own. Public Works Engineering and Community Development Director Jeff Blaine said there are two ways to look at it. Development in the area is regulated through Albany's Development Code and is within the City limits. The intersection issue is capacity, not structural, and driven by development that Albany has approved.

Collins said he would like to look at the temporary signal option. It might buy some time. Blaine said that option would not be SDC-eligible. It would have to be funded with cash. Collins said he doesn't want to interrupt the commitment to Hill Street or the MPO funding.

Olsen asked, if the temporary signal works well, can we change the CIP and not do the roundabout? Collins said yes.

VOTE: The motion to select the full-size roundabout option and begin planning passed 4-3, with Olsen, Johnson, and Kellum voting no.

VC-01-15, FIRST AVENUE STREET VACATION FOR THE ALBANY HISTORIC CAROUSEL AND MUSEUM

Blaine explained that this Ordinance was passed by the Council on April 27, 2016. Before it was recorded, it was noticed that the legal description was incorrect. The second line of the description should read "west of the right-of-way." Blaine presented a corrected legal description for the Ordinance (see agenda file).

MOTION: Kopczynski moved to replace the existing legal description for Ordinance No. 5870 with the corrected legal description. Collins seconded the motion, which passed 6-0.

COUNCILOR COMMENTS

Kopczynski said he hopes the Council will have a progress report soon on the time, place, and manner discussion and ballot measure titles. City Attorney Sean Kidd said staff hasn't finished the maps yet. When they are finished, staff will come before the City Council. He won't be able to put together an ordinance until he receives guidance from the Council. He wants to be sure the Council is interested in the three-percent tax if the ban on recreational marijuana fails. The Council expressed interest in the tax. Kidd said he thinks staff will have the maps ready by the next Work Session (May 23, 2016), but he's scheduled to be in depositions and might not be finished by 4:00 p.m. Planning Manager Bob Richardson could attend and answer questions.

Kopczynski asked if there will be a hearing on Tom Cordier's ballot title challenge. Kidd said yes. Cordier has filed a challenge to the stormwater utility ballot title. The City Attorney's office has sent a response to Cordier's lawyer, and Kidd will inform the City Council when a hearing is scheduled.

Collins said he will be out of town for the meetings on May 23 and 25. He would like updates on the City Manager hiring process. The Council discussed the extent of their involvement in the Finance Manager hiring process. Collins also requested that staff talk to the Oregon Department of Transportation (ODOT) and Benton County about truck safety at Highway 20 and Spring Hill Drive.

Irish said based on conversations he's had with ODOT, they feel they would not have a role in creating a detour route not on the highway system. Because of the safety issue, the people he talked to think the City and Benton County should take action. City engineers are evaluating the pavement on Hickory Street to see if it's strong enough for trucks. Additional truck traffic would mean the street would need to be replaced sooner than expected. Another option would be to install signs warning of the tipping hazard at the intersection of Spring Hill and Highway 20. Both options would require coordinating with Benton County, and there have been no official discussions with the County yet.

Collins suggested that staff proceed with discussions, and also install warning signs immediately.

Konopa also recommends discussions with Benton County. Blaine said Benton County has always been a good partner.

CITY MANAGER REPORT

There was no City Manager Report.

Blaine asked, if the Council will be discussing the marijuana measure on May 23, can the food carts discussion be taken off that agenda? The Council agreed to the change.

ADJOURNMENT

There being no other business, the meeting was adjourned at 5:38 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse
Accounting Specialist

Stewart Taylor
Finance Director

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, May 11, 2016
7:15 p.m.

MINUTES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

Councilors present: Mayor Sharon Konopa and Councilors Ray Kopczynski, Floyd Collins, Dick Olsen, and Bill Coburn.

Councilors absent: Councilors Rich Kellum and Bessie Johnson (both excused).

City Manager Wes Hare introduced two State Department fellows that are visiting for the month of May. Rozaidi Mohat, visiting from Malaysia, is a town planner in charge of reducing his community's carbon footprint. Dave Albao, visiting from the Philippines, manages an island that is being preserved as a sanctuary. Both fellows are looking at our resource management practices and conservation efforts in Oregon, which is part of their respective work in their home countries. Konopa welcomed the fellows to Albany.

PROCLAMATION

National Public Works Week

Konopa read the proclamation as outlined in the agenda packet. She commended Public Works staff for their great work and complimented staff on their presentation at last night's Budget Committee Meeting, in which they outlined all of the public works programs and funds that they manage.

SCHEDULED BUSINESS

Communication

Accepting Keith Underdahl's resignation from the Parks & Recreation Commission.

MOTION: Councilor Ray Kopczynski moved to accept Underdahl's resignation and send a thank you letter. Councilor Bill Coburn seconded the motion and it passed 4-0.

Business from the Public

There was no business from the public.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) March 7, 2016, Work Session minutes.
- 2) Annual liquor license renewals.

MOTION: Kopczynski moved to adopt the Consent Calendar as presented. Coburn seconded the motion and it passed 4-0.

Coburn asked Police Captain Jeff Hinrichs, as a point of clarification, to confirm that the Police Department did not see any issues with approving the liquor licenses. Hinrichs confirmed there were no issues with approval.

Report

Approval of Albany-Millersburg Water Intergovernmental Agreements.

Public Works Operations Director Chris Bailey explained that the two Intergovernmental Agreements (IGAs) being considered are renewals of existing IGAs in place with City of Millersburg. One covers the management of jointly owned water facilities and the other covers the maintenance of the distribution system owned by Millersburg. The agreements retain the same structure and content but with updated language to reflect current conditions, for example, removing language related to construction of the facility.

Bailey noted that the City of Millersburg City Council approved the agreements at their last Council meeting.

Albany City Council
May 11, 2016

Kopczynski commented that these agreements are proof that collaboration between communities is effective and has saved both communities money over the years.

MOTION: Collins moved to authorize the Mayor to execute the IGAs on behalf of the City. Kopczynski seconded the motion and it passed 4-0.

BUSINESS FROM THE COUNCIL

Collins told the Council that a scam artist contacted him earlier in the day representing himself as Brian Davis, Deputy US Marshal. The scammer attempted to force payment over the phone from Collins, claiming that he had failed to appear for jury duty and unless he paid bail and scheduled to appear before a judge, there would be a warrant out for his arrest. The scammer claimed that Collins would need to appear at the federal courthouse in Albany. Collins pointed out that there isn't a federal courthouse in Albany and after arguing for a short while, the scammer disconnected the call. Collins wants to make sure that citizens are aware that these scammers are out there and warn people to be cautious. He urged citizens, if they are contacted by one of these scammers, to get their name, phone number, and identification number and provide that information to local law enforcement.

Konopa commented that Collins knew that the courthouse in Albany is not a federal court but many people wouldn't know that off hand.

City Attorney Jim Delapoer warned that no law enforcement agency or court is going to call and try to settle an issue with payment over the phone. They are going to communicate using lots of official stationery. He stated that if anyone receives a call asking for money over the phone, it's a scam and the citizen should simply hang up.

NEXT MEETING DATE: Work Session: May 23, 2016; and Regular Session: May 25, 2016

ADJOURNMENT

There being no other business, the meeting was adjourned at 7:30 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 29, 2016, for the July 13, 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.

All Star Pizza	Fox Run LLC	231 Lyons St
Cooper's	CBW Food Company LLC	1917 Pacific Blvd SE
Albany Mega Foods	B & E3 LLC	2000 Queen Ave SE
Deluxe Brewing Company	Albany Steamworks	635 NE Water Ave #B & D
Sinister Distillery Company	Albany Steamworks	635 NE Water Ave #B & D
3 Sheets Brewing	3 Sheets Brewing LLC	2115 NW 20 th Lp

Budget Impact:

Revenue of \$210.

ke

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Larry J & Viola M Johnston

A 5-foot wide sanitary sewer easement as part of
the SS-15-02 2015 Pipe Bursting Projects.
11S03W07DD 06600

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

DATED AND EFFECTIVE THIS 13TH DAY OF JULY 2016.

Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 4th day of June, 2016, by and between Larry J & Viola M Johnston, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

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

This agreement is subject to the following terms and conditions:

1. The easement hereby granted consists of:

A 5-foot wide utility easement for City of Albany utilities as part of SS-16-01 2016 Pipe Bursting Projects. See legal description on attached Exhibit A and easement maps on attached Exhibits B and C.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

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

GRANTOR:

Larry J & Viola M Johnston

Larry J Johnston
Larry J Johnston

Viola M Johnston
Viola M Johnston

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

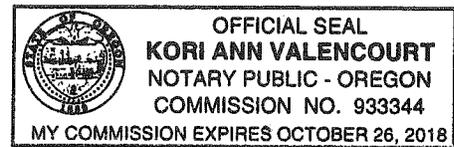
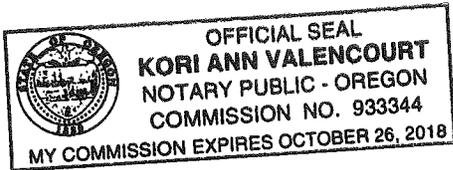
STATE OF Oregon)
County of Linn) ss.
City of Albany)

The foregoing instrument was acknowledged before me this 4th day of June, 2016, by Larry J Johnston as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 4th day of June, 2016, by Viola M Johnston as her voluntary act and deed.

Kori Ann Valencourt
Notary Public for Oregon
My Commission Expires: October 26, 2018

Kori Ann Valencourt
Notary Public for Oregon
My Commission Expires: October 26, 2018



CITY OF ALBANY:

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

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2016.

City Manager

ATTEST:

City Clerk

Exhibit "A"

Legal Description

5.00' wide City of Albany Sanitary Sewer Easement
over
Tax Lot 6600 of Assessor Map 11S-3W-7DD

The most easterly 5.00 feet of Lot 1, Block 1 of "Supplemental Plat of Block 19 & 20 of Hollywood Acres", a subdivision recorded in Linn County, Oregon, TOGETHERWITH the most easterly 5.00 feet of the northerly 28.42 feet of Lot 2, Block 1 of said "Supplemental Plat of Block 19 & 20 of Hollywood Acres".

May 11, 2016
COA SANITARY SEWER EASEMENT
OVER TAX LOT 6600 – MAP 11S-3W-7DD
(16-75) JJC:ls
File Ref: z:/projects/2016/16-75/surveying/documents/legal 2.doc

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
JOE J. COTA
58561

RENEWS: 12/31/17

EXHIBIT "B"

CITY OF ALBANY
SANITARY SEWER EASEMENT

LOCATED AT

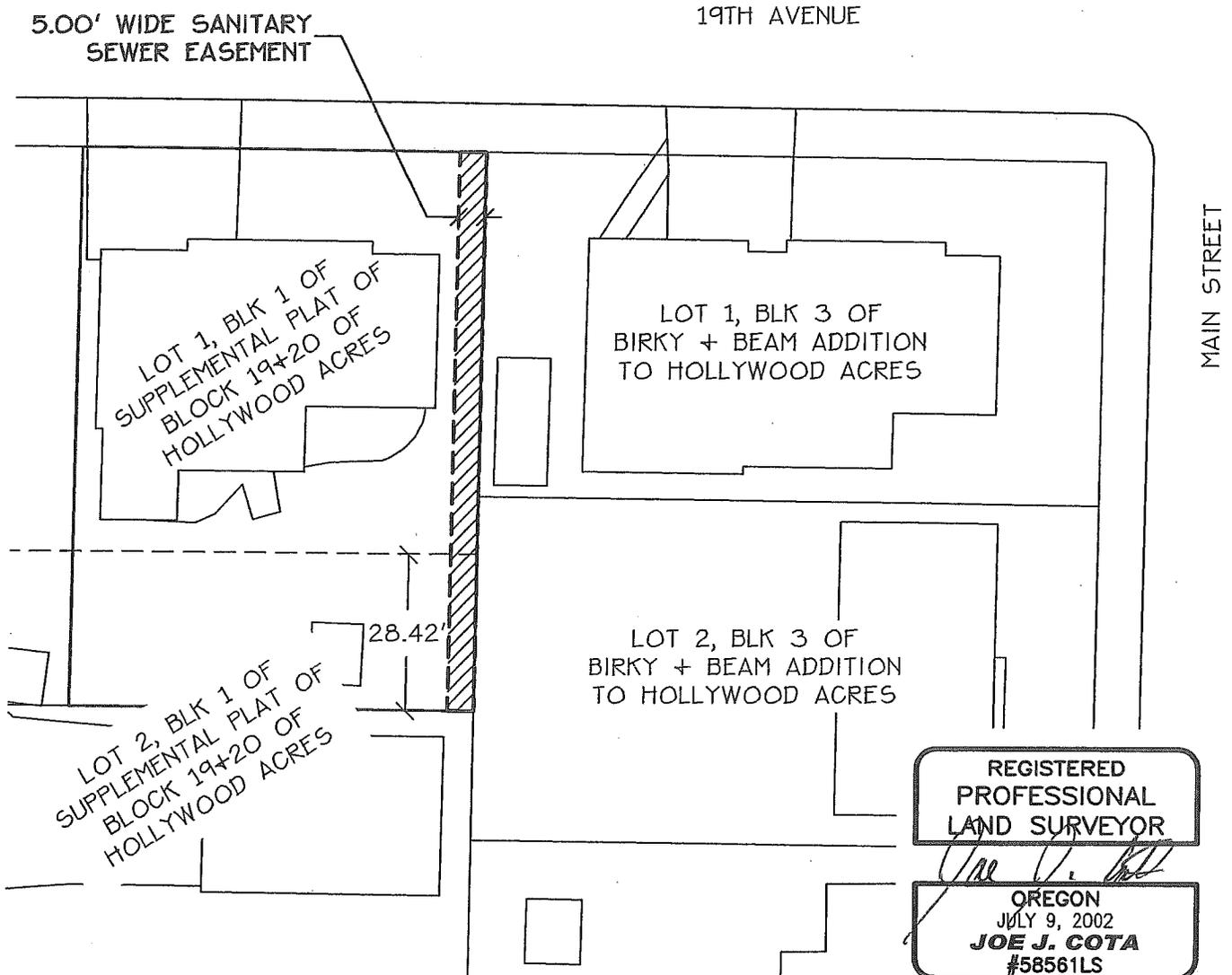
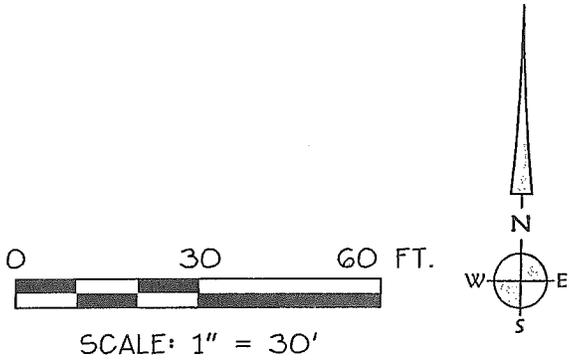
1070 19th AVENUE SE
ALBANY, OR 97322

TAX LOT 06600 MAP 115-3W-07DD

IN THE

SE 1/4 SEC. 7, T. 11 S., R. 3 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON

MAY 6, 2016



REGISTERED
PROFESSIONAL
LAND SURVEYOR
Joe J. Cota
OREGON
JULY 9, 2002
JOE J. COTA
#58561LS
Renewal: 12/31/17

THIS EXHIBIT BASED ON C.S. 5230, C.S. 3769
SUPPLEMENTAL PLAT TO BLOCKS 19 + 20 OF
HOLLYWOOD ACRES, AND CITY OF ALBANY GIS DATA.

