



**NOTICE OF PUBLIC MEETING**  
**CITY OF ALBANY**  
**CITY COUNCIL**  
 Council Chambers  
 333 Broadalbin Street SW  
 Wednesday, August 24, 2016  
 7:15 p.m.

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

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

**AGENDA**

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

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.

- a. Business from the Public
- b. Adoption of Resolution
  - 1) Modifying downtown parking regulations. [Pages 2-6]  
 Action: \_\_\_\_\_ RES. NO. \_\_\_\_\_
- c. Adoption of Consent Calendar
  - 1) Approval of Minutes
    - a) July 11, 2016, Work Session minutes. [Pages 7-9]
    - b) July 13, 2016, Regular Session minutes. [Pages 10-13]
  - 2) Granting a 10-foot by 50-foot underground electric power easement on City property to Pacific Power as part of the new police station development project. [Pages 14-18] RES. NO. \_\_\_\_\_
  - 3) Accepting the following from Samaritan Health Services as part of the Samaritan Medical Development Project for tax lot 11S-04W-01AD-00200:
    - a) A 56-foot wide right-of-way dedication deed. [Pages 19-23] RES. NO. \_\_\_\_\_
    - b) A variable width storm drainage easement. [Pages 24-29] RES. NO. \_\_\_\_\_
    - c) Two 7-foot wide Franchise Utility Easements. [Pages 30-35] RES. NO. \_\_\_\_\_
  - 4) Interlocal Participation Agreement for cooperative purchasing through BuyBoard National Purchasing Cooperative. [Pages 36-42]  
 Action: \_\_\_\_\_
- d. Appointment
  - 1) Appointing JoAnn Miller to the Planning Commission. [Pages 43-49]  
 Action: \_\_\_\_\_
- e. Reports
  - 1) Designating a Voting Delegate and Alternate for the 2016 League of Oregon Cities Conference. [Page 50]  
 Action: \_\_\_\_\_
  - 2) November and December 2016 Council meeting dates. [Page 51]  
 Action: \_\_\_\_\_

5. BUSINESS FROM THE COUNCIL
6. NEXT MEETING DATE: Work Session: September 12, 2016; and Regular Session: September 14, 2016
7. ADJOURNMENT

*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.*



TO: Albany City Council

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

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

DATE: August 17, 2016, for the August 24, 2016, City Council Meeting

SUBJECT: Downtown Parking Regulation Modification

RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Staff recommends Council approve the following modification to the downtown parking restrictions as described in the attached resolution (Attachment 1):

- Designate one "10-Minute Customer Only" parking space on the east side of Lyon Street, just north of the alley between 3<sup>rd</sup> and 4<sup>th</sup> Avenues.

Discussion:

The Albany Downtown Association (ADA) has recommended Council consider a modification to the on-street parking restrictions in the downtown area (Attachment 2). The ADA recommendation is in response to a request they received from Bo-Mack BBQ owner Kendra Knebel (Attachment 3).

The building at 315 Lyon Street is in the process of converting from an office to a restaurant use. The building does not have an off-street parking lot associated with it; all customer parking will be on street. The business owner believes that a large portion of their business will involve takeout orders, and has requested a short-term parking space be created in front of the building on Lyon Street. The existing on-street parking spaces in front of the building are currently designated "All Day Customer – Employee Permit." This request would change one of those spaces to a 10-minute space. A site map is included as Attachment 4.

Budget Impact:

None.

RGI:rk  
Attachments (4)

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

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

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

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

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

- Designate one "10-Minute" parking space on the east side of Lyon Street just north of the public alley between 3<sup>rd</sup> Avenue and 4<sup>th</sup> Avenue.

DATED AND EFFECTIVE THIS 24<sup>th</sup> DAY OF AUGUST 2016.

\_\_\_\_\_  
Mayor

ATTEST:

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

Irish, Ron

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**From:** Peggy [Peggy@albanydowntown.com]  
**Sent:** Wednesday, July 27, 2016 8:57 AM  
**To:** Irish, Ron  
**Subject:** Bo Mack's  
**Attachments:** Bo Macks parking request.docx

Good morning Ron-

Bo Mack's is moving back downtown and opening up an Bo Mack's BBQ Express on Lyon Street. They are requesting a 10 minute parking spot be placed in front of their location for "curbside pickup". Please see their attached letter. In the letter they requested a 15 minute space, but knowing that those don't exist, I will inform them it would be a 10 minute space if approved.

If you have any questions, please let me know. If you could also let me know when this might appear on the agenda, that would be great. I would notify them also.

Thanks again!  
Peggy

Peggy Burris  
**Executive Director**  
Albany Downtown Association  
126 SW Ferry Street  
Albany, OR 97321

PH: 541-928-2469  
CELL: 541-401-1326



July 26, 2016

Parkwise  
Peggy Burris  
126 Ferry St. SW  
Albany, OR, 97321

Dear Peggy,

Bo-Mack's is moving back downtown and will have a store front with our custom door on Lyon Street. We want to give our customers a space to park and run i pick-up their BBQ order.

Bo-Mack's BBQ Express will be located at 315 S. Lyon Street. We would like t request a 15 minute curbside "pick-up" parking space on Lyon Street.

Our target date to open at this new location is Tuesday, August 16, 2016

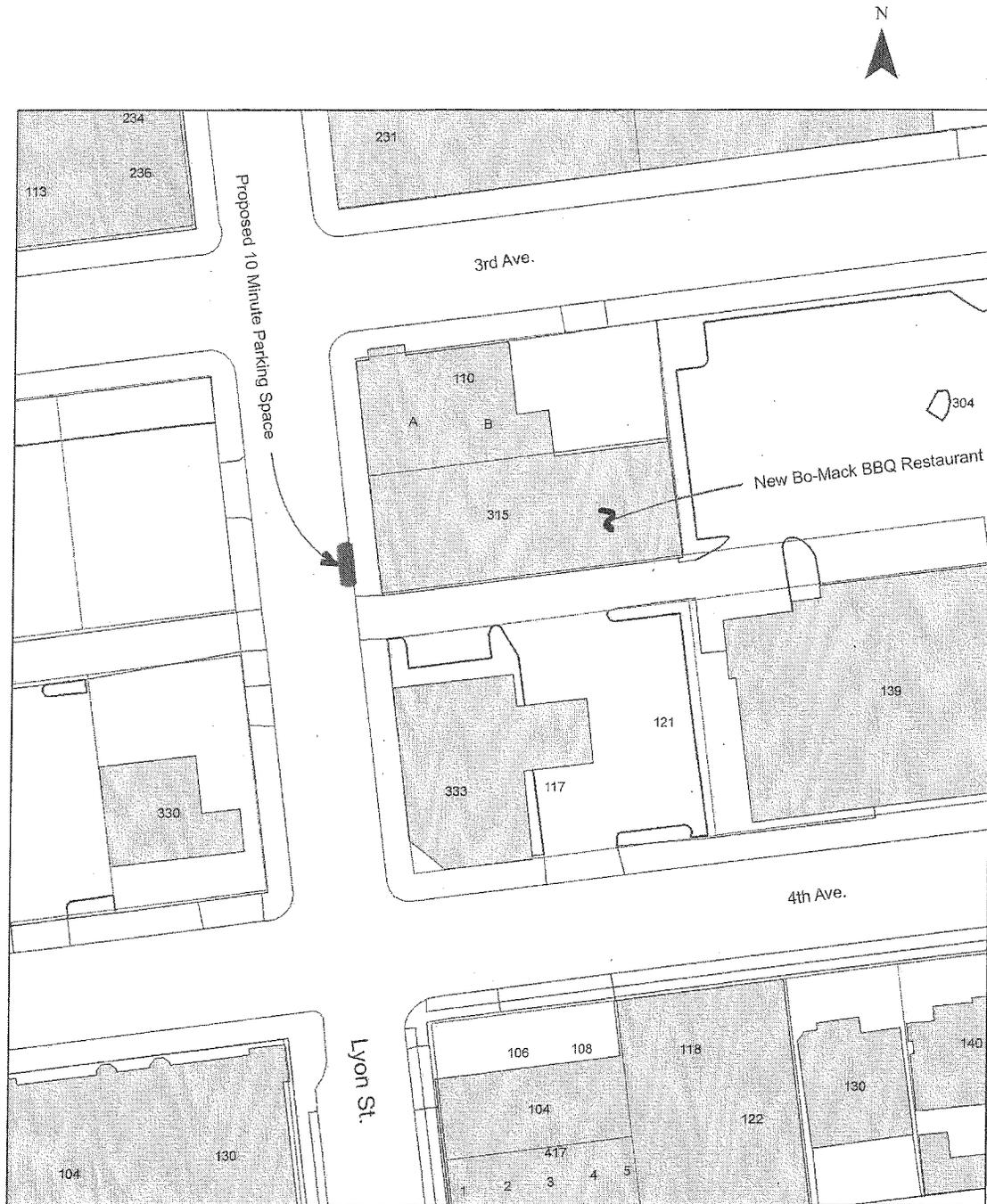
Thank you very much for your consideration on this matter.

A handwritten signature in black ink, appearing to read "Kendra Knebel", written in a cursive style.

Kendra Knebel

Bo-Mack BBQ

Bo-Mack's BBQ Express  
33166 Hwy 34 SE, Albany, Or 97322 (541) 791-7058



Downtown Parking Modification

CITY OF ALBANY  
CITY COUNCIL WORK SESSION  
Municipal Court Room  
Monday, July 11, 2016  
4:00 p.m.

MINUTES

CALL TO ORDER

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

ROLL CALL

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

Councilors absent: None.

BUSINESS FROM THE PUBLIC

None.

REQUEST FOR LICENSE TO OCCUPY PUBLIC RIGHT-OF-WAY

Engineering Manager Staci Belcastro outlined The Still restaurant's request for outdoor seating in front of their building located at 220 Second Avenue SW. Seating will be seasonal when weather permits. Staff has reviewed their request and does not see any issues with their proposal. Discussion followed related to Americans with Disabilities Act (ADA) compliance. Councilor Rich Kellum said he would recuse himself since The Still is one of his customers. Konopa shared safety concerns involving the step up from the sidewalk to the front entry of the business with waitstaff coming and going to serve outdoor diners. She asked that the owner do something to draw attention to the step.

MOTION: Councilor Ray Kopczynski moved to approve the request as outlined in the staff report. Councilor Bill Coburn seconded the motion and it passed 5-0, with Kellum abstaining.

BRANDIS PROPERTY UPDATE

Economic Development & Urban Renewal Director Kate Porsche provided an update on the Brandis property as outlined in the staff report. Porsche has had several inquiries recently and would like direction from Council as to the disposition of the property.

Greater Albany Public Schools (GAPS) is interested in the southern portion of section (A) on the Wetland Index Map on page 11 of the agenda packet. They would have to remediate wetlands, but their long-term plan would be for another school site. They see a fair amount of growth in East Albany and this is an opportunity to create a central campus for multiple schools as the area grows.

Discussion followed related to zoning of the two parcels.

Konopa feels there is an opportunity with this property to ensure that it is developed in such a way as to create a neighborhood with homes varying in size, style, density, and purchase price, which diversifies the neighborhood and creates a healthier school and a healthier community. Konopa suggested that the City establish site criteria and go out for a Request for Proposals (RFP) from developers.

Councilor Floyd Collins is in favor of working with GAPS first, as they're not going to be able to find additional property neighboring or in close proximity to existing schools anywhere else in the community. He would like to prioritize GAPS and negotiate with them before pursuing any other uses for the property. Collins does not have a problem with the RFP approach, but feels the more restrictions Council places on the property, the less interest there will be. Discussion followed.

Kopczynski, Kellum, and Councilor Bessie Johnson all expressed concerns over placing specific requirements on a developer; they don't want to deny someone the opportunity to purchase the property if they meet zoning and development requirements.

Coburn echoed Collins's desire to work with GAPS before designing an RFP full of restrictions. Collins suggested a two-pronged RFP to include both the option to sell the property as is and a second option containing whatever additional requirements they determine to be appropriate; Council retains control to choose either option.

Porsche reminded Council that the City is currently negotiating with Myles Breadner related to his development and paying for improvements in the area of section (Ca) and the northern half of section (A) on the map, and it would be helpful in dealing with GAPS to remove those sections from the discussion.