Date: 5/11/2016 Time: 8:29
Scale: 1=1(P5)
File: dwg\2016\16-75\16-75-EX.dwg (George)

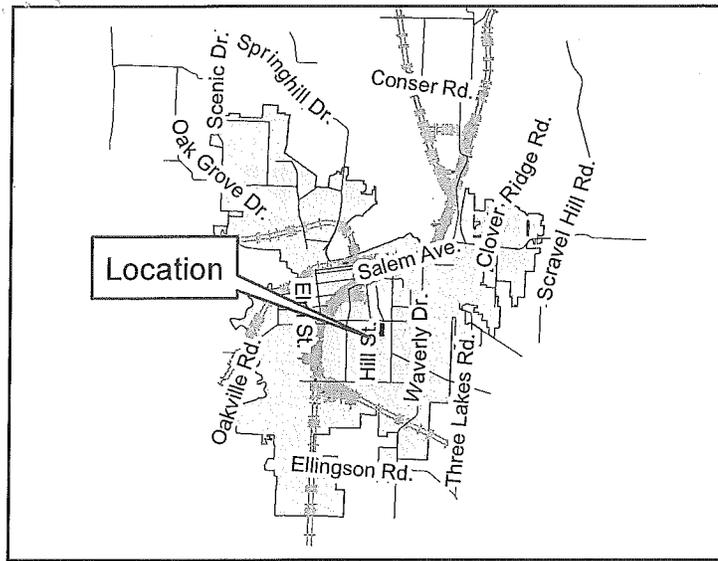


K & D ENGINEERING, Inc.
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

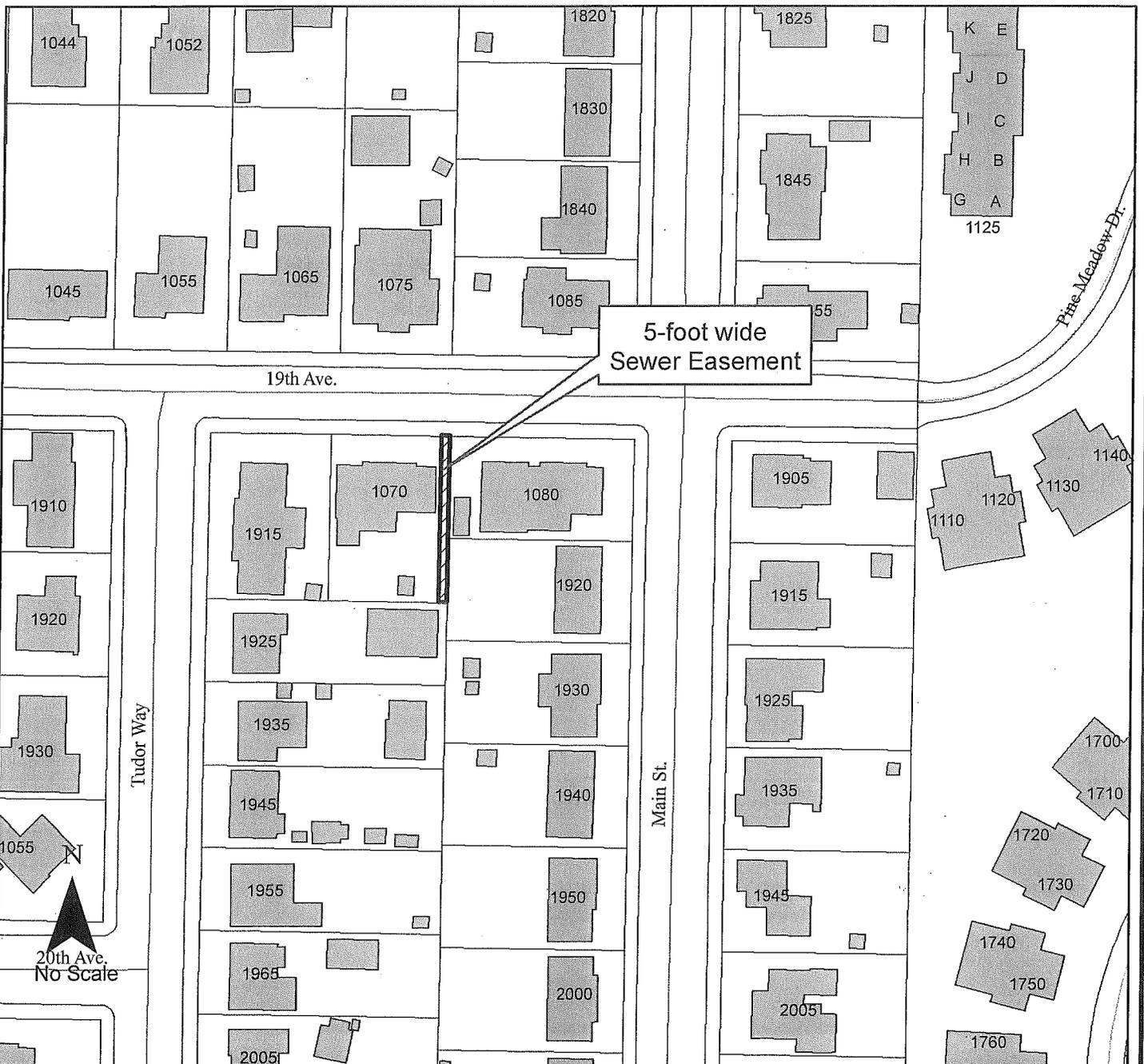
EXHIBIT C

11S03W07DD-06600

A 5 foot wide Sewer Easement,
as part of SS-16-01
2016 Sewer Pipe Bursting Project



Geographic Information Services



RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

<u>Grantor</u>	<u>Purpose</u>
Linnie and Earline Townlin Revocable Living Trust	A 5-foot wide sanitary sewer easement as part of the SS-15-02 2015 Pipe Bursting Projects. 11S03W07DD 00800

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

DATED AND EFFECTIVE THIS 13TH DAY OF JULY 2016.

Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 27 day of June, 2016, by and between the Linnie and Earline Townlin Revocable Living Trust, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

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

This agreement is subject to the following terms and conditions:

1. The easement hereby granted consists of:

A 5-foot wide utility easement for City of Albany utilities as part of SS-16-01 2016 Pipe Bursting Projects. See legal description on attached Exhibit A and easement maps on attached Exhibits B and C.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

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

GRANTOR:

Linnie and Earline Townlin Revocable Living Trust

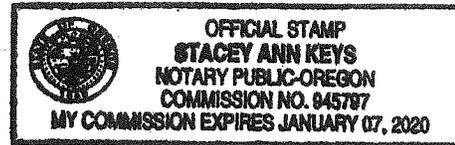
Earline M. Townlin, Trustee
Earline Townlin, Trustee

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

The foregoing instrument was acknowledged before me this 27 day of June, 2016, by Earline Townlin, trustee of the Linnie and Earline Townlin Revocable Living Trust as her voluntary act and deed.

[Signature]

Notary Public for Oregon
My Commission Expires: January 07, 2020



CITY OF ALBANY:

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

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2016.

City Manager

ATTEST:

City Clerk

Exhibit "A"

Legal Description

5.00' wide City of Albany Sanitary Sewer Easement
over
Tax Lot 800 of Assessor Map 11S-3W-7DD

The most westerly 5.00 feet of Lot 1, Block 3 of "Birky & Beam Addition to Hollywood Acres", a subdivision recorded in Linn County, Oregon.

May 11, 2016
COA SANITARY SEWER EASEMENT
OVER TAX LOT 800 – MAP 11S-3W-7DD
(16-75) JJC:ls
File Ref: z:/projects/2016/16-75/surveying/documents/legal 1.doc

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
JOE J. COTA
58581

RENEWS: 12/31/17

EXHIBIT "B"
CITY OF ALBANY
SANITARY SEWER EASEMENT

LOCATED AT

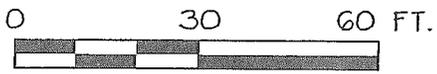
1080 19th AVENUE SE
ALBANY, OR 97322

TAX LOT 00800 MAP 115-3W-07DD

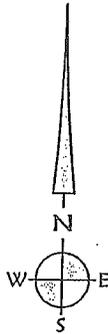
IN THE

SE 1/4 SEC. 7, T. 11 S., R. 3 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON

MAY 6, 2016



SCALE: 1" = 30'



19TH AVENUE

5.00' WIDE SANITARY
SEWER EASEMENT

TAX LOT 6600
MAP 115-3W-07DD

LOT 1, BLK 3 OF
BIRKY + BEAM ADDITION
TO HOLLYWOOD ACRES

MAIN STREET

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

Renewal: 12/31/17

THIS EXHIBIT BASED ON C.S. 4618, C.S. 3517A
BIRKY AND BEAM ADDITION TO HOLLYWOOD ACRES, AND
CITY OF ALBANY GIS DATA.

Date: 5/11/2016

Time: 8:29

Scale: 1"=1(P5)

File: dwg\2016\16-75\16-75-EX.dwg (George)

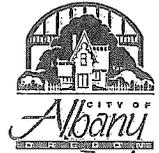
K & D ENGINEERING, Inc.

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

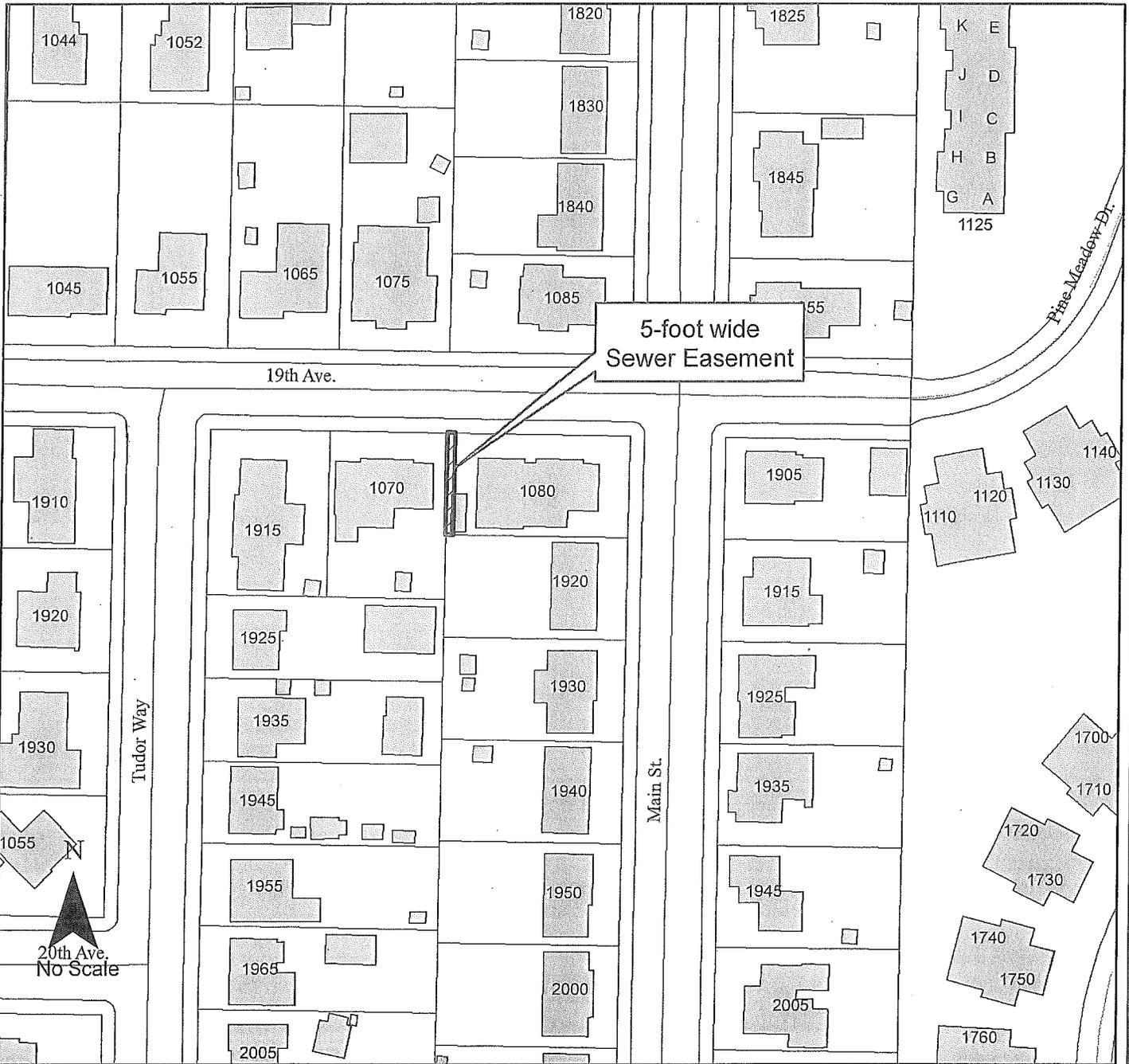
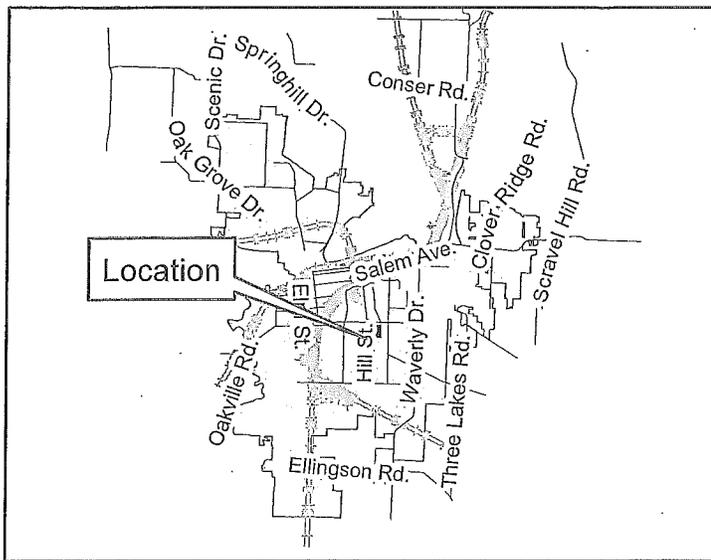
EXHIBIT C

11S03W07DD-00800

A 5 foot wide Sewer Easement,
as part of SS-16-01
2016 Sewer Pipe Bursting Project



Geographic Information Services



RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Hickory Station, LLC

A 15-foot wide water line easement for a public water line as part of the Hickory Station, LLC development project.

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

DATED AND EFFECTIVE THIS 13TH DAY OF JULY 2016.

Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 22ND day of JUNE, 2016, by and between Hickory Station, LLC, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

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

This agreement is subject to the following terms and conditions:

1. The easement hereby granted consists of:
 - A 15-foot wide waterline easement. See legal description on attached Exhibit A and easement maps on attached Exhibits B and C.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

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

GRANTOR:

Hickory Station, LLC

Patty Davenport

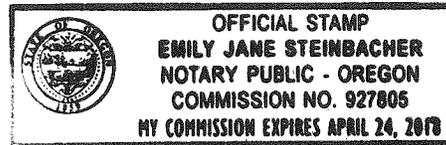
Patty Davenport, (owner)

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

The foregoing instrument was acknowledged before me this 22nd day of June, 2016, by Patty Davenport, owner of Hickory Station, LLC, as her voluntary act and deed.

Emily Jane Steinbacher

Notary Public for Oregon
My Commission Expires: 4/24/2018



CITY OF ALBANY:

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

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2016.

City Manager

ATTEST:

City Clerk

Exhibit A



DAVID LEE SCHLOSSER JR. - REGISTERED SURVEYOR

720 NW 4th Street, Corvallis, Oregon 97330 Phone 541-757-9050; FAX 541-757-7578

PUBLIC WATERLINE EASEMENT

June 20, 2016

A 15 foot wide Waterline Easement to the City of Albany being a portion of Parcels 12 and 13 of Partition Plat 2015-28, conveyed to Hickory Station, LLC per Document M-460779-10, Benton County Records, lying in the Northeast Quarter of the Southeast Quarter of Section 1, Township 11 South, Range 4 West, Willamette Meridian, more particularly described as follows:

Beginning at a 5/8" iron rod at the northeast corner of Parcel 11 of said Partition Plat;
Thence N 82°19'01" E 122.55 feet;
Thence S 07°40'59" E 27.00 feet;
Thence N 82°19'01" E 15.00 feet;
Thence N 07°40'59" W 27.00 feet;
Thence N 82°19'01" E 66.90 feet;
Thence along the arc of a 292.50 foot radius curve to the right (chord bears N 88°09'06" E 59.47 feet) 59.57 feet;
Thence S 86°00'18" E 141.67 feet to the west right-of-way line of a 25 foot Public Utility Easement as dedicated on Partition Plat 98-12;
Thence along said easement line N 04°38'07" E 15.00 feet;
Thence leaving said Easement line N 86°00'18" W 141.81 feet;
Thence along the arc of a 307.50 foot radius curve to the left (chord bears S 88°09'06" W 62.52 feet) 62.63 feet;
Thence S 82°18'23" W 11.59 feet;
Thence N 07°40'59" W 21.00 feet;
Thence N 82°19'01" E 15.00 feet;
Thence N 07°40'59" W 21.00 feet;
Thence S 82°19'01" W 52.36 feet;
Thence S 07°40'59" E 8.19 feet;
Thence N 82°19'01" E 25.86 feet;
Thence N 07°41'37" W 8.19 feet;
Thence S 82°19'01" W 84.69 feet;
Thence N 07°40'59" W 19.00 feet;
Thence N 82°19'01" E 17.50 feet;
Thence N 07°40'59" W 19.00 feet;
Thence S 82°19'01" W 194.17 feet to the east right-of-way line of a 40 foot wide Public Utility Easement as dedicated on Partition Plat No. 98-12;
Thence along said Easement line S13°04'40" E 15.07 feet to the north line of said Parcel 11;
Thence leaving said Easement line and along said north line N 82°19'01" E 195.31 feet to the Point of Beginning.

Containing 10,312 square feet, more or less.

The Basis of Bearings for this description is Partition Plat 2015-28.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally signed by David Lee
Schlosser
Date: 2016.06.20 13:21:16 -0700

OREGON
06/10/2014
DAVID LEE SCHLOSSER JR.
72617

RENEWAL DATE: 06/30/2016

Exhibit B

LEGEND:

-FOUND MONUMENT
- WLWATER LINE
- ESMTEASEMENT
- PPPARTITION PLAT
- PUEPUBLIC UTILITY EASEMENT

EASEMENT CURVE TABLE

CURVE	RADIUS	ARC	CHORD	CHORD BEARING	DELTA
C1	292.50'	59.57'	59.47'	S 88°09'06" W	11°40'09"
C2	307.50'	62.63'	62.52'	S 88°09'06" W	11°40'09"

EASEMENT LINE TABLE

LINE	BEARING	DISTANCE
L1	S 07°40'59" E	27.00'
L2	N 82°19'01" E	15.00'
L3	N 07°40'59" W	27.00'
L4	S 82°18'23" W	11.59'
L5	N 07°40'59" W	21.00'
L6	N 82°19'01" E	15.00'
L7	N 07°40'59" W	21.00'
L8	S 07°40'59" E	8.19'
L9	N 82°19'01" E	25.86'
L10	N 07°41'37" W	8.19'
L11	N 07°40'59" W	19.00'
L12	N 82°19'01" E	17.50'
L13	N 07°40'59" W	19.00'
L14	S 13°04'40" E	15.07'
L15	N 04°38'07" E	15.00'

WATER LINE EASEMENT
for
HICKORY STATION LLC

in
NE 1/4 SE 1/4, SECTION 1,
TOWNSHIP 11 SOUTH, RANGE 4 WEST,
WILLAMETTE MERIDIAN
CITY OF ALBANY
BENTON COUNTY, OREGON

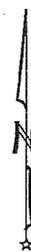
JUNE 20, 2016

REGISTERED
PROFESSIONAL
LAND SURVEYOR

David Lee Schlosser
Digitally signed by David
Lee Schlosser
Date: 2016.06.20 12:54:12
-0700'

OREGON
JUNE 10, 2014
DAVID LEE SCHLOSSER JR.
72617

RENEWS: 06/30/2016



NORTHSTAR SURVEYING, INC.
720 N.W. 4th Street
Corvallis, Oregon 97330
Phone: 541-757-9050

S:\2015\JOBS\15063\DWG\15063 Hickory Station LLC wl esmt.dwg DLS

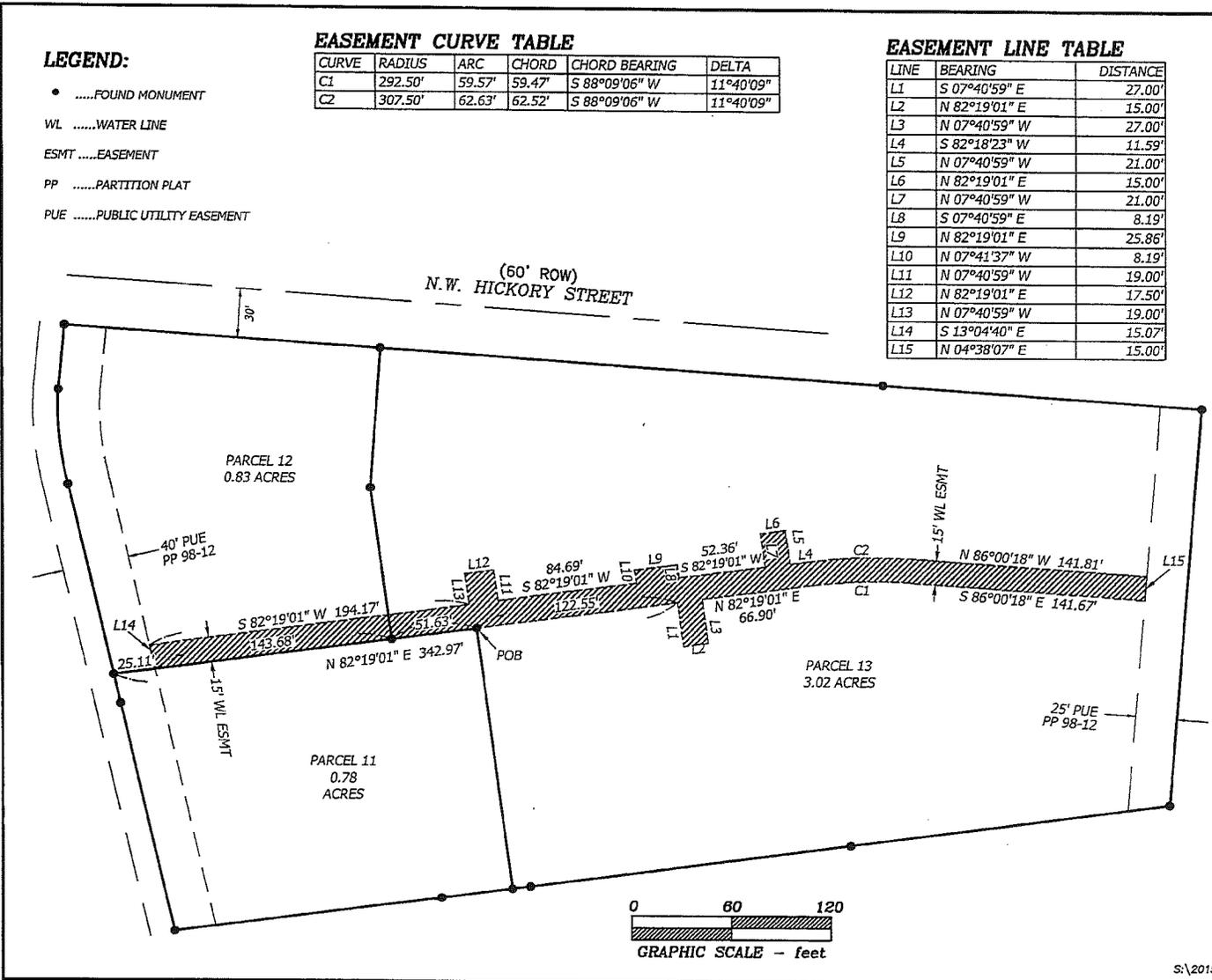
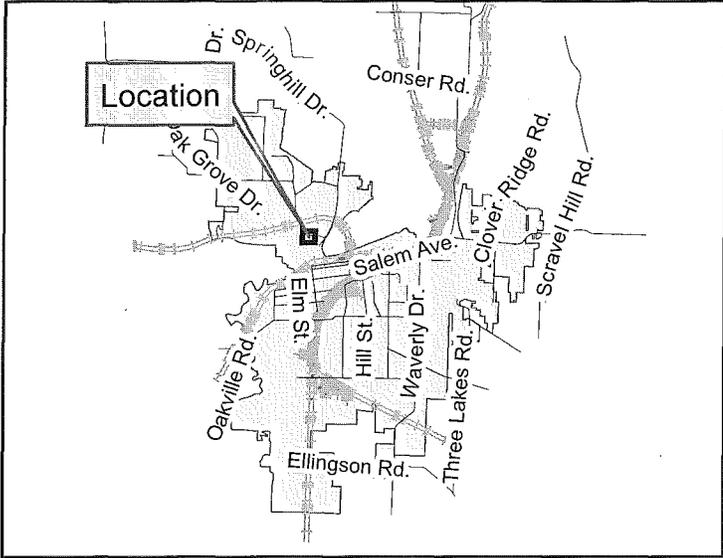


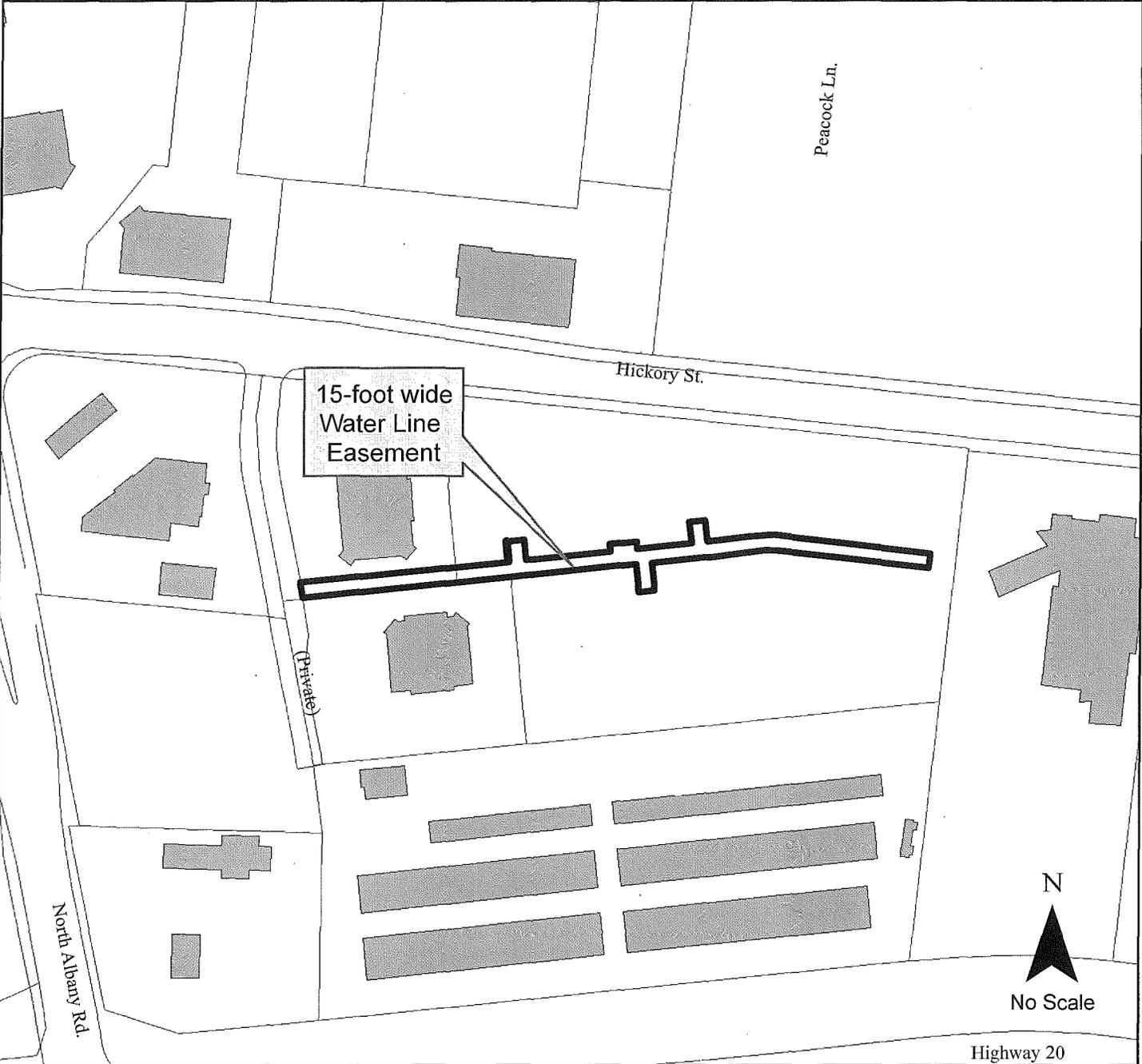
EXHIBIT C

11S04W01DA- 01500, 01600

A 15 foot wide water line easement,
as part of the Hickory Station LLC
Development Project



Geographic Information Services



RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

<u>Grantor</u>	<u>Purpose</u>
GRH Albany LLC, HCO Albany LLC, MRH Taylorsville LLC	A 15-foot wide sidewalk easement, as required by a Property Line Adjustment Condition of Approval. 11S03W08AD 01800 & 00600

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

DATED AND EFFECTIVE THIS 13TH DAY OF JULY 2016.

Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC SIDEWALK

THIS AGREEMENT, made and entered into this 15TH day of JUNE, 2016, by and between GRH Albany LLC, HCO Albany LLC, MRH Taylorsville, LLC, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

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

This agreement is subject to the following terms and conditions:

1. The easement hereby granted consists of:
A 15-foot wide public sidewalk easement. See legal description on attached Exhibit A and easement maps on attached Exhibits B and C.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

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

GRANTORS:

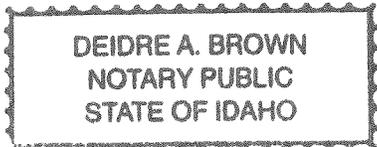
**GRH Albany LLC,
HCO Albany LLC
MRH Taylorsville, LLC**

GRH Albany LLC,
an Idaho limited liability company

By: 
Its: Gary R. Hawkins
6-15-16

STATE OF IDAHO)
)ss
County of ADA)

On this 15th day of June, 2016, before me, a Notary Public in and for the State of Idaho, personally appeared Gary R. Hawkins, known or identified to me to be to be the Manager of **GRH Albany LLC**, an Idaho limited liability company, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such company executed the same.



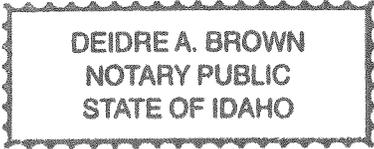

Notary/Public for Idaho
My commission expires: 11-14-2018

HCO Albany LLC,
an Idaho limited liability company

By: [Signature]
Its: 6-15-16 Manager

STATE OF IDAHO)
)ss
County of ADA)

On this 15th day of June 2016, before me, a Notary Public in and for the State of Idaho, personally appeared Harry R. Hawkins, known or identified to me to be to be the Manager of HCO Albany LLC, an Idaho limited liability company, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such company executed the same.



[Signature: Deidre A. Brown]
Notary Public for Idaho
My commission expires: 11-14-2018

CITY OF ALBANY:

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

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2016.

City Manager

ATTEST:

City Clerk

Exhibit A

NORTHWEST
SURVEYING, INC.