Porsche also informed the Council that a developer interested in sections (I), (H), and (M) ran the numbers and fell quite a bit short, just looking at the hard costs into that portion of the land, not including accrued interest. Porsche is

concerned that if Council is considering a set price point, there may not be any response, and that the reality of the market may fall short of Council's expectations. An appraisal has not been done, but based on the wetlands and the market right now, the City may not get the full amount owed. Discussion followed.

Kellum, Coburn, and Johnson agreed that the property should be sold as soon as possible.

Council directed staff to first work with GAPS regarding their interest in purchasing the property, then to prepare an RFP to include the two options that Collins mentioned.

#### LOCAL GAS TAX DISCUSSION

Konopa explained that discussions regarding a local gas tax took place at the Budget Committee level three years ago, and she began a conversation about a year and half ago with other cities in the area to consider a regional gas tax. This item has been delayed several times, and Konopa recently spoke with City of Corvallis Mayor Bill Traber to determine whether Corvallis was ready to bring the item to the November election. Traber was under the impression that Albany wasn't prepared to move forward, which is why Konopa has asked staff to bring an update to Council.

Public Works Operations Director Chris Bailey highlighted items from the staff report.

The tables on page 13 of the agenda packet show the current condition of streets; the assessment was redone just a few weeks ago, so it is up to date. The table shows that local streets are in far worse condition than the arterial and collector streets. To keep those streets in very good condition requires ongoing preventative maintenance. Once they slip down to poor or very poor condition, the cost to repair or rebuild those streets is exponentially more expensive than the routine maintenance that would be required to prolong the life of the street.

Bailey stressed that the figure of \$250,000 per penny of tax is approximate. It is extremely difficult to determine how much gas is sold in Albany. The table on page 14 gives examples of the work that could be accomplished with those funds. Staff could accomplish any one of those items in the table, but not all of them.

Johnson feels a gas tax is a good option, but it is too late to include with the ballot for this November. Discussion followed. Kopczynski agreed with Johnson and would like more information before moving forward with a ballot measure.

Coburn said he would have to rely on staff's opinion as to whether it is feasible to put it on the ballot this fall. He feels the key to generating support from voters is to identify some very specific projects, and he would support a three to four cent tax with a sunset clause of four to five years.

Bailey pointed to stormwater as an example and the amount of public outreach that staff is currently doing, and she feels that a gas tax may warrant similar efforts. Discussion followed. Konopa and Coburn believe the item to be straightforward and should not require significant outreach efforts. Collins believes public outreach is essential to gain support of the voters. Kopczynski, Kellum, and Johnson advocated for staff to identify specific projects that a gas tax would help to complete and make that information available to voters. Discussion followed.

Councilor Dick Olsen is in favor of deferring this item to a future election when there are fewer competing priorities on the ballot.

Konopa asked Council whether they would be willing to pursue a gas tax measure for the November election if staff can bring the specific project information back next month and if Corvallis is ready to move forward. Discussion followed. Konopa will contact Corvallis Mayor Traber to determine their readiness and report to Council at the next meeting. Kopczynski said he would support a measure for November if Corvallis were ready.

#### MARIJUANA TIME/PLACE/MANNER REGULATIONS

Planning Manager Bob Richardson gave a presentation as outlined in the PowerPoint (see agenda file).

Richardson explained that medical marijuana dispensaries and recreational retail sales are classified as the same Albany Development Code (ADC) use type, Retail Sales and Service. At this meeting, Council is being asked to consider whether they want to apply restrictions on medical dispensaries and recreational retail sales; then future meetings could address other commercial recreational categories, such as processing or wholesale, and Council can decide whether to impose any additional restrictions on those uses.

Kellum pointed out that on slide 4 of the PowerPoint, the first bullet should read "All commercial recreational uses are banned," as Council has no authority to ban personal recreational uses.

Coburn asked whether medical dispensaries would be grandfathered in to the current regulations if they switched to recreational retail sales. City Attorney Sean Kidd advised that they would only be grandfathered in if they remain medical dispensaries. If they switch to recreational sales, they would have to comply with whatever regulations are put into effect.

Richardson said the driving question is whether Council should apply time, place, and manner regulations if the ban on recreational marijuana fails. If place regulations alone do not sufficiently mitigate Council's concerns, they can look at additional time and manner regulations that serve the objective to protect public health, safety, and welfare. Kidd explained that the state has fairly strict recreational sales regulations already in place related to security, lighting, signage, etc. Discussion followed.

Following requests from Councilors, Kidd read a draft of the ballot title for the proposed ban on recreational marijuana. Discussion followed. Konopa asked that ballot measure be brought to the July 27, 2016, Council meeting.

Richardson advised Council that they have several months to decide on time, place, and manner restrictions. Kidd explained that for cities that currently have a ban in place, the state is not going to issue licenses for recreational uses in those cities until January 1, 2017. Potential retailers won't be able to apply for their license until after November 9, 2016, and only if the ban is overturned. Time, place, and manner regulations could be adopted in November or December of this year. Discussion followed.

Richardson asked for direction from Council with respect to the three proposed options for place regulations.

Kopczynski stated that map 3 is completely off the table for him, map 2 is certainly better, but he would be in favor of map 1. Olsen agreed, saying that maps 2 and 3 discriminate against a large number of commercial properties, and he is not in favor of either one. Public Works Engineering & Community Development Director Jeff Blaine summarized that map 2 includes the regulations that are currently in place; it is essentially the "do nothing" option. Map 1 is less restrictive than what is currently in place, and map 3 is more restrictive. Kopczynski believes it is an overreach to go onerously beyond state regulations. Discussion followed. Kellum and Johnson both support the option as outlined in map 3.

MOTION: Kellum moved to adopt map 3 as the desired regulations. Johnson seconded.

Coburn is concerned with the potential impacts to Canna Kitchen. Discussion followed. Kellum and Kopczynski both noted that Canna Kitchen's owner has voiced many times that she does not wish to sell recreational.

VOTE: Konopa called for a vote on the motion to adopt map 3 as the Council's desired regulations. The motion failed 3-2-1, with Coburn and Olsen voting no, and Kopczynski abstaining.

City Manager Wes Hare stated that there is no legal action required at this time. Staff was asked to bring this information back to Council for discussion and is looking for direction from Council moving forward. Richardson noted that the map is just a visual representation of the effect of applying various regulations.

Discussion followed. Council directed staff to look to apply the same place regulations that were discussed for retail sales and medical dispensaries to the other commercial uses, as permitted by the state for each category, and taking into account the various development code restrictions for each use type.

#### BUSINESS FROM THE COUNCIL

Coburn asked that staff send him an update regarding 1680 Tudor Way SE.

Olsen and Collins informed Council of a situation with one of their constituents wanting to park his motor home in front of his house so that he can prepare to leave on a trip the next morning, something the Albany Municipal Code (AMC) prohibits. Hare noted that this ordinance has not been aggressively enforced; the reason it was adopted was to deal with complaints from neighbors of people blocking the street with the large vehicles. Council would like staff to look at Chapter 13 of the AMC in its entirety and consider whether revisions would be appropriate.

#### CITY MANAGER REPORT

Porsche provided an update on the application for an Infrastructure Finance Authority (IFA) loan, a special public works loan for the downtown streets project. The application had previously been submitted by the Albany Revitalization Agency (ARA), but the City is required to make application directly, so Konopa will need to sign. ARA will do a pass-through of funds, so Porsche will bring an Intergovernmental Agreement to future meetings for both ARA and City Council to approve.

#### ADJOURNMENT

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

Respectfully submitted,

Reviewed by,

Holly Roten  
Administrative Assistant I

Wes Hare  
City Manager

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, July 13, 2016  
7:15 p.m.

MINUTES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge of allegiance to the flag.

ROLL CALL

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

Councilors absent: None.

SCHEDULED BUSINESS

Communication

Accepting Judge Roark's resignation from the Airport Advisory Commission.

MOTION: Councilor Ray Kopczynski moved to accept Judge Roark's resignation. Councilor Rich Kellum seconded the motion and it passed 6-0.

Business from the Public

There was none.

Adoption of Resolutions

Approving ongoing vehicle lease contracts with Wire Works, LLC.

MOTION: Kopczynski moved to adopt the resolution and Kellum seconded the motion. The motion passed 6-0 and was designated Resolution No. 6519.

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.

Assistant Fire Chief Shane Wooton said there is an error in the staff memo. The memo states gives a not-to-exceed amount of \$300,000 and the resolution says up to \$340,000. The amount in the resolution is correct.

MOTION: Kellum moved to approve and Kopczynski seconded the motion.

Kellum said there is a bid process already in place with another agency and this action allows the City of Albany to piggyback on it.

VOTE: The motion passed 6-0 and was designated Resolution No. 6520.

Authorizing application to the Federal Transit Administration for federal transportation assistance.

MOTION: Councilor Floyd Collins moved to adopt the resolution. Kopczynski seconded the motion, and it passed 6-0 and was designated Resolution No. 6521.

Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) April 7, 2016, Joint Work Session with City Council, Planning Commission, and Budget Committee.
  - b) April 27, 2016, Regular Session minutes.
  - c) May 9, 2016, Work Session minutes.
  - d) May 11, 2016, Regular Session minutes.
- 2) Annual liquor license renewals.
- 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. RES. NO. 6522
  - 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. RES. NO. 6523
  - 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. RES. NO. 6524
  - 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. RES. NO. 6525
- 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. RES. NO. 6526

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

#### Award of Bids

##### WL-16-04, Meadow Wood Drive Water Line.

Public Works Engineering and Community Development Director Jeff Blaine said staff recommends awarding the contract in the amount of \$509,705 to the low bidder, Pacific Excavation of Eugene.

Collins moved to award the bid to Pacific Excavation, Inc. for \$509,705. Kopczynski seconded the motion and it passed 6-0.

##### MS-16-02, Fire Station 11; and MS-16-03, Police Station.

Councilor Bill Coburn referenced Section II of the table on page 63. He asked if the amount of \$19,500,200 is inclusive. Engineering Manager Staci Belcastro explained that the project was set up with three schedules for flexibility in awarding the contracts. Gerding was the lowest responsive bidder for all three schedules. She said the bids came in tight, which means the plans were good, and they are under budget.

Collins said the two responsive bids were within one half of one percent of each other, which reflects well on Mackenzie and City staff. The Kirby bid should not have been opened because they were non-responsive due to being late. Discussion followed.

MOTION: Collins moved to award the bid to Gerding Builders LLC for \$19,500,200. Kellum seconded the motion and it passed 6-0.

Collins asked when contracts will be signed and when will they start work? Belcastro said staff will provide the contracts tomorrow and start scheduling construction meetings. They will have definite dates at the next Council meeting. Ground-breaking will be August 9, 2016.

#### Appointments

##### Appointing John Harshberger, Sr., to the Airport Advisory Commission.

Johnson said there were a couple of applicants for the Airport Advisory Commission. Harshberger had been on the Commission and had only five months left on his current term. Johnson thought it was better this time to appoint someone with experience on the commission. She will consider the other applicants when it is time to appoint again.

MOTION: Johnson moved to approve the appointment of John Harshberger. Kellum seconded the motion and it passed 6-0.

##### Appointing Arwen McGilvra and Janel Bennett to the Library Board.

MOTION: Johnson moved to approve the appointment of Arwen McGilvra and Janel Bennett to the Library Board. Kopczynski seconded the motion and it passed 6-0.

#### Report

##### 2017 League of Oregon Cities legislative priorities.

The Council discussed the list on page 76.

Finance Director Stewart Taylor described local control and compression.

Konopa expressed support for choosing Transportation Funding.

Collins supports Qualification Based Selection, which makes cost one component of contractor evaluation, but not the only determiner.

Konopa mentioned the Nonprofit Property Tax Exemption. She said it can put a strain on a community.

The Council agreed to give their lists to Taylor to tally and report the top four to the League of Oregon Cities (LOC).

#### BUSINESS FROM THE COUNCIL

Johnson said she will be gone from August 5, 2016, to August 14, 2016.

Coburn thanked Blaine and staff for the quick response to the tall grass fire danger at Tudor and Queen.

Councilor Dick Olsen expressed concern about rules being applied selectively. He mentioned a constituent who can't legally leave his motor home parked on the street overnight ready to leave in the morning. He thinks that law encourages contempt. There should be some flexibility.