BOUNDARY TOPOGRAPHIC CONSTRUCTION CADASTRAL
Licensed in OR & WA

1815 NW 169TH PLACE, SUITE 2090
BEAVERTON, OR 97006

TELEPHONE: (503) 848-2127
FAX: (503) 848-2179

EASEMENT DESCRIPTION

May 20, 2016
NWS Project No. 1467
15.00' Wide Sidewalk Easement

A 15.00 foot wide tract of land located in the northeast one-quarter of Section 8, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon, more particularly described as follows:

Commencing at the northeast corner of the south one-half of the Leander C. Burkhart Donation Land Claim No. 50, said point being on the west line of the Anderson Cox Donation Land Claim No. 49 and bearing North 01°22'00" West a distance of 6298.06 feet from the southwest corner thereof; thence along the west line of said Anderson Cox Donation Land Claim, South 01°22'00" East a distance of 1146.67 feet to a point; thence North 88°38'00" East a distance of 30.00 feet to a point on the easterly right-of-way line of Waverly Drive being 30.00 feet easterly of the centerline thereof, when measured at right angles, and the Point of Beginning; thence along said easterly right-of-way line, North 01°22'00" West a distance of 131.32 feet to the northwest corner of that property conveyed to Geoffrèy Lands et al, by deed recorded July 27, 1987 in Book 449, Page 494, Linn County Deed Records; thence along the northeasterly line of said Lands property, South 70°17'00" East a distance of 16.08 feet to a point 15.00 feet easterly of said easterly right-of-way line, when measured at right angles; thence parallel with and 15.00 feet easterly of said easterly right-of-way line, when measured at right angles, South 01°22'00" East a distance of 125.54 feet to a point; thence South 88°38'00" West a distance of 15.00 feet to the Point of Beginning.

Said described tract of land contains 1,927 square feet, more or less.



RENEWS:

Exhibit B

EXHIBIT MAP - SIDEWALK EASEMENT

LOCATED IN THE NE 1/4 OF SECTION 8, T. 11 S., R. 3 W., W.M.,
CITY OF ALBANY, LINN COUNTY, OREGON
MAY 20, 2016



SCALE: 1" = 30'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Scott F. Field

OREGON
JUNE 30, 1997
SCOTT F. FIELD
2844

12-31-2017
RENEWAL DATE

WEST LINE OF
ANDERSON COX
DLC NO. 49

50'

30'

WAVERLY DRIVE

S01°22'00"E 6298.06'

1146.67'

N01°22'00"W 131.32'

S01°22'00"E 125.54'

N88°38'00"E

30.00'

POINT OF
BEGINNING

S88°38'00"W
15.00'

POINT OF COMMENCEMENT,
NE CORNER OF THE S1/2 OF
L.C. BURKHART DLC NO. 50

S70°17'00"E
16.08'

15.00' SIDEWALK EASEMENT
1,927 SQUARE FEET ±

BOOK 449, PAGE 494

SW CORNER OF
A. COX DLC NO. 49

JOB NAME: HAWKINS ALBANY PLA	<h1>NORTHWEST</h1> <h1>SURVEYING, Inc.</h1> <p>1815 NW 169TH PLACE SUITE 2090 BEAVERTON, OR 97006 PHONE: (503) 848-2127 FAX: (503) 848-2179</p>
JOB NUMBER: 1467	
DRAWING NUMBER: 1467 EASE	
DRAWN BY: SFF	
CHECKED BY: CHS	

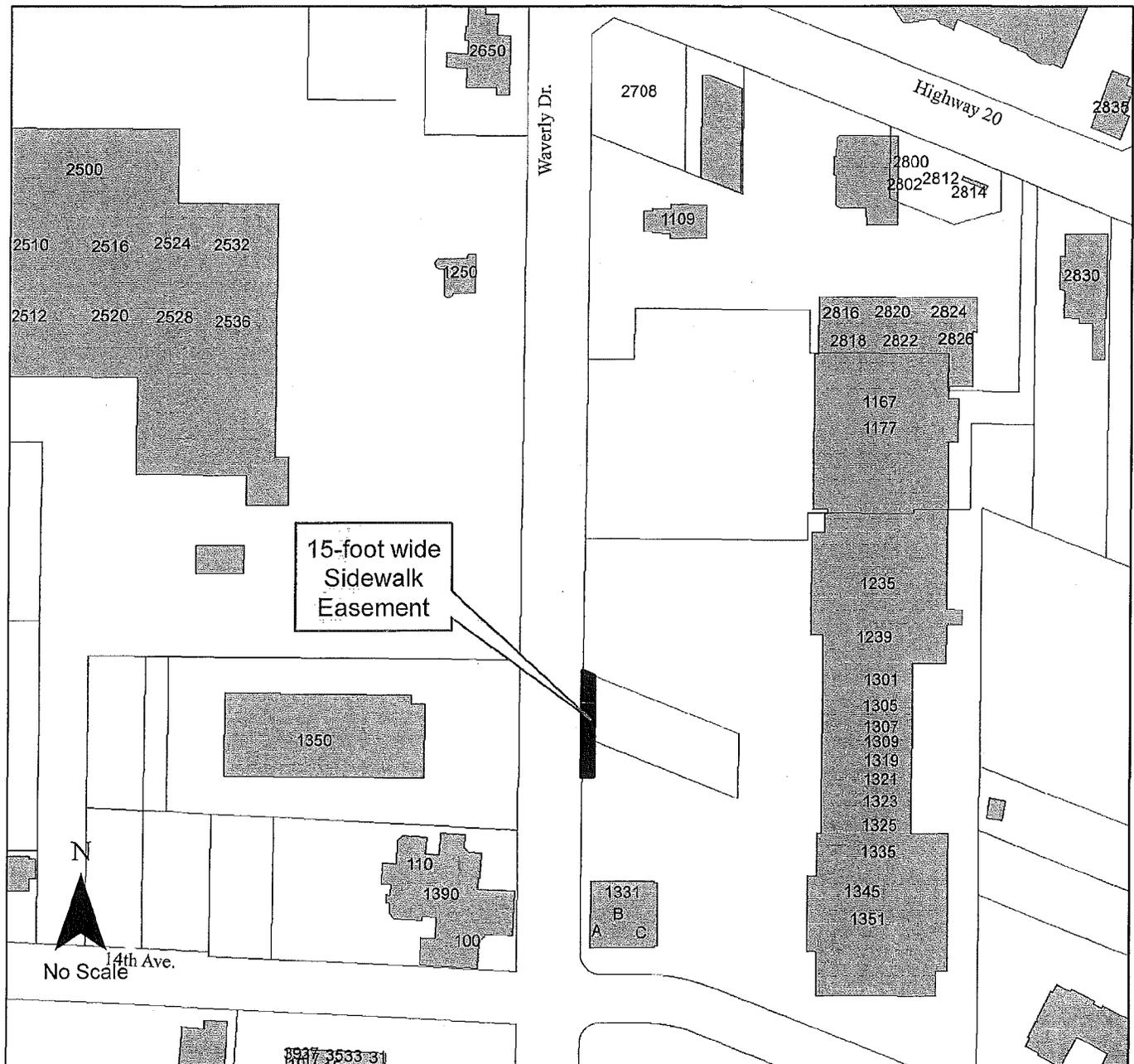
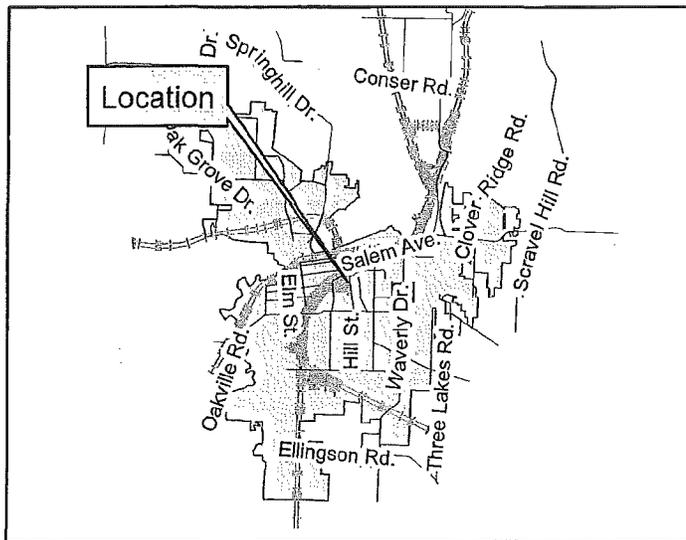
EXHIBIT C

11S03W08AD- 01800, 00600

A 15 foot wide Sidewalk easement,
as required by a Property Line
Adjustment Condition of Approval



Geographic Information Services



RESOLUTION NO. _____

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

Grantor

Purpose

City of Albany

Converting a variable width area of City property into street and utility Right-of-way, to place the public improvements at the Main Street roundabout into the public right-of-way.

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 13TH DAY OF JULY 2016.

Mayor

ATTEST:

Deputy City Clerk

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS, that the City of Albany, hereinafter referred to as Grantor, hereby dedicate to the City of Albany, a Municipal Corporation, hereinafter called "City" for right-of-way purposes, a portion of that real property situated in Linn County, Oregon, conveyed to Grantors in a deed recorded in Linn County Deed Records Volume 329, Page 53, and being more particularly described as follows:

See legal description on attached Exhibit A and maps on attached Exhibit B and Exhibit C.

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

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

IN WITNESS WHEREOF, the Grantor has hereunto affixed their signature this _____ day of _____ 2016.

GRANTOR:

City Of Albany, Oregon

Wes Hare, City Manager

Stewart Taylor, Finance Director

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

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

The instrument was acknowledged before me this _____ day of _____ 2016, by Wes Hare, City Manager, as a representative of the City Of Albany.

The instrument was acknowledged before me this _____ day of _____ 2016, by Stewart Taylor, Finance Director, as a representative of the City Of Albany.

Notary Public for Oregon

My Commission Expires: _____

Notary Public for Oregon

My Commission Expires: _____

CITY OF ALBANY:

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

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution No. _____
do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this
_____ day of _____ 2016.

City Manager

ATTEST:

Deputy City Recorder

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

EXHIBIT "A"

Legal Description
Public Right-Of-Way Dedication
A portion of
Tax Lot 10000 of Assessor Map 11S-03W-06DD

A portion of the tract of land conveyed to the City of Albany, a municipal corporation, by Warranty Deed recorded in MF Volume 329, Page 53 in the Linn County, Oregon Deed Records (hereinafter referred to as "City of Albany Tract") which portion being more particularly described as follows:

Beginning at the northwest corner of said City of Albany Tract; thence North 85°15'00" East 115.00 feet to the northeast corner of said City of Albany Tract; thence South 9°00'00" East, along the east line of said City of Albany Tract, 36.14 feet to a point that is 1.00 foot northerly of the easterly projection of the north edge of an existing parking lot; thence South 81°16'38" West, parallel with and 1.00 foot northerly of said parking lot, 61.82 feet to a point that is 0.50 feet easterly of the back of an existing concrete sidewalk; thence along a line that is 0.50 feet easterly of said concrete sidewalk the following three (3) courses; 1) along the arc of a 83.38 foot radius curve to the left (long chord of which bears South 21°54'32" West 16.54 feet) a distance of 16.57 feet; 2) thence along the arc of a 126.43 foot radius curve to the right (long chord of which bears South 33°48'55" West 33.47 feet) a distance of 33.57 feet; 3) thence along the arc 46.20 foot radius curve to the left (long chord of which bears South 52°32'09" West 3.71 feet) a distance of 3.71 feet to a point on the south line of said City of Albany Tract; thence South 80°37'00" West 18.36 feet to the southwest corner of said City of Albany Tract; thence North 9°00'00" West 85.00 feet to the Point of Beginning.

July 1, 2016
R-O-W DEDICATION
PORTION OF TAX LOT 10000
(12-96) JJC:ls

File Ref: z:/projects/2012/12-96/surveying/documents/revise easement 8600.doc

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Joe J. Cota
**OREGON
JULY 9, 2002
JOE J. COTA
58561**

RENEWS:

EXHIBIT "B"

PUBLIC R-O-W DEDICATION

TAX LOT 10,000
MAP 115-3W-GDD

JUNE 15, 2016

0 10 20 40 FT.

SCALE: 1" = 20'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

Renewal: 12/31/17

LEGEND:

() RECORD DATA
[] CALCULATED DATA

CURVE DATA TABLE:

CURVE	RADIUS	LENGTH	CHORD	DELTA
1	[46.20']	3.71'	S52°32'09"W 3.71'	04°35'54"
2	[126.43']	33.57'	S33°48'55"W 33.47'	15°12'48"
3	[83.38']	16.57'	S21°54'32"W 16.54'	11°23'03"

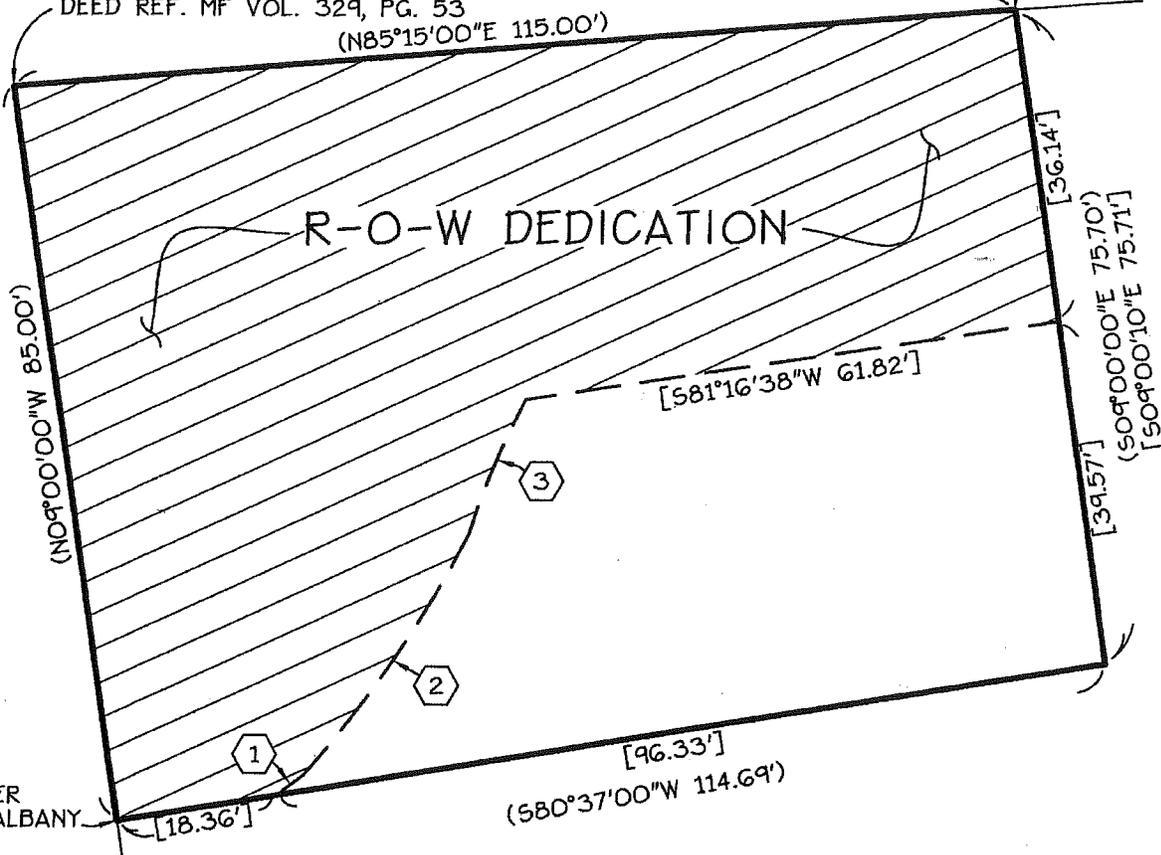
P.O.B.

NW CORNER
CITY OF ALBANY TRACT
DEED REF. MF VOL. 329, PG. 53

SALEM AVE. SE

NE CORNER
CITY OF ALBANY
TRACT

MAIN ST SE



SW CORNER
CITY OF ALBANY
TRACT

K & D

K & D ENGINEERING, Inc.

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

Date: 6/16/2016

Time: 8:32

Scale: 1=20

File: dwg\2012\12-96\12-96_ease3.dwg (Brian)

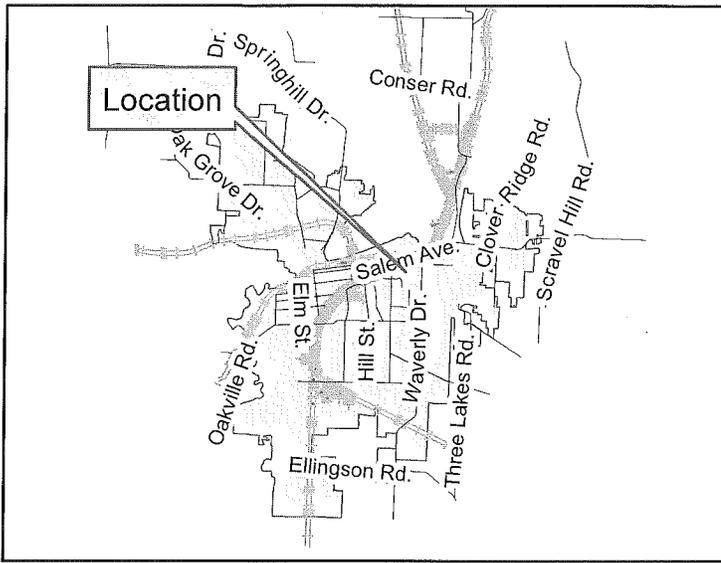
EXHIBIT C

11S03W06DD- 10000

Converting a variable width area of City Property into right-of-way, to place the public improvements at the Main Street roundabout into public right-of-way.



Geographic Information Services





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*
 Chris Cerklewski, P.E., Civil Engineer III *CLC*

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

SUBJECT: Award of Bid for WL-16-04, Meadow Wood Drive Water Line

RELATES TO STRATEGIC PLAN THEME: A Safe City

Action Requested:

Staff recommends that Council award this contract in the amount of \$509,705 to the low bidder, Pacific Excavation, Inc. of Eugene, Oregon.

Discussion:

On Tuesday, June 28, 2016, bids were opened for WL-16-04, Meadow Wood Drive Water Line. There were three bids submitted for this project, ranging from \$509,705 to \$598,860. The Engineer's estimate was \$502,345. A bid summary is provided as Attachment 1.

Project Description

This project includes construction of approximately 700 feet of 12-inch water line on Crocker Lane between Robin Hood Lane and Meadow Wood Drive, and approximately 1,500 feet of 8-inch and 4-inch water line on Meadow Wood Drive as shown on the project vicinity map provided as Attachment 2. In addition to water line construction, this project also includes pavement restoration, installation of new water services, fire hydrants, and related appurtenances. The new water line will replace deteriorated water lines, thereby increasing system reliability and reducing the number of emergency responses required to fix leaks.

Summary of Total Estimated Project Cost

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

Project Components	Estimated Cost
I. Engineering Costs	
a. Engineering	\$27,600
b. Construction Inspection	\$15,000
<i>Engineering Subtotal</i>	\$42,600
II. Construction Costs	
a. Construction Contract	\$509,700
b. Contingency (10%)	\$51,000
<i>Construction Subtotal</i>	\$560,700
<i>Total Estimated Project Cost</i>	\$603,300
<i>Project Budget</i>	\$610,800
<i>Under/(Over) Project Budget</i>	\$7,500

Budget Impact:

This project will be funded from the Water System Capital Fund (615-50-2308) and \$48,750 in contribution from Benton County.

CS:rk
 Attachment (2)

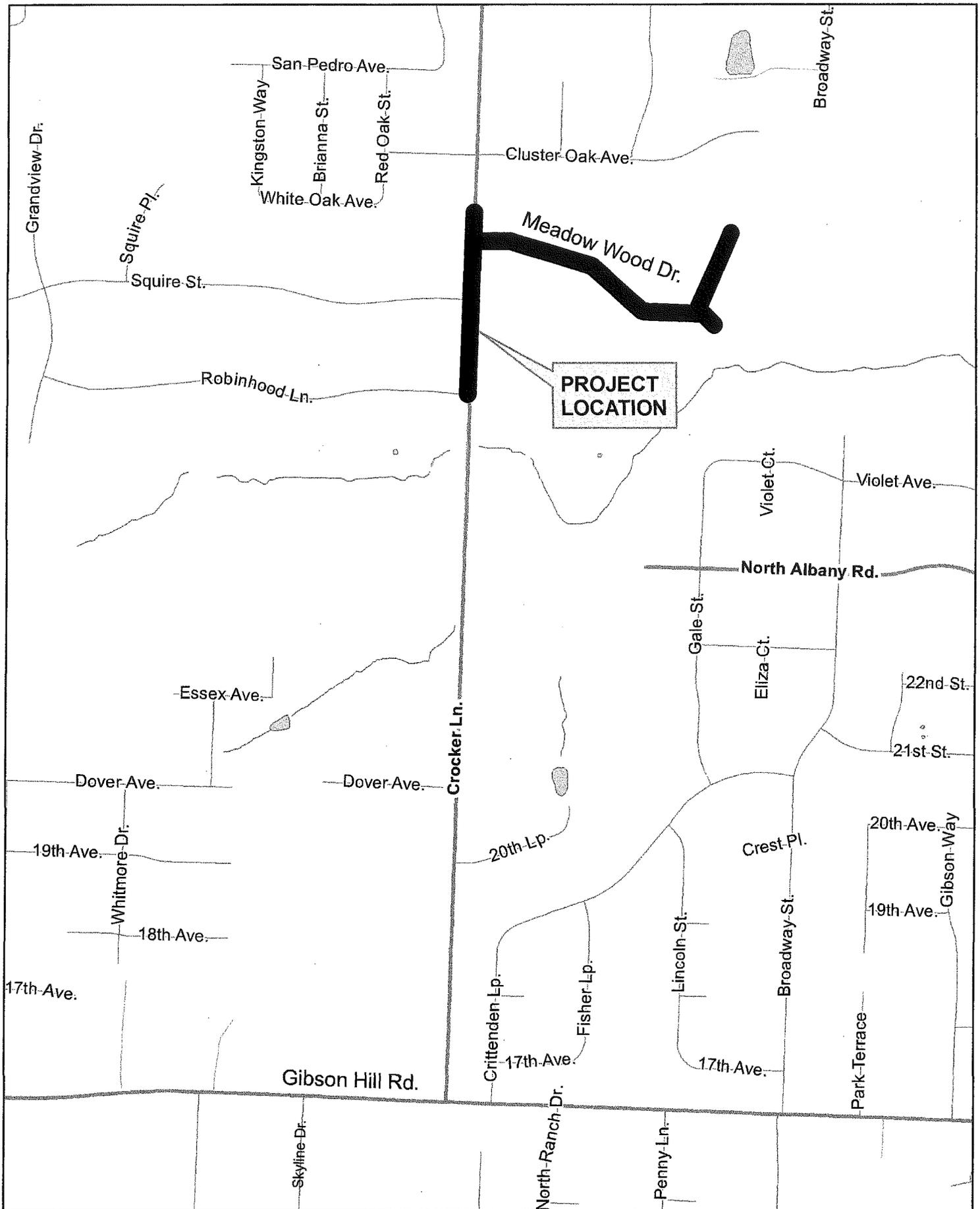


CITY OF ALBANY, OREGON
Public Works Department
Construction Contract Bids

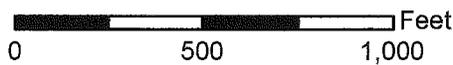
Project: WL-16-04, Meadow Wood Drive Water Line

Bid Opening: Tuesday, June 28, 2016

Engineer's Estimate	Pacific Excavation, Inc. (Eugene)	Trench Line Excavation, Inc. (Corvallis)	Wildish Construction Co. (Eugene)
502,345	509,705	569,205	598,860



**ATTACHMENT 2
MEADOW WOOD DRIVE WATER LINE VICINITY MAP**





TO: Albany City Council

VIA: Wes Hare, City Manager
John R. Bradner, Fire Chief
Mario Lattanzio, Chief of Police

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

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

SUBJECT: Award of Bid for MS-16-02/MS-16-03 Fire Station 11 and Police Station

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

Action Requested:

Staff recommends that Council award this contract in the amount of \$19,500,200 to the low bidder, Gerding Builders, LLC, of Corvallis.

Discussion:

On June 21, 2016, bids were opened for MS-16-02/MS-16-03, Fire Station 11 and Police Station. Three bids were submitted for this project, ranging from \$19,478,800 to \$19,837,024. The Engineer's estimate was \$20,400,000. A bid summary is provided as Attachment 1.

Project Description

As early as 2007, the City's Strategic Plans identified the need for a new downtown fire station (Fire Station 11). The City also identified a need to replace or expand the Police station over a decade ago. In 2014, a Public Safety Facilities Review Committee (PSFR), made up of 14 Albany residents, evaluated current and future needs at Fire Station 11 and the Albany Police Department building. The results of this evaluation confirmed the earlier conclusions made by Council and Staff.

After considerable research, the PSFR Committee determined that the fire station should be built on approximately 1.65 acres in the 500 and 600 blocks of Lyon Street SW, expanding on its current site, and the police station should be replaced at a new site in the 2600 block of Pacific Boulevard SW on 3.69 acres of vacant property. The replacement police station is two stories and approximately 40,400 square feet. It will house all Police Department operations. The replacement fire station is approximately 24,300 square feet. It will house one of four fire station responses, administration, and much of the Fire Department storage. Vicinity maps are provided as Attachments 2 and 3.

The PSFR Committee recommended a three-pronged approach to funding the two new buildings that included Pepsi settlement proceeds, urban renewal funds, and general obligation bonds. Voters approved an \$18 million bond on the May 19, 2015 ballot as part of the larger funding package to pay for the two new buildings. The estimated cost to taxpayers in Albany is \$0.29 cents per thousand dollars of assessed value.

Schedule Comparison and Award Recommendation

This project was bid with three schedules. Schedule A provides for awarding one contract to one contractor for construction of both the Fire and Police stations; Schedule B and C provide for awarding two separate contracts to two contractors for the construction of the Fire and Police

stations. A list of bid alternatives was provided as Schedule D. Kirby Nagelhout Construction Company submitted their proposal one minute late and did not turn in their first-tier subcontractor disclosure form. Their proposal was determined to be nonresponsive and was not considered in this award recommendation.

Gerding Builders, LLC submitted the lowest responsive bid for all three schedules. Staff recommends Council award Schedule A (one contract) to Gerding Builders for construction of both the Fire and Police stations. In addition, staff recommends Council award D-3 Police Alternative No. 3, which provides for a whole building central vacuum system at a cost of \$21,400.

Summary of Total Estimated Project Costs

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

Project Components	Estimated Cost
I. Architectural & Engineering	
a. Mackenzie Police Station Phase II and III	\$ 948,300
b. Mackenzie Fire Station Phase II and III	\$ 616,200
c. David Evans & Associates Owner's Representative	\$ 275,000
<i>Engineering Subtotal</i>	\$ 1,839,500
II. Construction Costs	
a. Construction Contract – Schedule A + D-3	\$ 19,500,200
b. 5% Contingency	\$ 975,000
c. Special Inspection	\$ 60,000
<i>Construction Subtotal</i>	\$ 20,535,200
III. Fire Station Demolition & Abatement Costs	
a. Demolition Engineering & Hazardous Materials Assessment	\$ 16,500
b. Construction Inspection	\$ 2,500
c. Demolition 623 Lyon Street SE (Richard's Cleaners)	\$ 30,000
d. Relocation 531 6 th Avenue SE (Edward Jones)	\$ 2,400
e. Demolition 123 7 th Avenue SE (Ralston Garage)	\$ 12,000
f. Demolition 110 6 th Avenue SE (Fire Station 11)	\$ 210,800
g. Demolition 517 Lyon Street SE (Farmers Insurance)	\$ 50,000
<i>Estimated Total Project Cost</i>	\$ 50,000
<i>Demolition & Abatement Subtotal</i>	\$ 324,200
IV. Owner Costs	
a. Police Station	\$ 1,707,500
b. Fire Station	\$ 801,000
<i>Owner Costs Subtotal</i>	\$ 2,508,500
<i>Total Estimated Project Cost</i>	\$ 25,207,400
<i>Project Budget</i>	\$ 25,631,300
<i>Under/(Over) Project Budget</i>	\$ 423,900

Budget Impact:

This project will be funded from Public Safety Building Design (402-10-1052) and CARA (290-11-1102) in the adopted budget.

SB:rk

Attachments

ATTACHMENT 1 BID TAB

CITY OF ALBANY
PUBLIC WORKS DEPARTMENT--Engineering
333 Broadalbin St. SW, PO Box 490
Albany, OR 97321
Telephone: (541) 917-7676 Fax: (541) 917-7573

Project : MS-16-02, MS-16-03; FIRE STATION AND POLICE STATION CONSTRUCTION

Project Manager: Staci Belcastro

Bid Date: June 21, 2016, 2:00 pm

ITEM NO.	DESCRIPTION	NO. UNITS	UNIT OF MEASURE	BIDDERS:			
				Engineer's Estimate	Gerding Builders, LLC*	GBC Construction LLC	Kirby Nagelhout Construction Co.**
				Total	Total	Total	Total
A-1	Construct Police Station	1	lump sum		\$11,997,000.00	\$12,043,000.00	\$11,727,000.00
A-2	Police Station Erosion Prevention & Sediment Control	1	lump sum		\$8,300.00	\$5,200.00	\$7,950.00
A-3	Construct Fire Station 11	1	lump sum		\$7,266,000.00	\$7,287,000.00	\$7,670,000.00
A-4	Construct Fire Station 11 Lyon Street Improvements	1	lump sum		\$197,200.00	\$291,000.00	\$422,449.00
A-5	Fire Station 11 Erosion Prevention & Sediment Control	1	lump sum		\$10,300.00	\$5,250.00	\$9,625.00
	Total Fire and Police Stations			\$20,400,000.00	\$19,478,800.00	\$19,631,450.00	\$19,837,024.00
B-1	Construct Police Station	1	lump sum		\$11,997,000.00	\$12,043,000.00	\$11,727,000.00
B-2	Police Station Erosion Prevention & Sediment Control	1	lump sum		\$8,300.00	\$5,200.00	\$7,950.00
	Total Police Station			\$13,200,000.00	\$12,005,300.00	\$12,048,200.00	\$11,734,950.00
C-1	Construct Fire Station 11	1	lump sum		\$7,266,000.00	\$7,287,000.00	\$7,245,000.00
C-2	Construct Fire Station 11 Lyon Street Improvements	1	lump sum		\$197,200.00	\$291,000.00	\$422,449.00
C-3	Fire Station 11 Erosion Prevention & Sediment Control	1	lump sum		\$10,300.00	\$5,250.00	\$9,625.00
	Total Fire Station			\$7,200,000.00	\$7,473,500.00	\$7,583,250.00	\$7,677,074.00
Unit Cost	Over Excavation & Engineered Backfill	1	unit		\$39.00	\$60.00	\$40.00
D-1	Police Alternate No. 1 - Sally Port & Vehicle Evidence Bay	1	lump sum		-\$6,000.00	-\$12,400.00	-\$11,580.00
D-2	Police Alternate No. 2 - Trench Drains at Sally Port & Vehicle Evidence Bay	1	lump sum		-\$8,139.00	-\$7,300.00	-\$8,171.00
D-3	Police Alternate No. 3 - Whole Building Central Vacuum System	1	lump sum		\$21,400.00	\$30,000.00	\$41,900.00
D-4	Police Alternate No. 4 - Wood Ceiling in Lobby	1	lump sum		-\$25,700.00	-\$28,000.00	-\$14,298.00
D-5	Police Alternate No. 5 Concrete roof at Sally Port & Vehicle Evidence Bay	1	lump sum		-\$9,200.00	-\$15,000.00	-\$26,522.00
D-6	Fire Alternate No. 1 - Plaza	1	lump sum		\$3,400.00	-\$11,700.00	-\$8,061.00
D-7	Fire Alternate No. 2 - Site Seat Walls	1	lump sum		-\$5,700.00	-\$8,700.00	-\$3,300.00
D-8	Fire Alternate No. 3 - Skylights	1	lump sum		-\$3,100.00	\$0.00	-\$2,855.00
	Total Alternates				-\$33,039.00	-\$53,100.00	-\$32,887.00
	Total Schedule A with Alternates				\$19,445,761.00	\$19,578,350.00	\$19,804,137.00
	Total Schedule B & C with Alternates				\$19,445,761.00	\$19,578,350.00	\$19,379,137.00
							Non-Responsive Bid