Kellum wished to go on record as saying that our police are under-appreciated and that is too bad.

Kopczynski said some neighbors from the 33<sup>rd</sup> Avenue cul-de-sac will attend the Council's August 22, 2016, Work Session to address trash, trespass, and other issues. City Attorney Jim Delapoe said there may be a request to close one end of the street. The Council should consider letting staff respond to this item before expressing support. Closing the cul-de-sac would make the street non-compliant with the Development Code. There may be other ways to address the neighbors' concerns. Discussion followed.

Blaine said he'd be willing to coordinate a meeting between the neighbors and staff to talk through the concerns and then report to Council. The discussion will involve multiple departments. Coburn supports Blaine's offer.

Collins said he agrees with Blaine and Coburn.

Konopa said she contacted the Corvallis Mayor about whether they will put a gas tax measure on the ballot in November. Corvallis has still not decided on the issue. Their Council meets next week. The Mayor will let Konopa know after that meeting if they plan to proceed. Collins asked if the LOC is talking about it.

Delapoe said he will ask City Attorney Sean Kidd to explain the scheduling needed to get the marijuana tax measure on the November election. A tax ordinance cannot have an emergency clause, so the ordinance must be in place in advance to meet the election notification dates.

Delapoe said the joint Council meeting with Millersburg on the July 19, 2016, has been postponed until fall. The Council needs more technical and financial information in order to make an informed decision. The numbers won't be ready until early fall, and the decision isn't urgent.

Kidd said forwarding the question to the voters of legalizing marijuana can go to the July 27, 2016, meeting as a resolution. It could be adopted at that meeting, or they could wait to adopt it on August 10, 2016, which is the last scheduled Council meeting, in order to meet noticing requirements and get the issue on the November ballot. But, Kidd explained, the ordinance that will place a tax on the sale of marijuana is different, because there cannot be an emergency clause on an ordinance that involves a tax. Kidd said that one will come to the Council on July 25, 2016, for a first reading and July 27, 2016, for the second reading. Discussion followed and it was decided to start the meeting on July 25, 2016, at 5:10 p.m.

Delapoe stressed that these two issues, the legalization and the taxing, are not time-place-manner (TPM) issues; the TPM issues will be decided later. Delapoe explained that the tax issue is confusing because in 2014, before the law was in final form, the City Council adopted a marijuana tax ordinance. It was done at that time so that if there was a subsequent law passed that precluded the tax, the Council could argue that the tax was already in effect. The ordinance said the amount of the tax will be established by resolution, but the Council never adopted a resolution to set the amount. So, the Council has a procedure that has been put forth. One of the City Attorney's challenges is to propose an ordinance that does exactly what your current ordinance does, but gives the people a chance to vote on it. So, Delapoe explained, it will probably be an ordinance to re-enact the same tax measure that was enacted before. Delapoe said, this is a complicated and confusing arena. No two Oregon cities are in exactly the same circumstance.

Blaine asked how the measure being placed on the ballot will effect staff's discussion of TPM. Delapoe explained that when a measure is pending, City staff cannot advocate to promote or propose a measure, and Council can't ask them to. The challenge is there will be three separate measures that will be pending at different times, which will make it difficult to address one that is not pending without inadvertently discussing its impact on another pending measure. Delapoe said that this is why Kidd recommends that the Council not act before they need to on any of these measures, because these constraints don't apply until there is a measure pending. Delapoe said, now, we are coming up against deadlines to get them on the November ballot. The legalization measure and the tax measure must be on the November ballot. Delapoe said that if staff has concerns about how to respond to questions they receive on a pending measure, to contact the City Attorneys.

Kidd said that if there are not TPM regulations adopted before the November vote, once the vote occurs, staff can then talk freely. That would give them almost two months before the end of the year to adopt TPMs. Delapoer suggested getting both the referral question on the ban and the tax question to pending status, and then leaving them alone until the November vote. If the November vote sustains the Council's ban, we won't need TPM restrictions. The tax measure will state that it will be applicable only based on the outcome of the vote on the ban. Collins asked if the TPM restrictions have to be adopted by December 31, 2016. Delapoer said no; what they are trying to avoid by making that date their goal, is to avoid someone investing in a business and then find that its use is restricted. Delapoer thinks it is unlikely, given all the public discussion, that a prudent business person would make a big investment until the Council decides the TPM restrictions, because they won't necessarily be grandfathered in. Discussion followed about TPM conversations that take place while the measures are pending, and the use of maps for discussions.

The Council asked for a draft ordinance for the TPM. Kidd said they could do that, and explained that at this point it would only address recreational sales. Delapoer said they will bring back an ordinance model so the Councilors have something to start from. Kidd noted that the state will not issue licenses until, at the very earliest, the beginning of next year. However, the City might get questions from the state about our code, so we may need to have something in place.

Kopczynski asked if the mapping software is public information. Delapoer said it is a public record.

The meeting on the July 25, 2106, will be at 5:10 p.m., just before the joint meeting with the Planning Commission. Delapoer said that at that meeting, the City Attorneys will share some concerns about expedited land division regulation changes that could significantly reduce the Council's ability to have any input on subdivision applications. He gave the history of the expedited land division process. At the last legislative session, the wording was changed so that it seems to include all land divisions. Discussion followed.

NEXT MEETING DATE: A Work Session on Monday, July 25, 2016, at 5:10 p.m., and Joint Meeting with Planning Commission at 5:15 p.m. on July 25, 2016; and a Regular Session on Wednesday, July 27, 2016.

#### ADJOURNMENT

There being no other business, the meeting was adjourned at 8:23 p.m.

Respectfully submitted,

Mary A. Dibble, MMC  
City Clerk

Reviewed by,

Stewart Taylor  
Finance Director

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

A RESOLUTION GRANTING THE FOLLOWING UNDERGROUND ELECTRIC EASEMENT:

Grantor: CITY OF ALBANY

Purpose

Grantee: Pacific Power

Granting a 10 foot by 50 foot Underground Electric Power easement on City property, as part of the new Police Station development project.

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

DATED AND EFFECTIVE THIS 24th DAY OF AUGUST 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

Return to: Pacific Power  
**P.O. Box 248**  
Albany, OR 97321

CC#: 11256 WO#: 6102984

**UNDERGROUND RIGHT OF WAY EASEMENT**

For value received, *City of Albany* ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns ("Grantee"), a perpetual easement for a right of way **10'** feet in width and **50'** feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee's underground electric distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, cabinets, vaults on, across, or under the surface of the real property of Grantor in *Linn County, State of OR*, as more particularly described as follows and/or shown on Exhibit(s) *A* attached hereto and by this reference made a part hereof:

A portion of:

***Parcel 1 of Partition Plat No. 2003-01, recorded January 5, 2003 in Linn County, Oregon.***

Assessor's Map No.: ***11s - 04w - 13***

Parcel No.: ***7003***

Together with the right of ingress and egress for Grantee, its contractors, or agents, to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep the right of way clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place or store any flammable materials or light any fires, on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for other purposes not inconsistent, as determined by the Grantee, with the purposes for which this easement has been granted.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this easement. Each party further waives any right to consolidate, or to request the consolidation of, any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns and shall run with the land.

Dated this 8 day of August, 2016.

City of Albany

By: Stewart Taylor  
(Signature of Representative)

Its: Finance Director  
(Title) Grantor

**REPRESENTATIVE ACKNOWLEDGEMENT**

State of Oregon )  
 ) SS.

County of Linn )

This instrument was acknowledged before me on this 8<sup>th</sup> day of August, 2016,

by Stewart Taylor, as Finance Director  
Name of representative Title of representative

of City of Albany  
Name of entity being represented

Mary A Dibble  
Notary Public

My commission expires: 12/15/16

MD



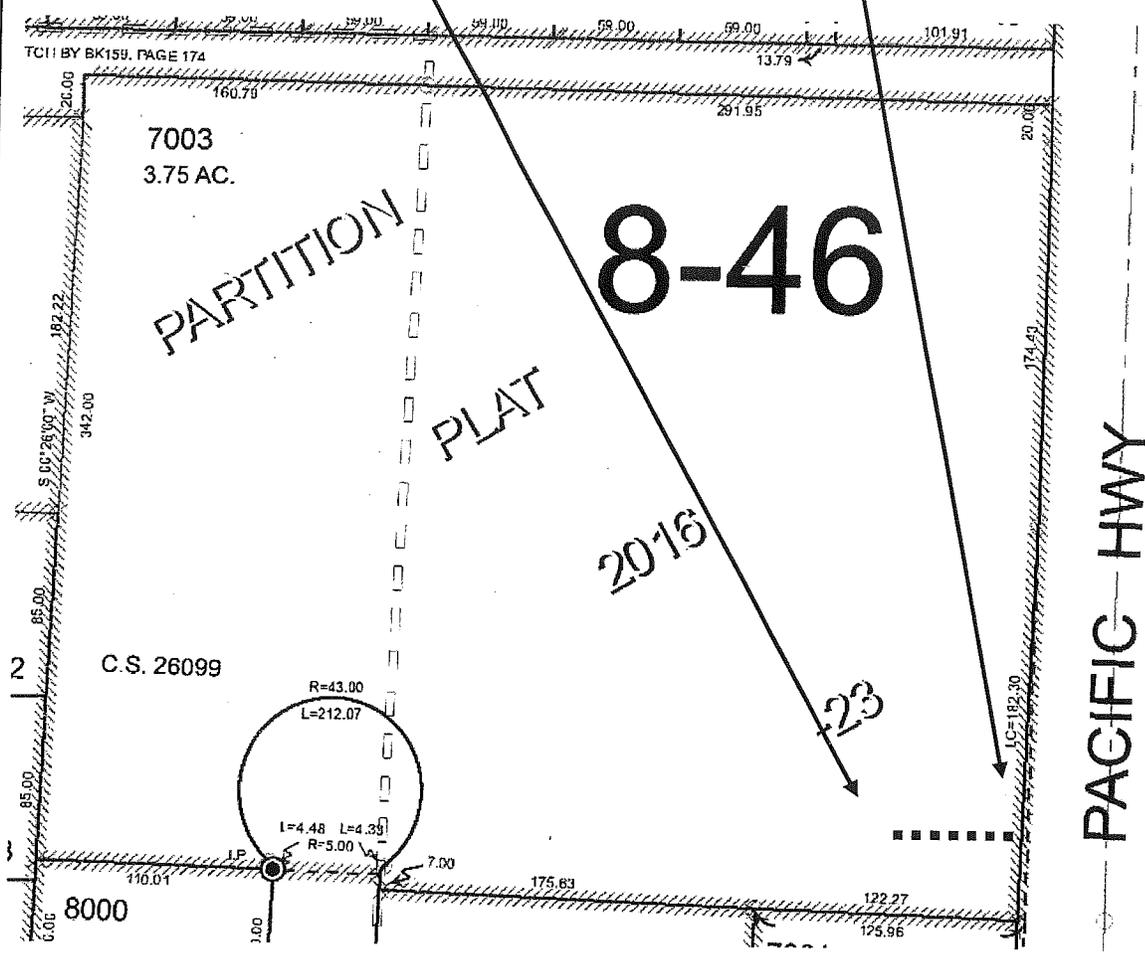
**PROPERTY DESCRIPTION**

Section: 13, Township: 11s, Range: 04w, Willamette Meridian,  
Linn County, State of Oregon.

Map / Tax Lot or Parcel No.: 11s - 04w - 13 Tax lot 7003



**RIGHT OF WAY  
EASEMENT  
APPROXIMATELY  
10' WIDE X 50' LONG**



CC#:11256 WO#: 6102984  
Landowner Name: CITY OF ALBANY  
Drawn by: JIM WOOD

This drawing should be used only as a representation of the location of the easement area. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.