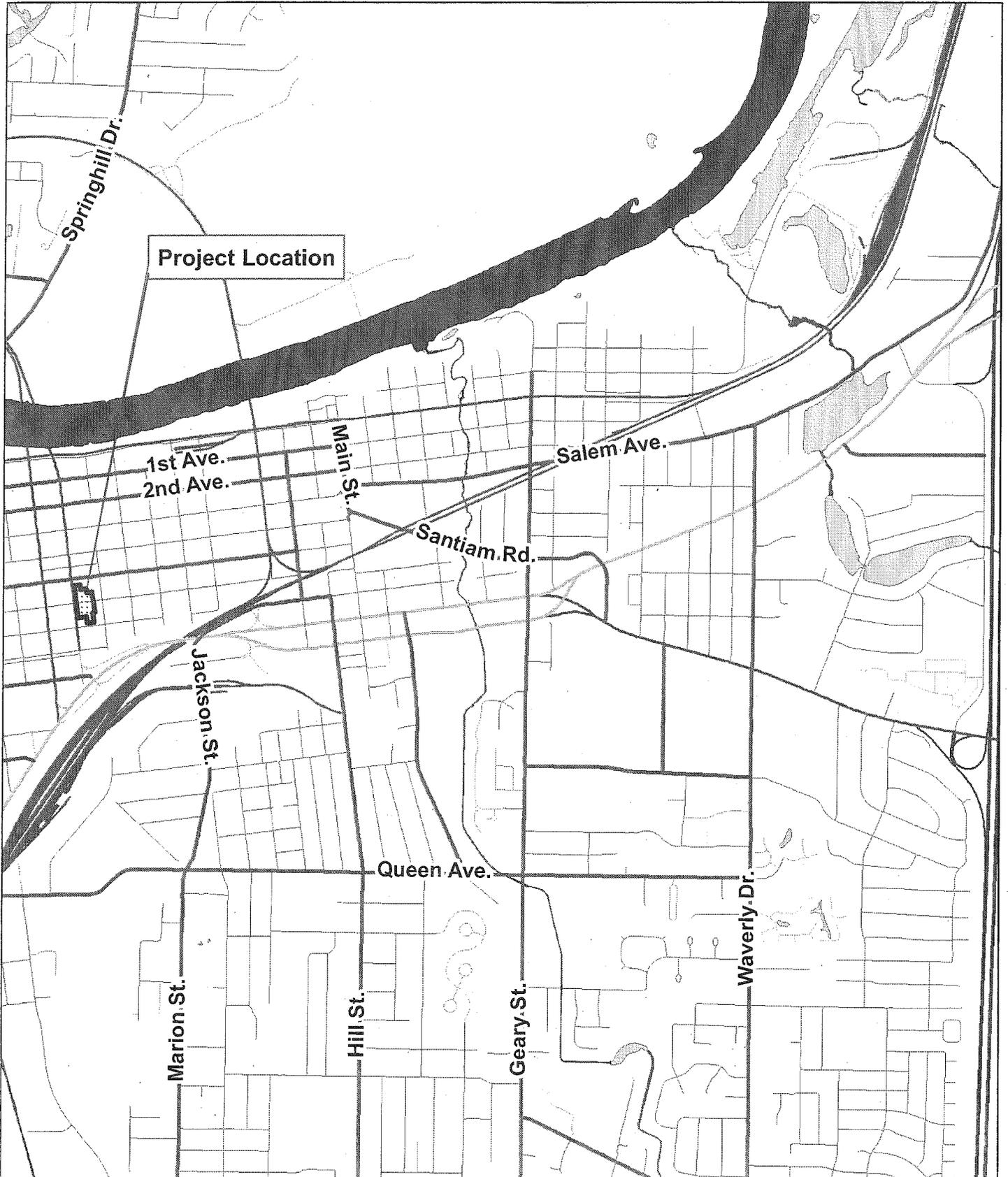
* Apparent Low Bidder

**Non-Responsive Bidder - No First-Tier Subcontractor Form Submitted

ATTACHMENT 2
MS-16-02, FIRE STATION 11
VICINITY MAP



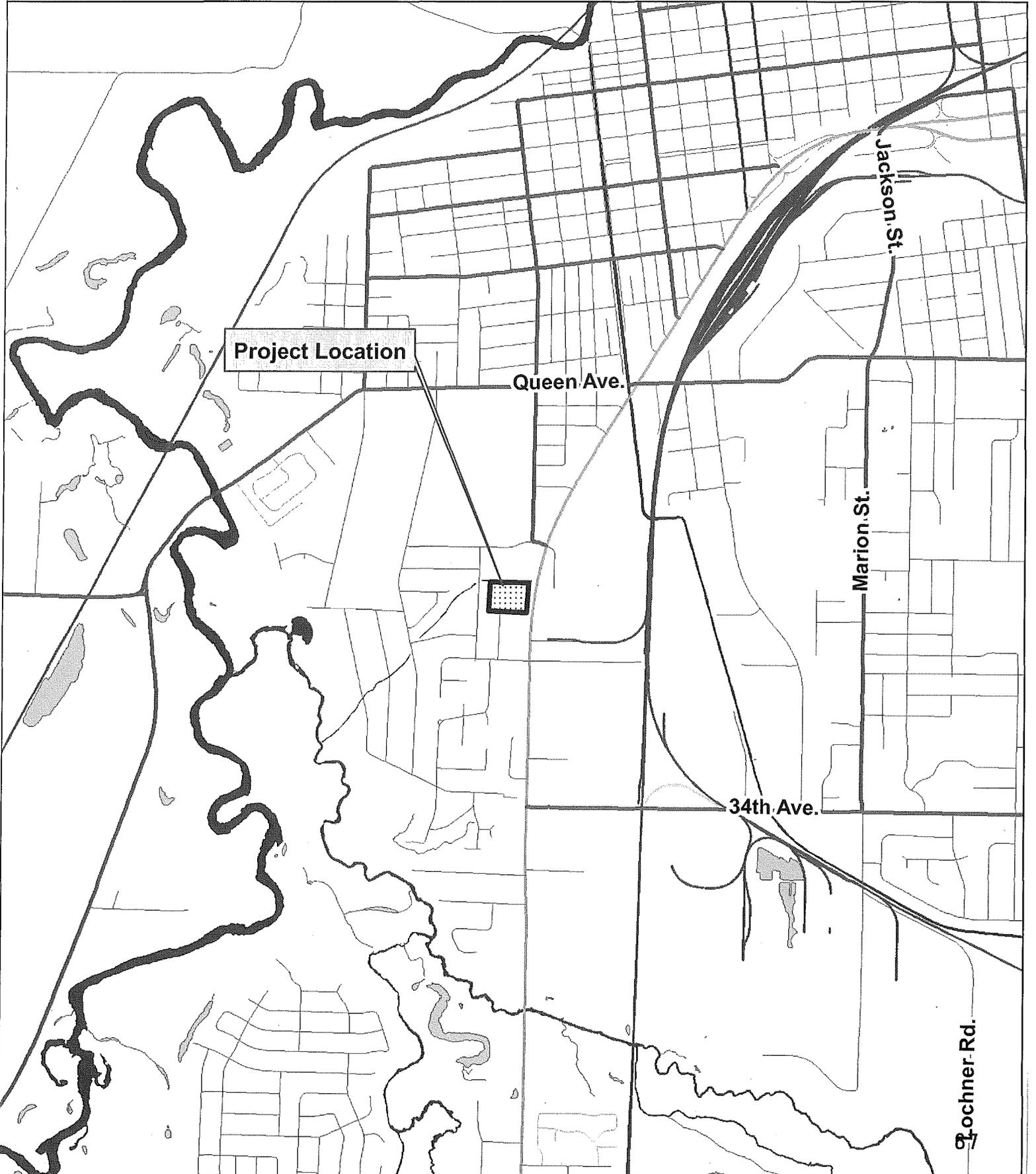
0 750 1,500
Feet



ATTACHMENT 3 MS-16-03, POLICE STATION VICINITY MAP



0 750 1,500
Feet





TO: Albany City Council
FROM: Sharon Konopa, Mayor *Sharon*
DATE: July 7, 2016, for July 13, 2016, City Council Meeting
SUBJECT: Appointments to the Airport Advisory Commission and Library Board
RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Council approval of the following appointments:

Airport Advisory Commission

John Harshberger, Sr. [*application attached*] (Councilor Johnson's new appointment to fill vacancy; term expires December 31, 2016)

Library Board (four-year term)

Arwen McGilvra [*application attached*] (Mayor Konopa's reappointment)
Janel Bennett [*application attached*] (Mayor Konopa's new appointment)

Discussion:

None.

Budget Impact:

None.

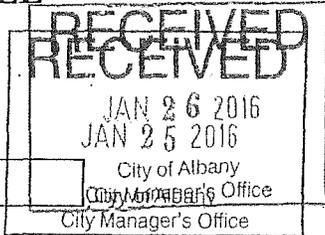
SK:ldh

G:\Administrative Services\City Manager's Office\Boards-Commissions\2016 Recruitment\^2016 appointments-boards & commissions-msk-#6.doc



BOARD, COMMISSION, AND COMMITTEE APPLICATION

(Please print legibly or type)



CITY HALL
333 Broadalbin Street SW
P.O. Box 490
Albany, OR 97321-0144
www.cityofalbany.net

Board, Commission, and/or Committee Preference:

AIRPORT ADVISORY COMMISSION
(list all for which you are applying)

(541) 917-7500

Name: JOHN B. HARSHBERGER, SR. Preferred First Name: JOHN

Residential Information:

Home Address: 3146 SOUTH SHORE DR. SE Phone: (541) 926-7127
ALBANY, OR 97322-5244 Cellular: _____

E-mail: _____ Fax: N/A
 (Optional)

Employment Information:

Employer's Name: RETIRED Phone: _____
 Work Address: _____ Cellular: _____

E-mail: _____ Fax: _____
 (Optional)

Please provide information as requested below to describe your qualifications to serve on this City of Albany Board, Commission, or Committee. Feel free to provide additional information that you may wish to share with the City.

- List current or most recent occupation, business, trade, or profession: PART TIME TRUCK DRIVER FOR JZ TRUCKING IN JEFFERSON, OREGON. HAULED COMMODITIES TO FEED MILLS AND DAIRIES.
CHIPTRUCK DRIVER FOR WILLAMETTE IND / WIENERHAEUSER 12 YEARS

For City use only: Ward: I II III or Lives Outside City Limits (Circle One)
 If lives outside city limits, does applicant meet special definition for the specific b/c/c for which applying?
 Yes No If yes, how? _____



BOARD, COMMISSION, AND COMMITTEE APPLICATION FORM
Page 2

- List community/civic activities. Indicate activities in which you are or have been active:

ST. MARY'S CATHOLIC CHURCH EUCHARISTIC MINISTER,
HELP WITH LANDSCAPING AND GROUNDS CLEAN-UP, MEMBER OF
ST. MARY'S CONFERENCE OF ST. VINCENT DE PAUL.
MEMBER WILLAMETTE AEROSTAT SOCIETY (HOT AIR BALLOON CLUB).
I DO FIELD LAYOUT FOR THE NW ART & AIR BALLOON LAUNCH FIELD.

- Indicate why you are interested in serving on this board, commission, or committee and what other qualifications apply to this position.

I HAVE BEEN ON THIS COMMISSION SINCE ITS INCEPTION. I
DIDN'T REAPPLY IN ORDER TO GIVE SOMEONE ELSE A CHANCE. SINCE
NOONE STEPPED FORWARD, I WOULD TO CONTINUE SERVING.
I HAVE 4 YEARS ACTIVE AND SIXTEEN AND A HALF RESERVES IN
THE U.S. AIR FORCE AS A C-130 CREW CHIEF.

- What contributions do you hope to make?

BECAUSE OF MY PAST EXPERIENCE WITH
THIS COMMISSION I FEEL I AM UP TO SPEED WITH THE ONGOING
PROJECTS AND CAN STEP INTO THE POSITION SEAMLESSLY. I FEEL
I WORK WELL WITH THE OTHER MEMBERS AND WE HAVE A SHARED
GOAL OF MAKING THE AIRPORT A GOOD FIT FOR OUR COMMUNITY.

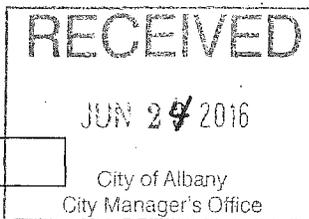
John B. Harshbarger, Sr.
Signature of Applicant

25 JAN 2016
Date



BOARD, COMMISSION, AND COMMITTEE APPLICATION

(Please print legibly or type)



CITY HALL
333 Broadalbin Street SW
P.O. Box 490
Albany, OR 97321-0144
www.cityofalbany.net

Board, Commission, and/or Committee Preference:

Library Board

(list all for which you are applying)

Name: Arwen McGilvra Preferred First Name: _____

Residential Information:	
Home Address: _____	Phone: _____
_____	Cellular: _____
E-mail: _____	Fax: _____
	<i>(Optional)</i>

Employment Information:	
Employer's Name: <u>Self</u>	
Work Address: <u>Same</u>	Phone: <u>Same</u>
_____	Cellular: <u>Same</u>
E-mail: <u>Same</u>	Fax: _____
	<i>(Optional)</i>

Please provide information as requested below to describe your qualifications to serve on this City of Albany Board, Commission, or Committee. Feel free to provide additional information that you may wish to share with the City.

- List current or most recent occupation, business, trade, or profession:

Web Developer/ Content Manager

For City use only: Ward: I <u>II</u> III or Lives Outside City Limits (Circle One)
If lives outside city limits, does applicant meet special definition for the specific b/c/c for which applying?
Yes No If yes, how? _____

- List community/civic activities. Indicate activities in which you are or have been active:

Oregon Women for Agriculture Volunteer (Past Board Member) Currently serving
on the Legislative Committee, Sunrise Elementary Volunteer (former volunteer at
Central Elementary), ServeINC Volunteer, Oak Creek Christian Center Volunteer,
Ag in the Classroom Volunteer, Mid Summer Arts in the Park Volunteer,

- Indicate why you are interested in serving on this board, commission, or committee and what other qualifications apply to this position.

I would like to continue in my position on the board. I am passionate about the
community of Albany and feel that the library is a cornerstone of learning and
culture in the community. I want to continue to help our library grow and to help the
community become aware of the services we offer.

- What contributions do you hope to make?

Organization, technology and promotions

Please consult the *Guide for Public Officials* and the *Guide for Public Officials 2015 Supplement* that are posted on the state of Oregon's website at <http://www.oregon.gov/ogec/Pages/index.aspx> (see visual reference below).



Guide for Public Officials



The guide has been revised to include informational links to statutes and rules to give you a more complete reference tool. Click here to access the guide. Click here for Guide for Public Officials 2015 Supplement.

Aaron McArthur

Signature of Applicant

6/24/16

Date



BOARD, COMMISSION, AND COMMITTEE APPLICATION

AK

(Please print legibly or type)

CITY HALL
333 Broadalbin Street SW
P.O. Box 490
Albany, OR 97321-0144
www.cityofalbany.net
(541) 917-7500

Board, Commission, and/or Committee Preference:
Albany Public Library Board
(list all for which you are applying)

RECEIVED
JUN 1 2016
City of Albany
City Manager's Office

Name: Janel Bennett Preferred First Name: Janel

Residential Information:	
Home Address: <u>Albany, Oregon</u> <u>97321</u>	Phone: _____ Cellular: _____ Fax: _____ <i>(Optional)</i>
E-mail: <u>mpbandjra@msn.com</u>	

Employment Information:	
Employer's Name: _____	Phone: _____
Work Address: <u>Albany, Oregon</u> <u>97321</u>	Cellular: _____
E-mail: <u>janel@sybarisbistro.com</u>	Fax: <u>541-928-8826</u> <i>(Optional)</i>

Please provide information as requested below to describe your qualifications to serve on this City of Albany Board, Commission, or Committee. Feel free to provide additional information that you may wish to share with the City.

- List current or most recent occupation, business, trade, or profession:

I am a small business owner in downtown Albany. My husband and I run _____ and have been in business since 2001. I serve as Vice-president on the Board of FISH of Albany and am also on the Board of Directors of the Mid-Valley YMCA. I served on the Board of Directors and acted as vice-president of the Albany Downtown Association for 8 years until 2015.

For City use only: Ward: (I) II III or Lives Outside City Limits *(Circle One)*
 If lives outside city limits, does applicant meet special definition for the specific b/c/c for which applying?
 Yes No If yes, how? _____

- List community/civic activities. Indicate activities in which you are or have been active:

My husband and I hold a Thanksgiving Day Fundraiser for the ABC House every year at Sybaris. We also raise money to distribute books and ice cream to children living in low income areas of Albany. In the past we have raised money for life vests to be borrowed from Albany fire stations, the "Snacks for Packs" program through FISH of Albany, the OHSU Knight Cancer Institute for research, and scholarships for YMCA programs such as swimming lessons and Summer Camp.

- Indicate why you are interested in serving on this board, commission, or committee and what other qualifications apply to this position.

I would like to serve on this particular board because I love the Albany Public Library. I want to advocate for the library in our community and be a part of the team that helps it grow and be as successful as it can be. I have also helped plan fundraising events and would like to help with future library events.

- What contributions do you hope to make?

I hope to work with the rest of the board to ensure that the Albany Public Library provides the best possible service for our community. I look forward to being a part of this team.

Please consult the *Guide for Public Officials* and the *Guide for Public Officials 2015 Supplement* that are posted on the state of Oregon's website at <http://www.oregon.gov/ogec/Pages/index.aspx> (see visual reference below).



Guide for Public Officials



The guide has been revised to include informational links to statutes and rules to give you a more complete reference tool.

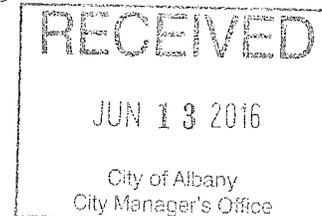
Click here to access the guide. Click here for Guide for Public Officials 2015 Supplement.

Janel Bennett
Signature of Applicant

06/07/16
Date



1201 Court Street NE, Suite 200 • Salem, Oregon 97301
(503) 588-6550 • (800) 452-0338 • Fax: (503) 399-4863
www.orcities.org



June 6, 2016

Dear Chief Administrative Official:

For the past three months, eight policy committees have been working to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2017 session. They have identified 29 legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2017 legislative agenda. After your city council has had the opportunity to review the 29 proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on in the 2017 session. **The deadline for response is July 22, 2016.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2017 legislative agenda.

Your city's participation and input will assist the board in creating a focused set of specific legislative targets that reflect the issues of greatest importance to cities. Thank you for your involvement, and thanks to those among you who gave many hours of time and expertise in developing these proposals.

Do not hesitate to contact me or Craig Honeyman, Legislative Director, with questions.
Sincerely,

Michael J. McCauley
Executive Director

City of: _____

Please mark 4 boxes with an X that reflect the top 4 issues that your city recommends be the priorities for the League's 2017 legislative agenda.

Legislation

Community Development

- A. Needed Housing Assistance Program
- B. Natural Hazard Land Use Reform
- C. DOGAMI Disaster Mapping
- D. Floodplain Technical Assistance

Energy

- E. Green Energy Technology Requirement
- F. Funding Public Energy Projects
- G. Updates to Oregon Energy Code

Finance and Taxation

- H. Property Tax Reform - Market Value / Local Control
- I. Property Tax Reform - Fairness and Equity
- J. Local Lodging Tax
- K. Nonprofit Property Tax Exemption
- L. Marijuana and Vaping Taxes

General Government

- M. Restore Recreational Immunity
- N. Increase Local Liquor Fees
- O. Marijuana Legalization Implementation
- P. Mental Health Investments
- Q. Qualification Based Selection

Human Resources

- R. Subsidy for Retiree Health Insurance Repeal
- S. PERS Reform
- T. Arbitration Reform
- U. Veterans Preference Clarifications

Telecommunications

- V. Rights of Way
- W. Franchise Fees
- X. 9-1-1 Emergency Communications
- Y. Technology Funding

Transportation

- Z. Transportation Funding and Policy Package

Water/Wastewater

- AA. Funding Water System Resilience
- BB. Enhanced Prescription Drug Take-Back
- CC. Water Supply Development Fund

Community Development

Legislation

A. Needed Housing Assistance Program

Create state grants and technical assistance to cities working to develop housing development programs directed at new or innovative means of providing housing solutions for low-income or senior populations.

B. Natural Hazard Land Use Reform

Create process for communities to move the UGB from an identified hazard area to resource lands and planning for replacing significant urban areas lost after a natural disaster.

C. DOGAMI Disaster Mapping

Increase funding for DOGAMI to complete comprehensive disaster mapping of cities, including landslide and floodplain risk identification, and natural hazard related evacuation planning for additional potential risks such as tsunami or wildfire inundation.

D. Floodplain Technical Assistance

Provide DLCD funding for technical assistance to cities implementing required changes to floodplain development management practices from FEMA.

Background

Cities are looking for new ways to serve the needs of a variety of people needing housing options and putting more resources toward housing projects. However, there is a need for state resources and assistance in implementing these programs. Funds that cities could access could be used to assist in land purchases for leasing for long-term low income housing, incentives for creating single story housing for seniors, tiny housing development, and planned developments that serve a range of incomes. Technical assistance to other cities should help a city determine what programs or planning options are available tools to help cities reach the goals set in the comprehensive plan.

As science has better located some hazards areas and as regulations impact the expected development of other areas, cities need to find ways to respond more efficiently to address long-term planning for development. This requires a simplification of the process for changing the location of development, including adding new areas to the UGB, to account for lost development capacity. There also needs to be a streamlined process for a city to identify areas of new development should a disaster remove a large portion of the buildable land supply if a disaster should strike.

The Oregon Department of Geology and Mineral Industries (DOGAMI) provides a number of technical resources to cities to identify hazards that could impact development. The department is also an integral partner in creating plans for the emergency response for many disasters that could occur in the state. Increasing funds for comprehensive maps will help with long-term planning for hazard mitigation, resilience, and survival.

Because of the recent release of the Biological Opinion from the National Oceanic and Atmospheric Administration Fisheries Service related to the National Flood Insurance Program's potential to impact endangered species, there is a need for cities to receive significant assistance in implementing any changes required by the Federal Emergency Management Agency. As the federal process moves forward, the state must provide resources to help cities update comprehensive plans and development codes. This issue will have a number of impacts and assistance in the form of model codes, staff resources, grants, and other expertise will be necessary for cities trying to implement any changes or additional work.

Energy

Legislation

E. Changes to 1.5 Percent Green Energy Technology Requirement

Advance legislation to statutorily modify the existing “1.5 percent green energy technology for public buildings” requirement to allow for alternative investment options such as offsite solar or community solar projects.

F. Funding for Public Energy Projects

Support enhanced incentives for public energy projects including grants for technical assistance, feasibility studies and resource recovery projects for energy and fuel generation.

Background

Oregon statute currently requires public contracting agencies to invest 1.5% of the total contract price for new construction or major renovation of certain public buildings on solar or geothermal technology. The requirement allows for offsite technology, but only if the energy is directly transmitted back to the public building site and is more cost-effective than onsite installation.

Removing the requirement that an offsite project be directly connected to the public building project could result in increased flexibility for local governments to invest in solar projects that are more cost-effective and provide for increased solar energy generation. In addition, the League will work to allow 1.5 percent funds to be invested in alternative projects that provide a greater economic or social return on investment. As an example, a city could use the funds on a community solar project to benefit low-income residents rather than being required to invest in solar generation at the site of the public building project.

There are programs that exist in Oregon for the purpose of incentivizing energy projects including renewable energy generation, alternative fuel vehicles, and energy efficiency. Programs such as the Business Energy Tax Credit (BETC), which was discontinued in 2014, and the State Energy Loan Program have been important tools for incentivizing energy projects for local governments. However, as a result of scrutiny over the administration of these incentives including private loan defaults, these programs are either no longer available, such is the case with the BETC program, or are at risk of being discontinued. It is critical for municipalities to have ongoing access to incentive opportunities as energy projects can be difficult to pencil-out and even more difficult for smaller communities to finance. The state of Oregon should take into consideration that loans for public energy projects, including cities, are lower-risk and should not be penalized in light of recent scrutiny. In addition, investments in these projects often result in environmental, social and economic benefits including long-term savings for taxpayers and reductions in greenhouse gas emissions.

The League will work to enhance funding, including grants for technical assistance and feasibility studies for communities that currently do not have access to resources. The League will also advocate for incentives for energy and fuel generation projects. Examples of projects that warrant funding incentives include methane capture for fuel or energy generation, investments in community solar projects, renewable energy generation, and energy efficiency improvements.

Energy (Continued)

Legislation

G. Require Updates to Oregon Energy Code

Require the Oregon Building Codes Division (BCD) to engage in more frequent review of the state's energy code to reduce greenhouse gas reductions and ensure that Oregonians can more affordably and efficiently heat their homes and businesses.

Background

Oregon's statewide energy code for commercial and residential buildings is an important tool for achieving greenhouse gas reductions through decreased energy consumption while helping to ensure that Oregonians are able to more efficiently and affordably heat their homes and businesses. Federal law requires each state to certify that their state energy code is equivalent to federal model energy codes. While Oregon was once a leader in energy code adoption and implementation, the state is now in a position of falling behind the federal code. This is due, in large part, to a decision made by the Oregon Building Codes Division in 2013 which changed the code cycle from a three-year update to a six-year update. Major code changes, including adoption of national codes, will now occur every six years with minor changes occurring every three years. This change will impact Oregon's ability to keep pace with federal standards and new technologies in energy efficiency.

The League will work to support efforts to align new construction building codes with the state's climate goal timelines. In addition, the League will support efforts to establish a periodic review schedule to ensure that Oregon more frequently updates the state energy code in order to reflect federal code requirements. Also, the League will encourage the state to set specific targets for increased energy efficiency in residential and commercial building construction with specific goals for increasing energy efficiency standards for affordable housing projects and increasing use of net-zero and passive house building requirements. Finally, the League will work to require BCD to make regular reports back to the legislature to update on energy code implementation and goals.

Finance and Tax

Legislation

H. Property Tax Reform – Market Value / Local Control

A legislative constitutional referral to reform the property tax system:

- a) to achieve equity, transitions to a market based property tax valuation system; and
- b) to restore choice, allows local voters to adopt tax levies and establish tax rates outside of current constitutional limits in their taxing jurisdictions.

I. Property Tax Reform – Fairness and Equity

A bill that pursues statutory modifications to the existing property tax system that enhances the fairness and adequacy of the current system.

Background

Property taxes are regulated largely by Measure 5 (1990) and Measure 50 (1997), as provided in the Oregon Constitution. Measure 50 established a new method for assessing property, discounting the assessment at 10 percent of the real market value and calling this assessed value. Assessed value is capped at an annual growth limit of 3 percent. As a state total, due to the limits and market changes, the gap between real market value and assessed value has now grown to nearly 25 percent over the past 20 years. This gap varies widely on a property by property basis, creating considerable property tax inequities for properties that sell for similar prices in a city. In short, Oregon property taxes have become disassociated from real market value and the result is considerable inequity.

For FY 2014-15, 60 percent of cities, 97 percent of counties, and 89 percent of school districts had some compression. This means that the Measure 5 caps of \$5 per \$1000 for education and \$10 per \$1000 for general government on real market value have been exceeded in most taxing jurisdictions. The caps are over 25 years old and were set low as voters were anticipating a sales tax to be coupled with it. Voters can no longer vote for the services they desire due to these caps. With looming PERS costs increases, paying for services with the present restrictions will become very difficult in some cities.

There are some adjustments to the property tax process and calculations that can be done statutorily. These include altering the changed property ratio statute and the statutory discount given to property owners who pay their taxes by November 15th. New property is added to the tax rolls using a county-wide ratio (assessed value to real market value) for determining the discount to apply to the real market value and that could be changed statutorily to a city-wide ratio in taxing districts who elect the change.

Finance and Tax (Continued)

Legislation

J. Local Lodging Tax

A lodging tax bill, the outcome of which, would:

- a) Provide jurisdictions greater flexibility to spend local lodging tax revenue to plan for and provide services and infrastructure related to tourism;
- b) Reduce or eliminate the required reimbursement charge that a lodging tax collector is allowed to retain for filing a local lodging tax return; and
- c) Improve efficiency and collection of local lodging taxes in cooperation with the state.

Background

State law restricts how local lodging tax revenues may be expended. Post 2003, any new taxes or any tax increase requires a 70 percent revenue dedication to tourism promotion or tourism-related facilities. In addition, state statute provides that cities may not lower the actual percentage of lodging tax revenues that were dedicated to tourism prior to 2003. This means that cities have varied percentages of restricted local lodging taxes revenues. These numbers are arbitrary as they were set based on circumstances in 2003 that have often greatly changed. In addition, the legislative history shows that the legislature intended to provide some revenue flexibility and provide that certain infrastructure (roads, sewer lines, etc.) would qualify as tourism-related but the statutes need revision and clarification.

State law requires local governments to provide a 5 percent collector reimbursement charge if they impose a new lodging tax or tax increase after January 1, 2001. This is a deduction from the taxes that would otherwise be due. The state also provides a 5 percent collector reimbursement charge for state lodging taxes. In addition, local governments that had a reimbursement charge, must continue it. Thus, cities have very different reimbursement requirements—some are at zero, others are at 5 percent, and some are in between. When coupled with the state deduction, the deduction seems too generous.

The Oregon Department of Revenue now collects state lodging taxes throughout the state and could collect and enforce local lodging taxes at the same time if given statutory authority. Local governments could then enter into voluntary agreements with the state to delegate the collection. This option could make collection much more efficient and cost-effective for some local governments. In addition, cities continue to struggle with collections and auditing, particularly from online companies and private home rentals (through Airbnb, etc.) and this area of the law could be improved.

Finance and Tax (Continued)

Legislation

K. Nonprofit Property Tax Exemption

Clarify and reform the statutory property tax exemption provided to nonprofit entities to address cost-benefit concerns for the continued full exemption in light of cost of city services provided to nonprofits and the changing services and business models of some nonprofit entity types.

L. Marijuana and Vaping Taxes

Defend against restrictions and preemptions regarding local marijuana and vaping taxes and advocate for appropriate state shared revenue levels and distribution formulas for state marijuana taxes and potential vaping taxes.

Background

Nonprofit organizations that are charitable, literary, benevolent or scientific are provided a property tax exemption that will cost more than \$194 million in the 2015-17 biennium. In addition, exemptions for the property of nonprofit religious organizations costs more than \$113 million for the biennium. For many cities, much of the city is exempt from property taxes due to the public property exemption and these nonprofit exemptions. This includes hospitals, nursing homes, etc.

The Legislature has formed a work group to look at the nonprofit property tax exemption issue as the nature and number of nonprofits is changing and the administration of the exemption has become complex for county tax assessors. Nonprofit entities require significant services, including transportation, water, sewer, police, fire, etc. Thus, the legislature is looking at property taxes more as a service tax and considering how the full exemption could be adjusted to have nonprofits pay for their fair share of costs of services or otherwise meet a benefit test for continuing an exemption.

There are no revenue use restrictions on local marijuana taxes, but the local marijuana tax rate is capped at 3 percent. There are no restrictions on local governments imposing a vaping tax. The state has not imposed a tax on vaping products to date but is considering a tax. Often when the state imposes a tax (for example, cigarette or liquor), the state preempts local governments from also imposing a tax.

10 percent of state marijuana taxes will be distributed to cities after state administrative costs. Distributions will be made per capita for revenues received prior to July 1, 2017. After July 1, they will be distributed based on the number of the various marijuana licenses issued in a city. Cities that prohibit establishments for recreational marijuana producers, processors, wholesalers or retailers will receive no state shared revenue. Likewise, cities that prohibit a medical marijuana grow site or facility will receive no state shared revenue.

General Government

Legislation

M. Restore Recreational Immunity

Cities should enjoy protection from unreasonable litigation when offering recreational opportunities to the public.