**EXHIBIT A**



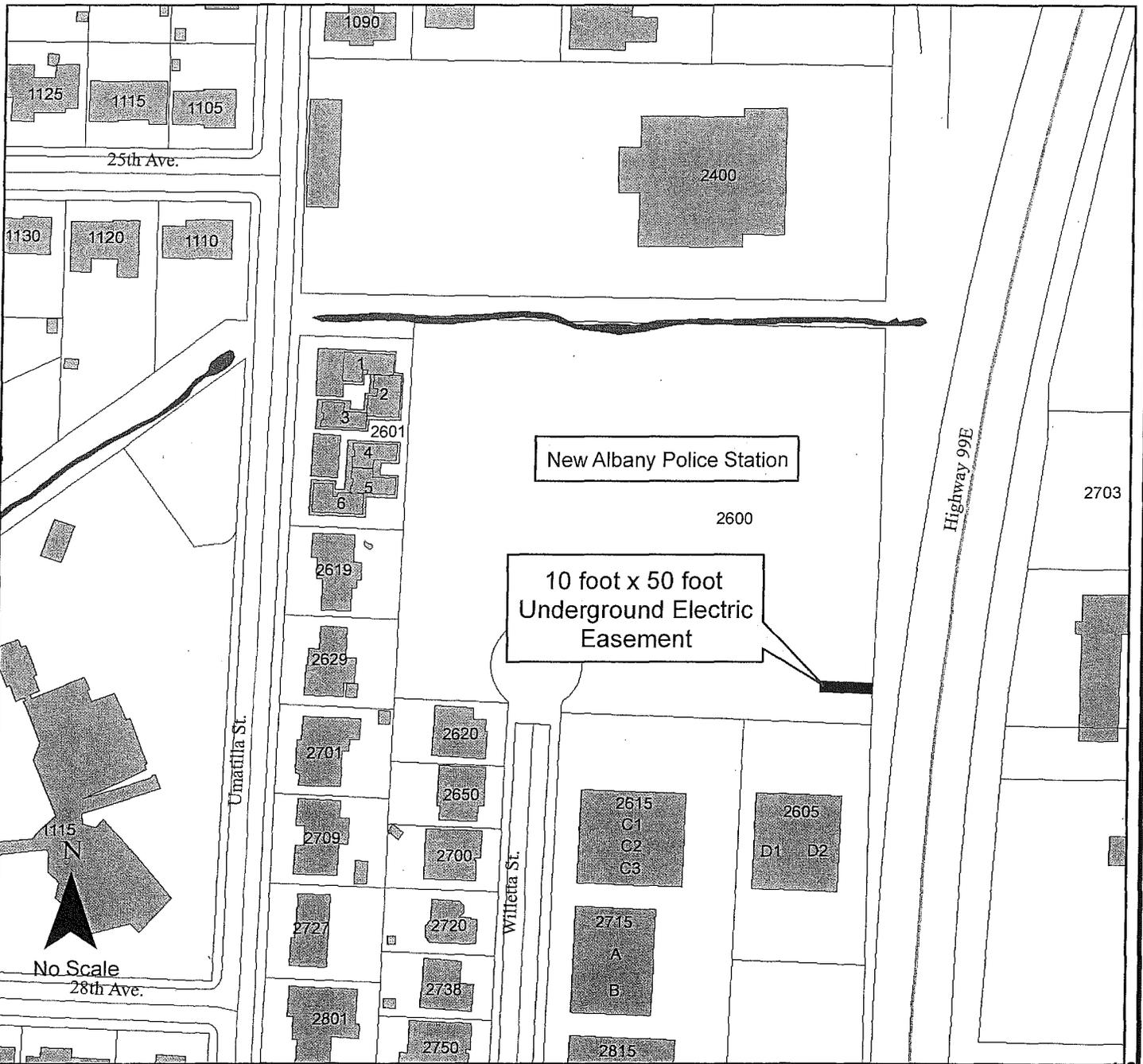
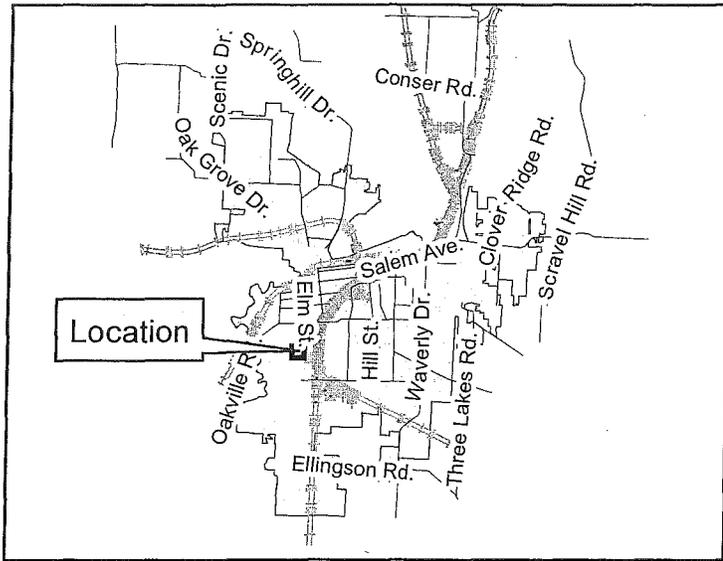
# EXHIBIT B

11S04W13AB- 07003

A 10 foot by 50 foot Underground Electric easement, as part of the new Police Station Project



Geographic Information Services



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

A RESOLUTION ACCEPTING THE FOLLOWING RIGHT OF WAY DEDICATION DEED:

Grantor

Purpose

Samaritan Health Services, Inc.

A 56 foot wide Right-of-Way dedication, as part of the Samaritan Medical Development Project.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this Right-of-Way Dedication Deed.

DATED AND EFFECTIVE THIS 24TH DAY OF AUGUST 2016.

\_\_\_\_\_  
Mayor

ATTEST:

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

**DEDICATION DEED**

KNOW ALL MEN BY THESE PRESENTS, that, **SAMARITAN HEALTH SERVICES INC.**, hereinafter referred to as the Grantor, does dedicate to the **CITY OF ALBANY** for street and utility right-of-way purposes, all that real property situated in Benton County, State of Oregon, described as follows:

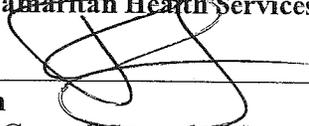
See legal description on attached Exhibit A, and maps on attached Exhibits B and C. Exhibits A, B, and C are attached herewith and made a part hereof this agreement.

and covenants that the Grantor is the owner of the above described property free of all encumbrances save and except reservations in patents and easements, covenants, conditions, and restrictions of record, and will warrant and defend the same against all persons who may lawfully claim the same.

The deed granted 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 1 day of August, 2016.

**GRANTOR: Samaritan Health Services, Inc.**

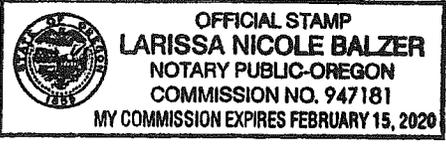


**Tyler Jacobsen**  
Vice President, General Counsel of Samaritan Health Services, Inc.  
Samaritan Health Services

STATE OF OREGON     )  
                                  ) ss.  
County of Benton     )

I, Larissa Balzer, a Notary Public for Benton County, acknowledge that the above named **Tyler Jacobsen, Vice President, General Counsel of Samaritan Health Services Inc.**, personally appeared before me and acknowledged the foregoing instrument to be his voluntary act and deed, on behalf of **Samaritan Health Services, Inc.** and being so authorized to do so, executed the foregoing document on behalf of **Samaritan Health Services, Inc.** before me this 1 day of August, 2016.

  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: February 15, 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**

Right of Way Dedication Legal Description  
Benton County Tax Assessor's Map 11401AD, Tax Lot 200

A 56.00 foot wide right of way dedication located in the Northeast Quarter of Section 1 of Township 11 South, Range 4 West of the Willamette Meridian, City of Albany, Benton County, Oregon, being more particularly described as follows:

Commencing at a 5/8 inch iron rod at the southeast corner of that property conveyed to Samaritan Health Services, Inc., and described as "Parcel 3" in Benton County Deed Record 2010-470519, said point of commencement being located in the Northwest Quarter of Section 6 of Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Benton County, Oregon, said point also being located on the north right of way line of NW Hickory Street; thence along said north right of way line North 84°12'35" West 197.17 feet to the TRUE POINT OF BEGINNING; thence North 05°44'37" East 100.02 feet; thence along the arc of a 228.00 foot radius curve to the left 90.42 feet (the long chord of which bears North 05°37'01" West 89.92 feet); thence along the arc of a 172.00 foot radius curve to the right 68.21 feet (the long chord of which bears North 05°37'01" West 67.76 feet); thence North 05°44'37" East 165.98 feet to the northerly line of the aforementioned Samaritan Health Services property; thence along said northerly line North 84°03'53" West 56.00 feet; thence South 05°44'37" West 166.17 feet; thence along the arc of a 228.00 foot radius curve to the left 90.42 feet (the long chord of which bears South 05°37'01" East 89.82 feet); thence along the arc of a 172.00 foot radius curve to the right 68.21 feet (the long chord of which bears South 05°37'01" East 67.76 feet); thence South 05°44'37" West 99.98 feet to the north right way line of NW Hickory Street; thence along said north right of way line South 84°12'35" East 56.00 feet to the true point of beginning.

The above described right of way dedication contains 23,783 square feet of land, more or less. The basis of bearings for the above described dedication is from Benton County Survey No. 10690.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JANUARY 11, 2005  
BRIAN SCOTT SAILOR  
61341

# EXHIBIT B

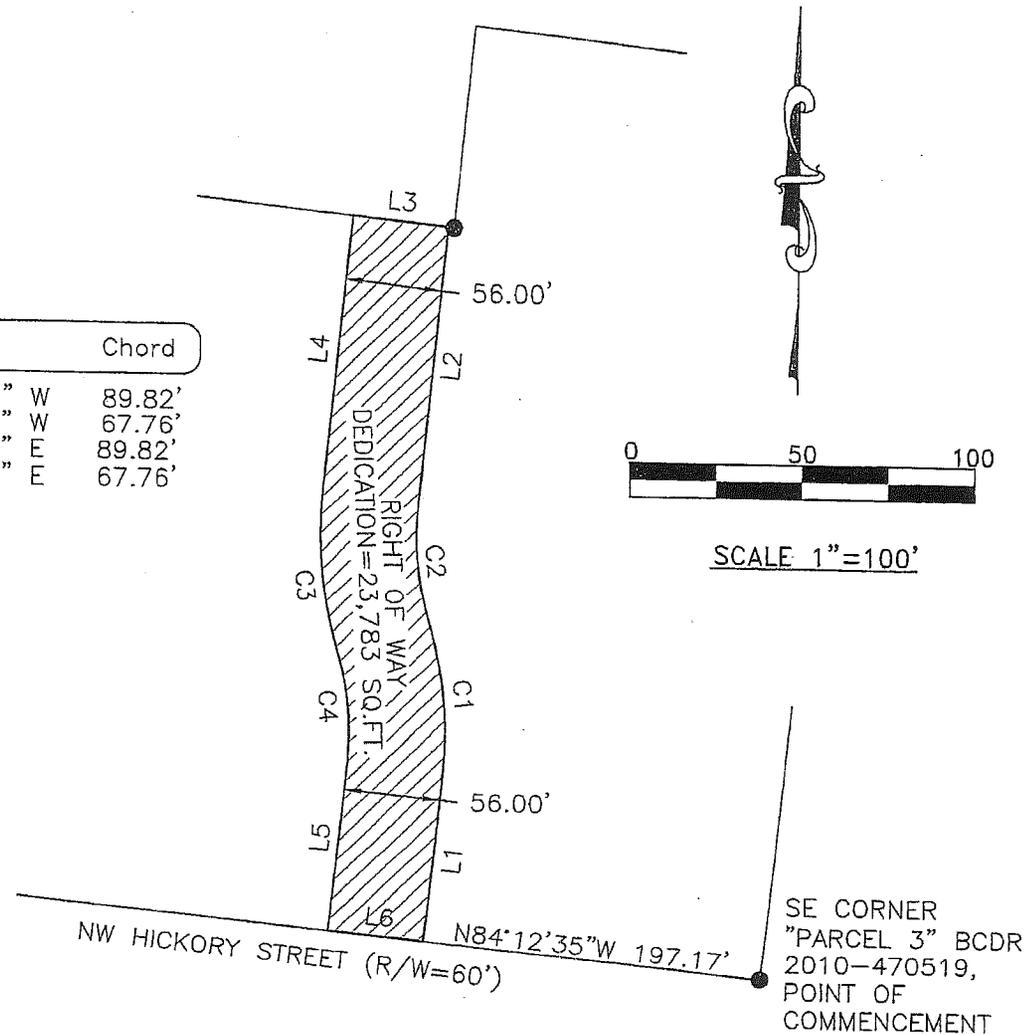
LOCATED IN THE NW 1/4 OF SECTION 6 OF TOWNSHIP 11 SOUTH, RANGE 3 WEST AND IN THE NE 1/4 OF SECTION 1 OF TOWNSHIP 11 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, CITY OF ALBANY, BENTON COUNTY, OREGON

FOR: SAMARITAN HEALTH SERVICES, INC.

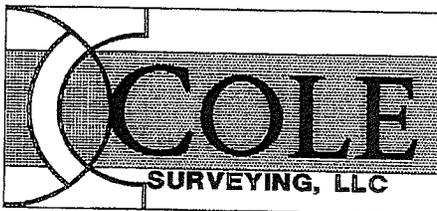
DATE: MARCH 29, 2016

L#	Bearing	Length
L1	N 05°44'37" E	100.02'
L2	N 05°44'37" E	165.98'
L3	N 84°03'53" W	56.00'
L4	S 05°44'37" W	166.17'
L5	S 05°44'37" W	99.98'
L6	S 84°12'35" E	56.00'

C#	Radius	Delta	Length	Bearing	Chord
C1	228.00'	22°43'16"	90.42'	N 05°37'01" W	89.82'
C2	172.00'	22°43'16"	68.21'	N 05°37'01" W	67.76'
C3	228.00'	22°43'16"	90.42'	S 05°37'01" E	89.82'
C4	172.00'	22°43'16"	68.21'	S 05°37'01" E	67.76'



PREPARED BY  
 COLE SURVEYING, LLC  
 245 NE CONIFER BLVD.  
 P.O. BOX 1211  
 CORVALLIS, OREGON 97339  
 (541) 929-5500





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

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR STORM DRAINAGE:

Grantor

Purpose

SAMARITAN HEALTH SERVICES, INC

A variable width storm drainage easement, as part of the Samaritan Medical Development Project.

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

DATED AND EFFECTIVE THIS 24TH DAY OF AUGUST 2016.

\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC STORM DRAINAGE

THIS AGREEMENT, made and entered into this 1<sup>ST</sup> day of AUGUST, 2016, by and between **SAMARITAN HEALTH SERVICES, INC.**, hereinafter called Grantor, and the **CITY OF ALBANY**, a Municipal Corporation, herein called "City."

### WITNESSETH:

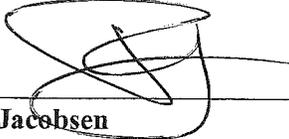
That for and in consideration of the total compensation to be paid by the City, the Grantor has this day bargained and sold and by these presents and does bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public storm drainage facilities for the purpose of conveying public storm drainage 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 right-of-way hereby granted consists of:  
  
See legal description on attached Exhibit A and maps on attached Exhibits B and C.
2. The 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 Grantor 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. No permanent structure shall be constructed on this easement, excepting one (only) lighted monument sign owned by the Grantor. At any time the monument sign interferes with the City's rights under this Easement, the Grantor shall perform all work and pay all costs to remove and reconstruct the monument sign and its foundations, including, but not limited to, the removal and reconstruction of the sign, pier footings, slab on grade, electrical conduit, wiring, and landscaping.

IN WITNESS WHEREOF, the Grantor has hereunto affixed their signature this 1 day of August, 2016.

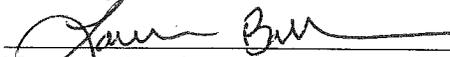
**GRANTOR: SAMARITAN HEALTH SERVICES, INC.**

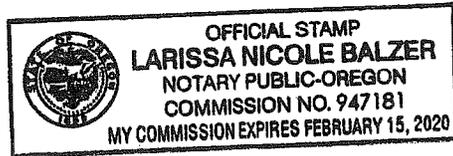


\_\_\_\_\_  
**Tyler Jacobsen**  
Vice President, General Counsel at Samaritan Health Services, Inc.  
Samaritan Health Services

STATE OF OREGON     )  
  ) ss.  
County of Benton     )

I, Larissa Balzer, a Notary Public for Benton County, acknowledge that the above named **Tyler Jacobsen, Vice President and General Counsel of Samaritan Health Services, Inc.**, personally appeared before me and acknowledged the foregoing instrument to be his voluntary act and deed, on behalf of **Samaritan Health Services, Inc.** and being so authorized to do so, executed the foregoing document on behalf of **Samaritan Health Services, Inc.** before me this 1 day of August, 2016.

  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: February 15, 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**

Public Storm Drainage Easement Legal Description  
Benton County Tax Assessor's Map 11401AD, Tax Lot 200

A variable width public storm drainage easement located in the Northeast Quarter of Section 1 of Township 11 South, Range 4 West of the Willamette Meridian, City of Albany, Benton County, Oregon, being more particularly described as follows:

Commencing at a 5/8 inch iron rod at the southeast corner of that property described as "Parcel 3" of the property conveyed to Samaritan Health Services, Inc., in Benton County Deed Record 2010-470519, said point also being located on the north right of way line of NW Hickory Street; thence along said north right of way line North 84°12'35" West 253.17 feet to the TRUE POINT OF BEGINNING; thence North 05°44'37" East 36.23 feet; thence South 32°47'39" West 23.29 feet; thence North 84°15'23" West 30.58 feet; thence South 06°30'16" West 15.45 feet to the north right of way line of NW Hickory Street; thence along said north right of way line South 84°12'35" East 41.38 feet to the true point of beginning.

The basis of bearings for the above described easement is from Benton County Survey No. 10690.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



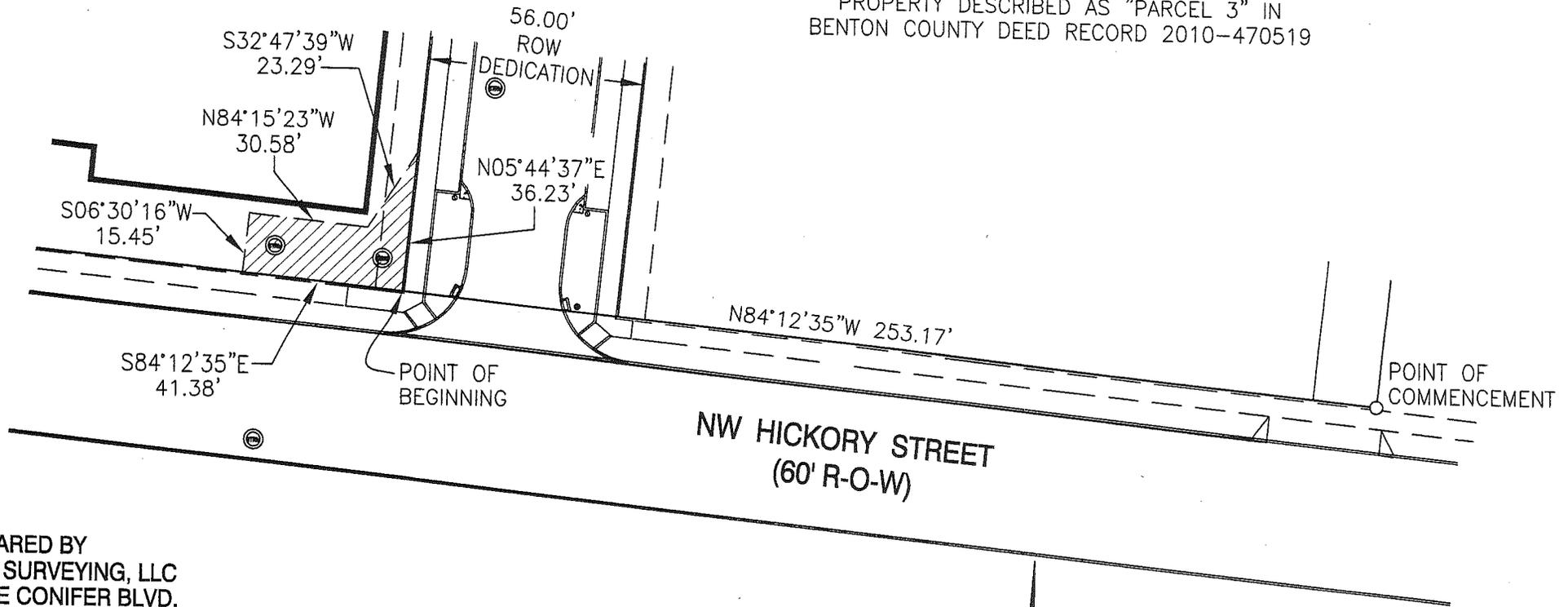
OREGON  
JANUARY 11, 2005  
BRIAN SCOTT SAILOR  
61341

# EXHIBIT B

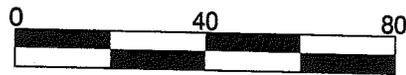
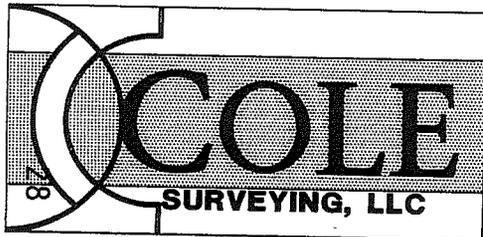
LOCATED IN THE IN THE NE 1/4 OF SECTION 1 OF TOWNSHIP 11 SOUTH, RANGE 4 WEST  
OF THE WILLAMETTE MERIDIAN, CITY OF ALBANY, BENTON COUNTY, OREGON

DATE: JULY 28, 2016

BENTON COUNTY TAX ASSESSOR'S MAP  
11-4-1AD, TAX LOT 200  
PROPERTY DESCRIBED AS "PARCEL 3" IN  
BENTON COUNTY DEED RECORD 2010-470519



PREPARED BY  
COLE SURVEYING, LLC  
245 NE CONIFER BLVD.  
P.O. BOX 1211  
CORVALLIS, OREGON 97339  
(541) 929-5500



SCALE 1"=40'