Background

ORS 105.682 grants that a land owner is not liable for any personal injury, death or property damage that arises out of the use of their land for recreational purposes as long as no fee is charged in order to access that property. This statute allows cities to operate parks and trails without fear of lawsuit.

However, in the recently decided Oregon Supreme Court case, *Johnson v Gibson*, It was held that even though the landowner may be immune from liability, their employees are not. As a result, two employees of the City of Portland were found liable for injuries sustained by a jogger in a park, employees who are indemnified by their employer.

The practical effect of this ruling is that the immunity previously enjoyed by cities that allowed for robust park development have been eroded to the point of being non-existent. This priority directs LOC staff to seek to amend the ORS 105.682 to restore that immunity.

ORS 471.166 allows cities to adopt fees that are "reasonable and necessary to pay expenses" associated the review and investigation of liquor license applicants. However, the same statute limits the amounts of those fees to between \$25 and \$100 depending on the license or approval being sought by the applicant.

This priority is to pursue changes to this statute that allow cities to recoup the actual costs associated with performing their role in the liquor licensing process and allowing for periodic increases.

N. Increase Local Liquor Fees

Cities play an important role in the review and investigation of liquor license applicants and should be able to recoup costs associated with that role.

General Government (Continued)

Legislation

O. Continue Marijuana Legalization Implementation

Allow for civil enforcement of marijuana laws.
Ensure equitable distribution of marijuana shared revenues.
Eliminate limitations on shared revenue use.

Background

One of the promises made by marijuana legalization advocates is that illicit sales and production of marijuana would shift into a legalized and regulated market. This has occurred to a large extent but many producers and retailers continue to seek the financial benefits or participation in the marijuana industry while avoiding the inconvenience of its regulatory framework. This priority seeks legislation that gives the Oregon Liquor Control Commission (OLCC) the same civil and administrative authority to prevent unlicensed sales and production of marijuana as it has in regards to liquor.

Beginning in 2017, state shared revenue from marijuana will be distributed to cities based in the number of OLCC licensed commercial marijuana entities exist in their jurisdiction. This priority is to alter that arrangement so that is it distributed on a per capita basis to ensure equitable distribution among cities that are incurring costs.

Measure 91 required that money distributed by the state to cities be used exclusively for costs associated with marijuana legalization. Tracking a dollar through a city's general fund and determining if a service was related to marijuana is inefficient if not impossible, and is not imposed for the receipt of liquor revenue. This priority is to advocate for legislation that removes this burden.

P. Protect Mental Health Investments Made in 2015

Oregon made significant and strategic investments in protecting and caring for the mentally ill in 2015 that should be maintained.

The Legislature increased access to mental health care and expanded existing, proven programs designed to de-escalate police contacts with the mentally ill. Those programs could be vulnerable in a difficult budget environment made challenging by increased PERS rates.

This priority is defensive in nature and seeks to preserve investments that are improving the lives of mentally ill Oregonians.

Q. Remove Qualification Based Selection Mandate

Cities should be allowed to consider cost when making initial contract award decisions when hiring architects and engineers.

Cities are currently required to use a procurement method that prevents the consideration of cost when contracting with architects and engineers for public improvements. Instead, cities must base their initial selection for these services based solely on qualifications and can only negotiate the price after an initial selection is made.

This mandate is not a cost effective means for procuring services and is poor stewardship of the public's dollars. This priority is to seek the removal of this mandate.

Human Resources

Legislation

R. Repeal Requirement to Subsidize Retiree Health Insurance

Public employers should not subsidize the health insurance of former employees when reasonable, cost competitive options exist.

S. PERS Reform

PERS benefits should be adjusted where legally allowable and investments should be maximized to ensure a sustainable and adequate pension system.

Background

ORS 243.303 mandates that local governments provide retirees with access to health insurance and requires that they be placed in the same risk pool as active employees. As retirees are approximately 2.5 times more expensive to insure than active employees this mandate results in employers and current employees subsidizing the health insurance costs of former employees. This subsidization, according to the Government Accounting Standards Board, must be shown on an audit as long term liability, thus creating an inaccurate perception of a city's financial condition. Further, this requirement could be described as anachronistic as individuals are now able to purchase health insurance under the Affordable Care Act.

This priority is to eliminate ORS 243.303 from Oregon's laws.

The PERS unfunded liability stands at \$22 billion and employer rates are anticipated to approach 30 percent of payroll in the coming biennium. Rates are expected to remain at that level for the next twenty years. This is not sustainable.

This priority is to seek any equitable changes to benefits that will reduce employer rates while not pursuing options that are legally tenuous or counterproductive. Additionally, changes are to be sought to the investment portfolio that will maximize returns through improved risk management and efficiencies.

Human Resources (Continued)

Legislation

T. Arbitration Changes

Public employers should have greater influence over the disciplining of their employees.

Background

Currently under the Public Employee Collective Bargaining Act, contested employee discipline matters must be submitted to an outside arbitrator for adjudication. Decisions by arbitrators are binding unless the conduct was a violation of public policy as defined by the state, there was serious criminal conduct or an egregious inappropriate use of force.

This priority is to seek the following changes to the statute:

- Arbitrator decisions should also comply with local policies;
- Decisions should comply with policies related to any inappropriate use of force a;
- Arbitrator decisions should recognize all criminal misconduct related to employment not just "serious";
- Employer disciplinary decisions as it regards employees who are supervisors as defined by the EEOC and BOLI should be given more weight.

U. Veterans Preference Clarifications

Requirements that veterans be given preference in public sector hiring should be clear and unambiguous for the benefit of veterans and employers.

The State of Oregon requires and the League agrees that honorably discharged veterans deserve special consideration in public sector hiring. However, statutes describing how this is to be accomplished are unclear and ambiguous. Vague statutes do not serve the interests of employers or veterans.

This priority seeks a clear definition of "preference" in the statute, ensure that recently separated veterans receive the consideration necessary for them to successfully enter the workforce and establishes clarity as to when the preference is to be applied.

Telecommunications, Cable & Broadband

Legislation

V. Rights of Way

Oppose legislation that preempts local authority to manage public rights-of-way and receive compensation for their use.

Background

In its commitment to the protection of Home Rule and local control, the League consistently opposes restrictions on the rights of cities to manage their own affairs. From time to time, in the context of franchise fee and rights-of-way management authority discussions, proposals to restriction to this authority arise. These include a statewide franchise policy and revenue collection system as well as limiting the ability of cities to charge fees of other government entities. This is contrary to local government management authority, the ability to enter into agreements with service providers either by agreement/contract or ordinance and to derive revenues from business fees charged to users of public rights-of-way.

W. Franchise Fees

To ensure market fairness and equity, prepare legislation for possible introduction repealing ORS 221.515 (HB 2455 -7 in 2013, and HB 2172 in 2015) to remove franchise fee rate and revenue restrictions which currently apply to incumbent local exchange carriers but not to competitive local exchange carriers.

Oregon statute currently contains a discrepancy between how cities collect franchise fees from incumbent local exchange carriers (ILECs) and competitive local exchange carriers (CLECs). ORS 221.515 limits cities collecting franchise fees from ILECs to a maximum of 7 percent of revenues derived from dial-up services, which represents only a portion of ILEC total revenues due to the addition of a broader array of customer services. There is no such rate cap or revenue restriction on CLECs, hence the discrepancy. In the past the League has worked with CLECs to "level the playing field." Repeal of ORS 221.515 would accomplish that.

X. 9-1-1 Emergency Communications

Support legislation enhancing the effectiveness of the state's emergency communications system through an increase in the 9-1-1 tax and/or a prohibition of legislative "sweeps" from accounts managed by the Oregon Office of Emergency Management.

The League worked with other stakeholder groups in 2013 to extend the sunset date on the statewide 9-1-1 emergency communications tax to January 1, 2022 (HB 3317). In 2014, the League also worked to pass legislation including prepaid cellular devices and services under the 9-1-1 tax (HB 4055). As concerns mount with regard to disaster preparedness and recovery and as new upgrades to communications technology becomes available, it is apparent that state and local governments do not have the resources necessary to address challenges or take advantage of opportunities. Additional funding is needed and the practice of periodically sweeping funds out of the state's emergency management account for other uses should cease. It is worthy of note that the practice of "sweeps" disqualifies the state from receiving federal funds for emergency communications. It is unknown how many federal dollars have been foregone as a result of this policy.

Telecommunications, Cable & Broadband (Continued)

Legislation

Y. Technology Funding

Seek additional funding to assist for cities in:

- Increasing high speed broadband deployment and close the digital divide.
- Purchasing upgraded emergency management communications equipment.
- Providing local match money for federal funding programs, such as high speed broadband deployment.

Background

The deployment of broadband throughout the state of Oregon is critical to economic development, education, health and the ability of citizens to link with their governments. Additional funding, from various sources, including the state and federal government, needs to be allocated for this purpose. The need becomes even more acute when consideration is given to the certainty of a major seismic event. Often federal assistance comes with the requirement of a state or local match which is problematical for cities. A state mechanism for providing matching fund assistance would be helpful to those communities seeking to take control of their broadband destiny.

Transportation

Legislation

Z. Comprehensive, Multi-modal Transportation Funding and Policy Package

The League of Oregon Cities proposes that transportation infrastructure be raised to the same level of importance as other utilities, and be funded at a level capable of maintaining appropriate standards of operation and service. Therefore, the League will help draft and advocate for a comprehensive, inter-modal and statewide transportation funding and policy package that:

1. Provides a significant increase in resources available for the preservation and maintenance of city streets by:
 - Substantially increasing the state gas tax and licensing and registration fees.
 - Indexing the state gas tax.
 - Continuing efforts to identify and implement alternative funding mechanisms (VMT, tolling, public-private partnerships, etc.).
 - Disaster resilience and seismic upgrades for all transportation modes.
 - The completion of transportation projects begun but not yet completed due to lack of funding or changes in funding criteria.
 - Providing additional funding for voluntary jurisdictional transfer.
 - Funding transportation enhancements such as bike-ped facilities.
 - Increasing funding for the statutory Special City Allotment program while maintaining the 50%-50% ODOT/city split.
 - Repealing the referral requirement (2009 Jobs and Transportation Act) on cities seeking to create/increase local gas tax.
2. Addresses statewide needs relating to intermodal transportation through:
 - Additional funding for transit operations and capital projects.
 - Additional funding for freight rail capital projects and operations (*ConnectOregon*, short-line rail and transload facilities).

Background

Maintenance and preservation needs have outpaced the resources available for streets, roads and highways. In its March, 2016 Infrastructure Survey Report the League identifies a \$3.7 billion capital need for highway and non-highway transportation projects (\$2.6 billion highway / \$1.1 billion non-highway). In addition, the report shows, for the 120 cities that participated, an aggregated street budget shortfall for operations and maintenance of approximately \$217 million per year. Safety and disaster resilience were cited as major challenges and needs by most cities. Cities also expressed support for a voluntary jurisdictional transfer program (the sensible alignment of highway facilities and management responsibility) provided the availability of adequate funding to facilitate the transfer and to maintain the asset.

Given the threat that inadequate funding represents to investments already made in the transportation system, the League will insist on a transportation package that increases and makes more sustainable the ability of all government jurisdictions to preserve and maintain these assets. Notwithstanding its emphasis on the need to preserve and maintain existing streets, the League of Oregon Cities agrees that the state's transportation system and the policy and funding programs that support it must be multimodal and statewide in scope. The League will therefore work to pass legislation in 2017 that addresses funding and policy initiatives relating to all modes (streets, bike/ped, transit, rail, aviation and marine) and in so doing address such issues as:

- Connectivity and capacity (especially truck mobility/rail)
- Safety for all users across all modes
- Resiliency and recovery (seismic retrofit across all modes)
- Jobs and economic development
- Impact on climate change
- Active transportation and public health
- Transportation access available on an equitable basis to all Oregonians
- Continuing and extending *ConnectOregon*
- Ensuring adequate new revenues for program/equipment such as the Oregon Department of Motor Vehicles technology upgrade
- Creative solutions to ongoing challenges (dedicated non-roadway fund, increased local authority to fund transit, bike-ped funding, etc.)

- Additional funding for passenger rail operations, equipment and capital projects (federal matching money and AMTRAK Cascades).

- Maximizing local benefits of the federal FAST Act in Oregon

3. Does not:

- Preempt local government ability to self-generate transportation revenues for street maintenance and preservation.
- Change the dedication of State Highway Fund dollars to highway, road and street projects contained in Article 8, Section 3a of the Oregon Constitution.
- Reduce cities 20% share of the State Highway Fund.
- Create unfunded mandates requiring cities to undertake specific programs, such as greenhouse gas reduction scenarios.
- Further complicate the planning and regulatory process that currently governs the project delivery process.

Water & Wastewater

Legislation

AA. Funding for Water System Resilience

Secure dedicated funding for water and wastewater system resilience and emergency preparation. This would include additional funds to plan for and upgrade water systems to increase seismic resiliency and funding to better position communities to better prepare for water supply shortages due to drought, climate change or other emergency scenarios.

Background

In general, Oregon's drinking water and wastewater systems are woefully underprepared for a catastrophic earthquake event. Restoration of water supply following such an event is critical for fire suppression, first aid, and for human health and safety. In 2013, the Oregon Resilience Plan provided estimates for service recovery of water and wastewater systems in the event of a Cascadia earthquake under current infrastructure conditions. According to the plan, the estimated timeframe for service recovery in the valley ranges from one to twelve months. For the coast, service recovery is estimated between one to three years.

In addition to risks associated with significant natural disaster events, recent drought conditions in Oregon have demonstrated the need for emergency supply planning and coordination with other water users to better address water supply challenges. It is critical that communities are able to acquire alternative and back-up water supplies from multiple sources in order to better prepare for supply shortages or emergency situations, such as natural disasters or supply contamination.

The League will work to identify and secure low-interest loans or grants to seismically upgrade drinking water and wastewater system infrastructure and to help ensure that these systems are more resilient and better positioned to respond to water supply shortages resulting from drought, climate change, natural disasters, or other system failures.

Water & Wastewater (Continued)

Legislation

BB. Promote an Enhanced Prescription Drug Take-Back

Advocate for enhanced prescription drug take-back program funding and additional collection locations to reduce contamination of water from unwanted prescription drugs.

Background

Unused prescription drugs are problematic from both a public health and safety perspective as well as from a water quality perspective. Drug take-back programs help to ensure that unused prescription drugs are properly disposed of which keeps them from being abused, keeps them out of the hands of children, and keeps them from entering Oregon's waterways. Unwanted prescription drugs are often flushed down the toilet and despite wastewater treatment systems, they can end up contaminating lakes, streams and rivers. In 2014, U. S. Drug Enforcement Administration (DEA) expanded the types of locations allowed to accept unwanted medications including retail pharmacies and drug manufacturers. Prior to 2014, drug-take back programs were primarily supported through police department drop boxes. The challenge in expanding prescription drug take-back programs is now focused on the cost of transporting unused drugs from the take-back location to the disposal site and in educating the public about responsible disposal opportunities.

The League will work with a variety of stakeholders, including public health advocates, to identify additional funding mechanisms to increase drug take-back collection locations across Oregon. Funding should support the transportation and responsible disposal of unused prescription drugs. Funds should also be dedicated for enhanced education of disposal opportunities and the establishment of convenience standards to ensure that all Oregonians have reasonable access to drug take-back locations.

CC. Increased Funding for Water Supply Development

Support additional water supply funding through the state's Water Supply Development Account.

According to a survey conducted by the League, Oregon's water and wastewater infrastructure needs for cities alone are estimated to be \$9 billion over the next twenty years. In addition, the survey identified 66 percent of respondent cities as being in need of additional water supply storage. The 2015 drought highlighted the need for additional investments in water supply infrastructure, including storage and water delivery system efficiencies. Additional storage project investments are not only critical for adequate drinking water supply, they are an important tool for supplementing streamflows and habitat restoration.

The League will work to secure additional funding for existing water supply development programs. This includes support for feasibility grants and for the state's Water Supply Development Account which provides funding for water supply storage, reuse, restoration and conservation projects.