# EXHIBIT C

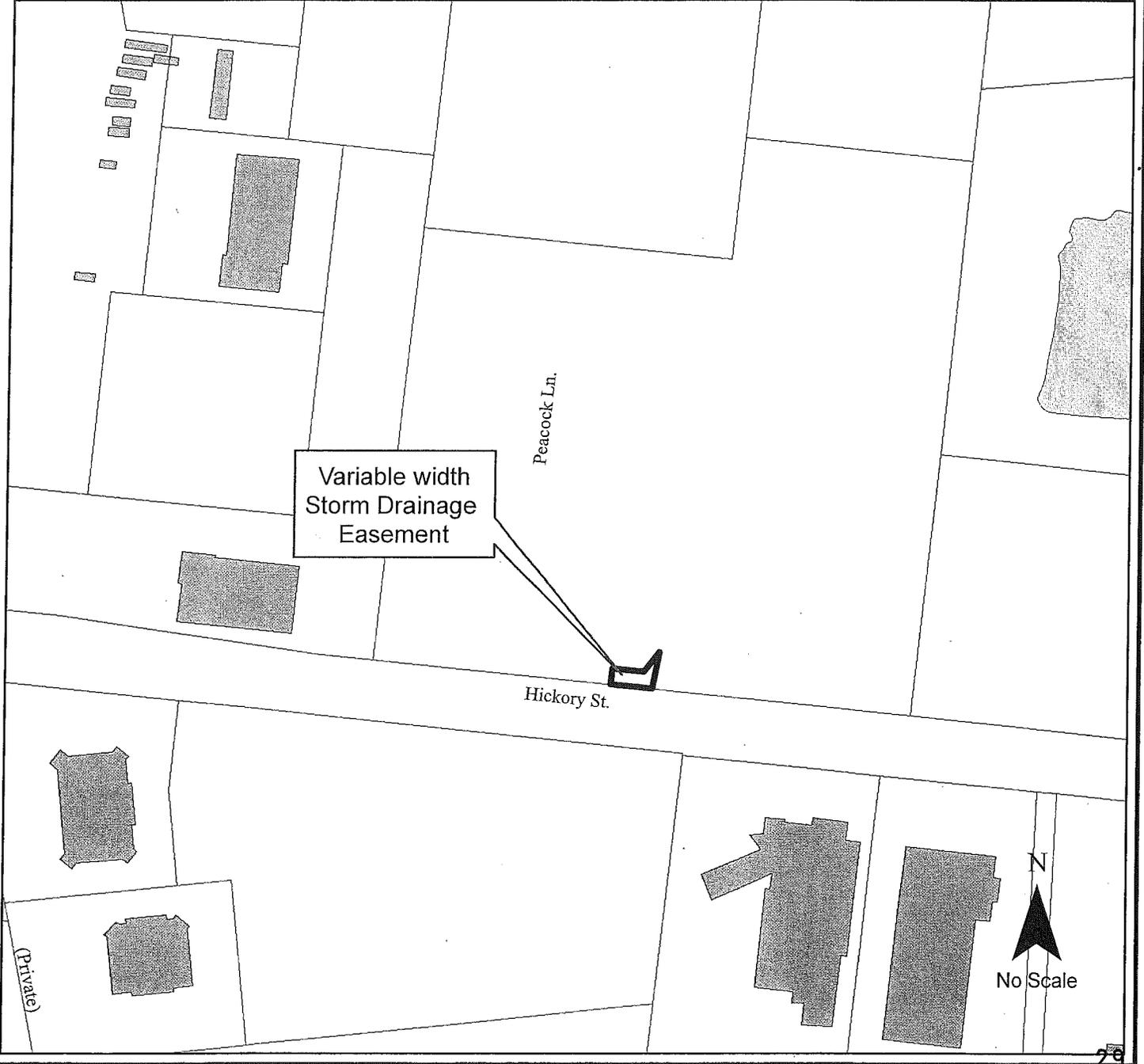
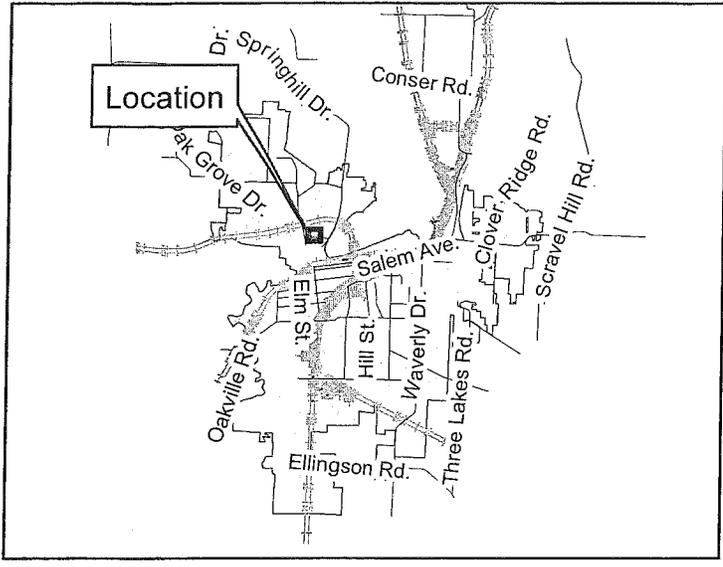
11S04W01AD- 00200

A variable width storm drainage easement, as part of the Samaritan Medical Development Project



CITY OF  
*Albany*  
OREGON

Geographic Information Services



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

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR FRANCHISED PUBLIC UTILITIES:

Grantor

Purpose

SAMARITAN HEALTH SERVICES, INC

Two 7 foot wide Franchise Utility Easements, as part of the Samaritan Medical Development Project.

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

DATED AND EFFECTIVE THIS 24TH DAY OF AUGUST 2016.

\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR FRANCHISED PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 1<sup>ST</sup> day of AUGUST, 2016, by and between **SAMARITAN HEALTH SERVICES, INC.**, hereinafter called Grantor, and the **CITY OF ALBANY**, a Municipal Corporation, herein called "City."

### WITNESSETH:

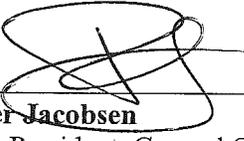
That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany and Utility Companies with Franchise Agreements with the City, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public utilities for the purpose of conveying public franchised utilities 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 right-of-way hereby granted consists of: See legal description on attached Exhibit A and map on attached Exhibit B and Exhibit C.
2. The permanent easement described herein grants to the City and its franchised utility companies, and to their 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 Utility Company performing the maintenance 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 affixed their signature this 1 day of August, 2016.

**GRANTOR: SAMARITAN HEALTH SERVICES, INC.**

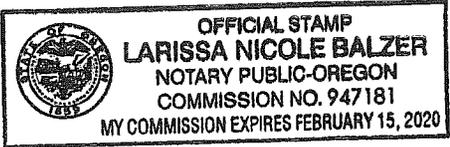


**Tyler Jacobsen**  
Vice President, General Counsel at Samaritan Health Services, Inc.  
Samaritan Health Services

STATE OF OREGON     )  
  ) ss.  
County of Benton     )

I, Larissa Balzer, a Notary Public for Benton County, acknowledge that the above named **Tyler Jacobsen, Vice President and General Counsel of Samaritan Health Services, Inc.**, personally appeared before me and acknowledged the foregoing instrument to be his voluntary act and deed, on behalf of **Samaritan Health Services, Inc.** and being so authorized to do so, executed the foregoing document on behalf of **Samaritan Health Services, Inc.** before me this 1 day of August, 2016.

  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: February 15, 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**

Utility Easement Legal Description  
Benton County Tax Assessor's Map 11401AD, Tax Lot 200

A 7 foot wide utility easement located in the Northeast Quarter of Section 1 of Township 11 South, Range 4 West of the Willamette Meridian, City of Albany, Benton County, Oregon, being more particularly described as follows:

Commencing at a 5/8 inch iron rod at the southeast corner of that property conveyed to Samaritan Health Services, Inc., and described as "Parcel 3" in Benton County Deed Record 2010-470519, said point of commencement being located in the Northwest Quarter of Section 6 of Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Benton County, Oregon, said point also being located on the north right of way line of NW Hickory Street; thence along said north right of way line North 84°12'35" West 190.17 feet to the TRUE POINT OF BEGINNING; thence North 05°44'37" East 100.03 feet; thence along the arc of a 235.00 foot radius curve to the left 93.19 feet (the long chord of which bears North 05°37'01" West 92.58 feet); thence along the arc of a 165.00 foot radius curve to the right 65.43 feet (the long chord of which bears North 05°37'01" West 65.00 feet); thence North 05°44'37" East 165.96 feet to the easterly extension of the northerly line of the aforementioned Samaritan Health Services property; thence along said northerly line and the easterly extension thereof North 84°03'53" West 7.00 feet; thence South 05°44'37" West 165.98 feet; thence along the arc of a 172.00 foot radius curve to the left 68.21 feet (the long chord of which bears South 05°37'01" East 67.76 feet); thence along the arc of a 228.00 foot radius curve to the right 90.42 feet (the long chord of which bears South 05°37'01" East 89.82 feet); thence South 05°44'37" West 100.02 feet to the north right way line of NW Hickory Street; thence along said north right of way line South 84°12'35" East 7.00 feet to the true point of beginning.

Together and With: Commencing at a 5/8 inch iron rod at the southeast corner of that property conveyed to Samaritan Health Services, Inc., and described as "Parcel 3" in Benton County Deed Record 2010-470519, said point of commencement being located in the Northwest Quarter of Section 6 of Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Benton County, Oregon, said point also being located on the north right of way line of NW Hickory Street; thence along said north right of way line North 84°12'35" West 253.17 feet to the TRUE POINT OF BEGINNING; thence North 05°44'37" East 99.98 feet; thence along the arc of a 172.00 foot radius curve to the left 68.21 feet (the long chord of which bears North 05°37'01" West 67.76 feet); thence along the arc of a 228.00 foot radius curve to the right 90.42 feet (the long chord of which bears North 05°37'01" West 89.82 feet); thence North 05°44'37" East 166.17 feet to the northerly line of the aforementioned Samaritan Health Services property; thence along said northerly line North 84°03'53" West 7.00 feet; thence South 05°44'37" West 166.19 feet; thence along the arc of a 235.00 foot radius curve to the left 93.19 feet (the long chord of which bears South 05°37'01" East 92.58 feet); thence along the arc of a 165.00 foot radius curve to the right 65.43 feet (the long chord of which bears South 05°37'01" East 65.00 feet); thence South 05°44'37" West 99.97 feet to the north right way line of NW Hickory Street; thence along said north right of way line South 84°12'35" East 7.00 feet to the true point of beginning.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

  
OREGON  
JANUARY 11, 2005  
BRIAN SCOTT SAILOR  
61341

# EXHIBIT B

LOCATED IN THE NW 1/4 OF SECTION 6 OF TOWNSHIP 11 SOUTH, RANGE 3 WEST AND IN THE NE 1/4 OF SECTION 1 OF TOWNSHIP 11 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, CITY OF ALBANY, BENTON COUNTY, OREGON

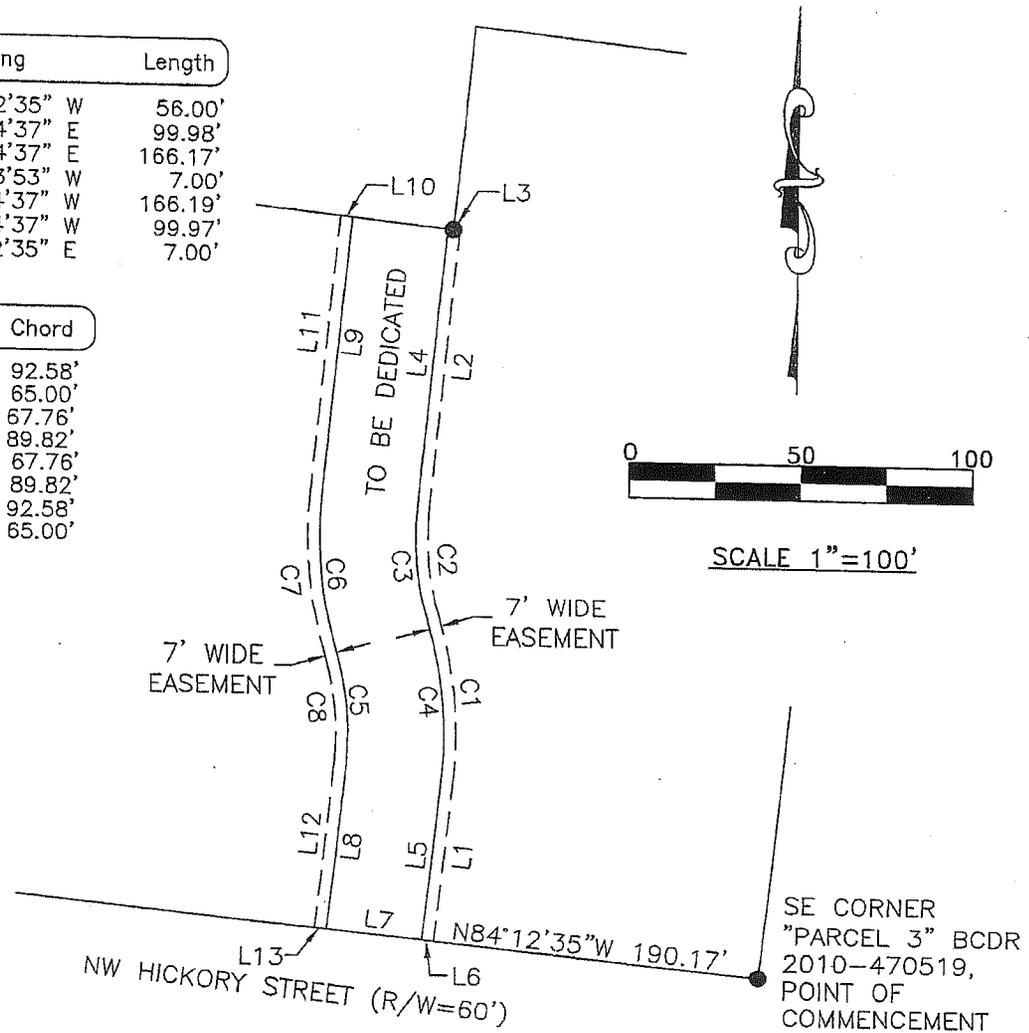
FOR: SAMARITAN HEALTH SERVICES, INC.

DATE: MARCH 29, 2016

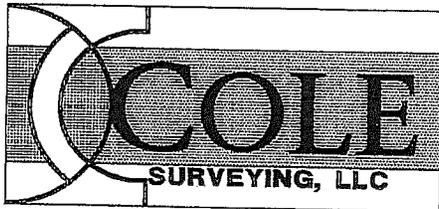
L#	Bearing	Length
L1	N 05°44'37" E	100.03'
L2	N 05°44'37" E	165.96'
L3	N 84°03'53" W	7.00'
L4	S 05°44'37" W	165.98'
L5	S 05°44'37" W	100.02'
L6	S 84°12'35" E	7.00'

L#	Bearing	Length
L7	N 84°12'35" W	56.00'
L8	N 05°44'37" E	99.98'
L9	N 05°44'37" E	166.17'
L10	N 84°03'53" W	7.00'
L11	S 05°44'37" W	166.19'
L12	S 05°44'37" W	99.97'
L13	S 84°12'35" E	7.00'

C#	Radius	Delta	Length	Bearing	Chord
C1	235.00'	22°43'16"	93.19'	N 05°37'01" W	92.58'
C2	165.00'	22°43'16"	65.43'	N 05°37'01" W	65.00'
C3	172.00'	22°43'16"	68.21'	S 05°37'01" E	67.76'
C4	228.00'	22°43'16"	90.42'	S 05°37'01" E	89.82'
C5	172.00'	22°43'16"	68.21'	N 05°37'01" W	67.76'
C6	228.00'	22°43'16"	90.42'	N 05°37'01" W	89.82'
C7	235.00'	22°43'16"	93.19'	S 05°37'01" E	92.58'
C8	165.00'	22°43'16"	65.43'	S 05°37'01" E	65.00'



PREPARED BY  
 COLE SURVEYING, LLC  
 245 NE CONIFER BLVD.  
 P.O. BOX 1211  
 CORVALLIS, OREGON 97339  
 (541) 929-5500



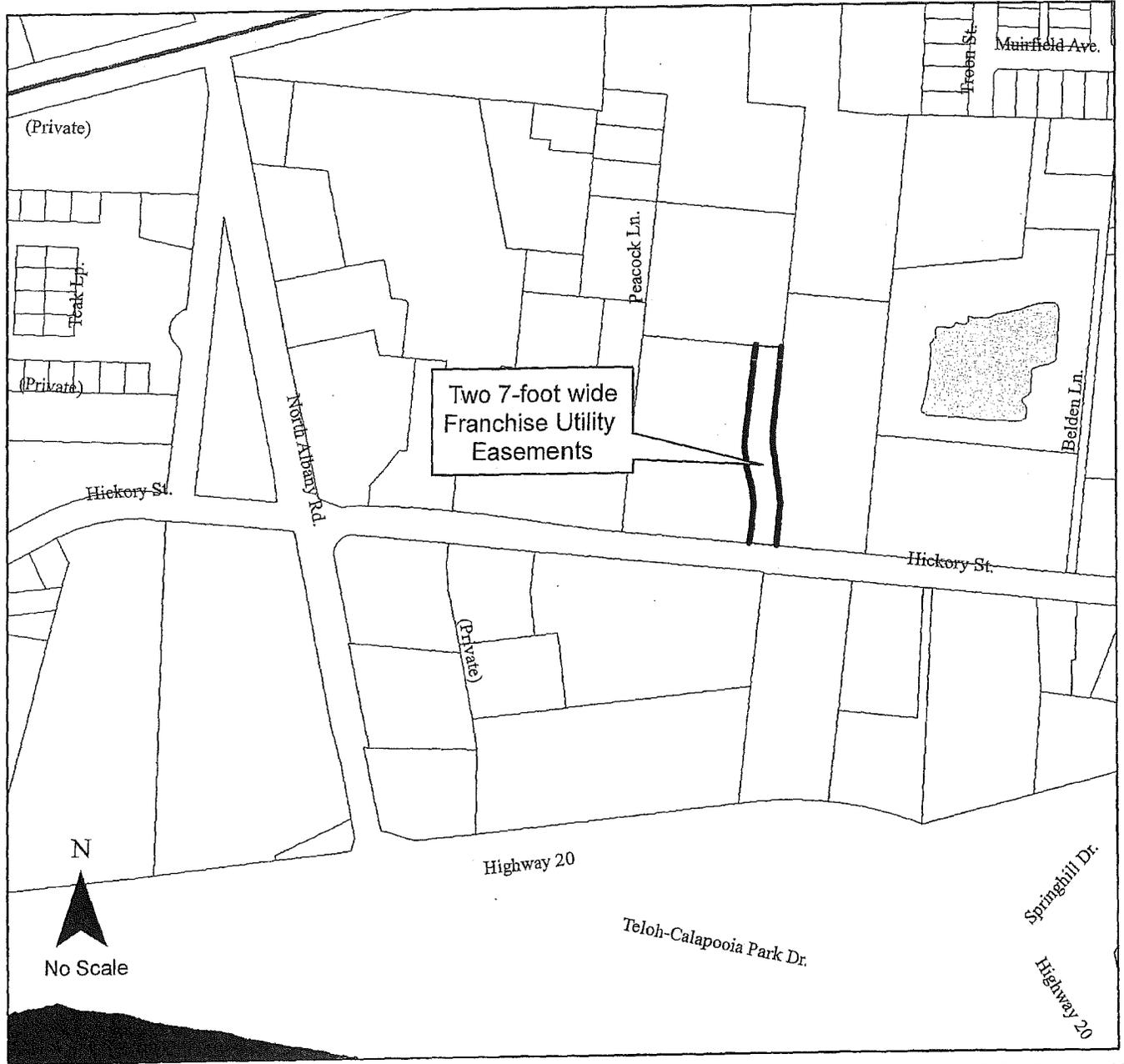
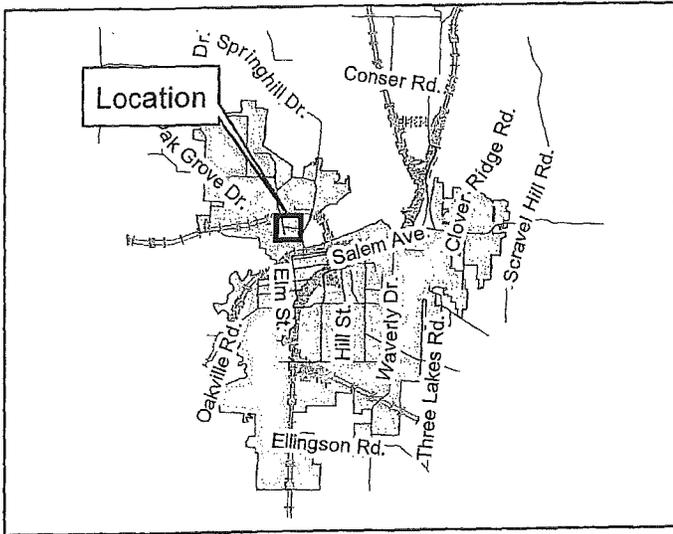
# EXHIBIT C

11S04W01AD-00200

Two 7 foot wide Franchise Utility Easements, as part of the Samaritan Medical Development Project



Geographic Information Services





TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Stewart Taylor, Finance Director *ST*  
Diane M. Murzynski, Purchasing Coordinator, CPPO *DM*  
DATE: August 17, 2016, for the August 24, 2016, City Council Meeting  
SUBJECT: Interlocal Participation Agreement for Cooperative Purchasing through BuyBoard  
National Purchasing Cooperative

RELATES TO STRATEGIC PLAN THEME: • Effective Government

Action Requested:

City Council approval to establish an Interlocal Participation Agreement with BuyBoard National Purchasing Cooperative, an administrative agency of cooperating local governments, for the purpose of cooperative procurement for fiscal year 2016-2017, with automatic annual review thereafter.

Discussion:

The City of Albany utilizes cooperative procurements for both time and budget savings. ORS 279A.205-225 provides state and local government authority to use cooperative procurements as a method to purchase goods and services.

The National Purchasing Cooperative, d/b/a BuyBoard, was formed in May 26, 2010, to facilitate compliance with state procurement requirements, to identify qualified vendors of commodities, goods and services, to relieve the burdens of the governmental purchasing function, to realize the various potential economies, and reduce administrative costs. The Program serves about 5,000 members of local government to have access to competitively bid contracts such as: technology equipment, fire and security systems, water treatment chemicals and equipment, parks and recreation equipment, grounds maintenance equipment and supplies, radio communication products, public safety supplies and equipment, and furniture. BuyBoard provides Interstate Cooperative procurements and the contracts established meet the requirements outlined in ORS 279A.220 for City of Albany use.

Currently, Public Works water distribution is researching options to purchase a valve maintenance trailer and BuyBoard has established contracts with vendors that provide this product. An Interlocal Participation Agreement with National Purchasing Cooperative, Attachment A, will provide City departments additional purchasing options and potential cost savings.

Budget Impact:

No additional budget impact.

DM  
Attachment



**BuyBoard**<sup>®</sup>  
National Purchasing Cooperative

**NATIONAL PURCHASING COOPERATIVE  
INTERLOCAL PARTICIPATION AGREEMENT**

This Interlocal Participation Agreement ("Agreement") is made and entered into on the date indicated below by and between The National Purchasing Cooperative ("Cooperative"), an administrative agency of cooperating local governments, acting on its own behalf and the behalf of all participating local governments, and the undersigned local government ("Cooperative Member").

### I. RECITALS

WHEREAS, the National Purchasing Cooperative was formed on May 26, 2010, pursuant to Md. CODE ANN., STATE FIN. & PROC. § 13-110 (West 2009), and R.I.GEN.LAWS § 16-2-9.2 (2009); and

WHEREAS, the purpose of this Agreement is to facilitate compliance with state procurement requirements, to identify qualified vendors of commodities, goods and services, to relieve the burdens of the governmental purchasing function, and to realize the various potential economies, including administrative cost savings, for Cooperative Members;

NOW THEREFORE, in consideration of the mutual covenants, promises and obligations contained herein, the undersigned Cooperative Member and the Cooperative agree as follows.

### II. TERMS AND CONDITIONS

1. **Adopt Organizational Interlocal Cooperation Agreement.** The Cooperative Member by the execution or acceptance of this Agreement hereby adopts and approves the Organizational Interlocal Agreement dated May 26, 2010, which agreement is incorporated herein by reference (and is available from the Cooperative upon request). The Organizational Interlocal Agreement established the Cooperative as an administrative agency of its collective participants, and Cooperative Member agrees to become a participant or additional party to that Organizational Interlocal Agreement.
2. **Term.** The initial term of this Agreement shall commence on the date it is executed by both parties and shall automatically renew for successive one-year terms unless sooner terminated in accordance with the provisions of this Agreement.
3. **Termination.**
  - (a) **By the Cooperative Member.** This Agreement may be terminated by the Cooperative Member at any time by thirty (30) days prior written notice to the Cooperative, provided any amounts owed to any vendor have been fully paid.

- (b) **By the Cooperative.** The Cooperative may terminate this Agreement by:
- (1) Giving ten (10) days notice by certified mail to the Cooperative Member if the Cooperative Member breaches this Agreement; or
  - (2) Giving thirty (30) days notice by certified mail to the Cooperative Member with or without cause.
- (c) **Termination Procedure.** If the Cooperative Member terminates its participation under this Agreement or breaches this Agreement, or if the Cooperative terminates participation of the Cooperative Member, the Cooperative Member shall bear the full financial responsibility for all of its purchases made from vendors under or through this Agreement. The Cooperative may seek the whole amount due, if any, from the terminated Cooperative Member. In addition, the Cooperative Member agrees it will not be entitled to a distribution which may occur after the Cooperative Member terminates from the Cooperative.
4. **Payments by Cooperative Member.** The Cooperative Member will make timely payments to the vendor for the goods, materials and services received in accordance with the terms and conditions of the bid invitation, instructions, and all other applicable procurement documents. Payment for goods, materials and services and inspections and acceptance of goods, materials and services ordered by the procuring Cooperative Member shall be the exclusive obligation of the procuring Cooperative Member, and not the Cooperative. Furthermore, the Cooperative Member is solely responsible for negotiating and securing ancillary agreements from the vendor on such other terms and conditions, including provisions relating to insurance or bonding, that the Cooperative Member deems necessary or desirable under federal, state or local law, local policy or rule, or within its business judgment.
5. **Payments by Vendors.** The parties agree that the Cooperative will require payment from vendors which are selected to provide goods, materials or services to Cooperative Members. Such payment (hereafter "Vendor Fees") may be up to two percent (2%) of the purchase price paid by Cooperative Members or a flat fee amount that may be set from time to time by the Cooperative Board of Directors. Cooperative Member agrees that these Vendor Fees fairly compensate the Cooperative for the services and functions performed under this Agreement and that these Vendor Fees enable the Cooperative to pay the administrative, endorsement, licensing, marketing, and other expenses involved in successfully operating a program of electronic commerce for the Cooperative Members. Further, Cooperative Member affirmatively disclaims any rights to such Vendor Fees, acknowledging all such fees are the property of the Cooperative. Similarly, in no event shall a Cooperative Member be responsible for payment of Vendor Fees.
6. **Distribution.** From time to time, and at the sole discretion of the Cooperative Board of Directors, the Cooperative may issue a distribution to Cooperative Members under a plan developed by the Cooperative Board of Directors. The Cooperative Member acknowledges that a distribution is never guaranteed and will depend on the overall financial condition of the Cooperative at the time of the distribution and the purchases made by the Cooperative Member.
7. **Administration.** The Cooperative may enter into contracts with others, including non-profit associations, for the administration, operation and sponsorship of the purchasing program provided by this Agreement. The Cooperative will provide reports, at least annually, to the Cooperative Member electronically or by

mail. Cooperative Member will report purchase orders generated under this Agreement to the Cooperative or its designee, in accordance with instructions of the Cooperative.

8. **BuyBoard®.** Cooperative Member will have a non-exclusive license to use the BuyBoard electronic purchasing application (BuyBoard) during the term of this Agreement. Cooperative Member acknowledges and agrees that the BuyBoard electronic application and trade name are owned by the Texas Association of School Boards, Inc., and that neither the Cooperative nor the Cooperative Member has any proprietary rights in the BuyBoard electronic application or trade name. The Cooperative Member will not attempt to resell, rent, or otherwise distribute any part of BuyBoard to any other party; nor will it attempt to modify the BuyBoard programs on the server or acquire the programming code. The Cooperative Member may not attempt to modify, adapt, translate, distribute, reverse engineer, decompile, or disassemble any component of the application. The Cooperative Member will use BuyBoard in accordance with instructions from the Cooperative (or its designee) and will discontinue use upon termination of participation in the Cooperative. The Cooperative Member will maintain equipment, software and conduct testing to operate the BuyBoard system at its own expense.

### III. GENERAL PROVISIONS

1. **Amendment by Notice.** The Board may amend this Agreement, provided that prior written notice is sent to the Cooperative Member at least 60 days prior to the effective date of any change described in such amendment and provided that the Cooperative Member does not terminate its participation in the Cooperative before the expiration of said 60 days.
2. **Authorization to Participate and Compliance with Local Policies.** Each Cooperative Member represents that its governing body has duly authorized its participation in the Cooperative and that the Cooperative Member will comply with all state and local laws and policies pertaining to purchasing of goods and services through its membership in the Cooperative.
3. **Bylaws.** The Cooperative Member agrees to abide by the Bylaws of the Cooperative, as they may be amended, and any and all written policies and procedures established by the Cooperative. Notwithstanding the foregoing, the Cooperative shall provide written notice to the Cooperative Member of any amendment to the Bylaws of the Cooperative and any written policy or procedure of the Cooperative that is intended to be binding on the Cooperative Member. The Cooperative shall promptly notify all Cooperative Members in writing of any Bylaw amendment, policy or procedure change.
4. **Cooperation and Access.** The Cooperative Member agrees that it will cooperate in compliance with any reasonable requests for information and/or records made by the Cooperative. The Cooperative reserves the right to audit the relevant records of any Cooperative Member. Any breach of this provision shall be considered material and shall make the Agreement subject to termination on ten (10) days written notice to the Cooperative Member.
5. **Coordinator.** The Cooperative Member agrees to appoint a program coordinator who shall have express authority to represent and bind the Cooperative Member, and the Cooperative will not be required to contact any other individual regarding program matters. Any notice to or any agreements with the coordinator shall be binding upon the Cooperative Member. The Cooperative Member reserves the right to change the coordinator as needed by giving written notice to the Cooperative. Such notice is not effective until actually received by the Cooperative.

6. **Current Revenue.** The Cooperative Member hereby represents that all payments, fees, and disbursements required of it hereunder shall be made from current revenues budgeted and available to the Cooperative Member.
7. **Defense and Prosecution of Claims.** The Cooperative Member authorizes the Cooperative to regulate the commencement, defense, intervention, or participation in a judicial, administrative, or other governmental proceeding or in an arbitration, mediation, or any other form of alternative dispute resolution, or other appearances of the Cooperative in any litigation, claim or dispute which arises from the services provided by the Cooperative on behalf of its members, collectively or individually. Neither this provision nor any other provision in this Agreement will create a legal duty for the Cooperative to provide a defense or prosecute a claim; rather, the Cooperative may exercise this right in its sole discretion and to the extent permitted or authorized by law. The Cooperative Member shall reasonably cooperate and supply any information necessary or helpful in such prosecution or defense. Subject to specific revocation, the Cooperative Member hereby designates the Cooperative to act as a class representative on its behalf in matters arising out of this Agreement.
8. **Governance.** The Board of Directors (Board) will govern the Cooperative in accordance with the Bylaws.
9. **Legal Authority.** The Cooperative Member represents to the Cooperative the following:
- a) The Cooperative Member has conferred with legal counsel and determined it is duly authorized by the laws of the jurisdiction in which the Cooperative Member lies to participate in cooperative purchasing, and specifically, the National Purchasing Cooperative.
  - b) The Cooperative Member possesses the legal authority to enter into this Agreement and can allow this Agreement to automatically renew without subsequent action of its governing body.
  - c) Purchases made under this Agreement will satisfy all procedural procurement requirements that the Cooperative Member must meet under all applicable local policy, regulation, or state law.
  - d) All requirements—local or state—for a third party to approve, record or authorize the Agreement have been met.
10. **Disclaimer.** THE COOPERATIVE, ITS ENDORSERS, SPONSORS AND SERVICING CONTRACTORS, INCLUDING THE NATIONAL SCHOOL BOARDS ASSOCIATION (NSBA) AND THE TEXAS ASSOCIATION OF SCHOOL BOARDS, INC. (TASB), DO NOT WARRANT THAT THE OPERATION OR USE OF COOPERATIVE SERVICES WILL BE UNINTERRUPTED OR ERROR FREE.

THE COOPERATIVE, ITS ENDORSERS, SPONSORS AND SERVICING CONTRACTORS, HEREBY DISCLAIM ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, IN REGARD TO ANY INFORMATION, PRODUCT OR SERVICE FURNISHED UNDER THIS AGREEMENT, INCLUDING WITHOUT LIMITATION, ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

11. **Limitation of Liability.** Without waiver of the disclaimer or other limitation of liability in this Agreement, the parties agree that:
- (a) Neither party waives any immunity from liability afforded under law;

- (b) In regard to any lawsuit or formal adjudication arising out of or relating to this Agreement, neither party shall be liable to the other under any circumstance for special, incidental, consequential, or exemplary damages;
- (c) The maximum amount of damages recoverable will be limited to the amount of fees which the Cooperative received as a direct result of the Cooperative Member's purchase activity, within 12 months of when the lawsuit or action was filed; and
- (d) In the event of a lawsuit or formal adjudication the prevailing party will be entitled to recover reasonable attorney's fees.

Without waiver of the disclaimer or other limitation of liability in this Agreement, the parties further agree to limit the liability of the Cooperative's Endorsers, Sponsors and Servicing Contractors (defined in Paragraph 11, above) up to the maximum amount each received from or through the Cooperative, as a direct result of the undersigned Cooperative Member's purchase activity, within 12 months of the filing of any lawsuit or action.

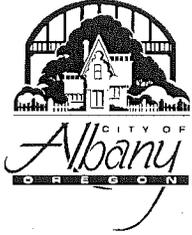
12. **Limitation of Rights.** Except as otherwise expressly provided in this Agreement, nothing in this Agreement is intended to confer upon any person, other than the parties hereto, any benefits, rights, or remedies under or by reason of this Agreement.
13. **Merger/Entirety.** This Agreement, together with the Cooperative's Bylaws and Organizational Interlocal Agreement, represents the complete understanding of the Cooperative and Cooperative Member. To the extent there exists any conflict between the terms of this Agreement and that of prior agreements, the terms of this Agreement shall control and take precedence over all prior participation agreements.
14. **Notice.** Any written notice to the Cooperative may be given by e-mail to NSBA at BuyBoard@nsba.org; by U.S. mail, postage prepaid, and delivered to the National Purchasing Cooperative, 1680 Duke Street FL2, Alexandria, VA, 22314; or other mode of delivery typically used in commerce and accessible to the intended recipient. Notices to Cooperative Member may be given by e-mail to the Cooperative Member's Coordinator or other e-mail address of record provided by the Cooperative Member; by U.S. mail, postage prepaid, and delivered to the Cooperative Member's Coordinator or chief executive officer (e.g., superintendent, city manager, county judge or mayor); or other mode of delivery typically used in commerce and accessible to the intended recipient.
15. **Severability.** If any portion of this Agreement shall be declared illegal or held unenforceable for any reason, the remaining portions shall continue in full force and effect.
16. **Signatures/Counterparts.** The failure of a party to provide an original, manually executed signature to the other party will not affect the validity, enforceability or binding effect of this Agreement because either party may rely upon an electronic or facsimile signature as if it were an original. Furthermore, this Agreement may be executed in several separate counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.
17. **Authority.** By the execution and delivery of this Agreement, each undersigned individual represents that he or she is authorized to bind the entity that is a party to this Agreement.

IN WITNESS WHEREOF, the parties, acting through their duly authorized representatives, accept this Agreement.

**TO BE COMPLETED BY THE NATIONAL PURCHASING COOPERATIVE:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Deputy Associate Executive Director, Member & Leadership Services  
National School Boards Association  
On behalf of the National Purchasing Cooperative

**TO BE COMPLETED BY COOPERATIVE MEMBER: ONLINE AT BUYBOARD.COM VIA ELECTRONIC SIGNATURE**



TO: Albany City Council

FROM: Sharon Konopa, Mayor

*Sharon (ed)*

DATE: August 18, 2016, 2016, for August 24, 2016, City Council Meeting

SUBJECT: Appointment to Planning Commission

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Council approval of the following appointment:

***Planning Commission***

JoAnn Miller [*application attached*] (Councilor Johnson's new appointment to fill a vacancy; term expires December 31, 2018.)

Discussion:

None.

Budget Impact:

None.

SK:ldh

*G:\Administrative Services\City Manager's Office\Boards-Commissions\2016 Recruitment\^2016 appointments-boards & commissions-msk-#7.doc*



BOARD, COMMISSION, AND COMMITTEE APPLICATION

(Please print legibly or type)

RECEIVED

DEC 4 2015

City of Albany City Manager's Office

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:

Budget Committee, Community Development Commission

(list all for which you are applying)

Planning Commission,

Human Relations Comm.

Name: JoAnn Miller

Preferred First Name: JoAnn

Residential Information: Home Address: Albany, OR 97322 Phone: Cellular: E-mail: Fax: (Optional)

Employment Information: Employer's Name: Work Address: Corvallis, OR 97330 Phone: 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:

Director of Community Health Promotion - 2008 to present

Director of Benton County Commission on Children and Families - 1995 to 2008

Resume is attached

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:

I have been active in Project Homeless Connect, Linn County Extension Association Board Member, Linn County Oral Health Coalition, Linn County Childhood Obesity Prevention Committee.

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

I am interested in serving on either of these boards to get involved in my community. I am committed to working to improve the overall health of Albany by utilizing my experience with city, state and federal government processes. I would also like to give back to my community by volunteering my time to serve in a capacity that will make a difference.

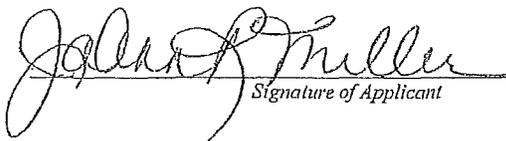
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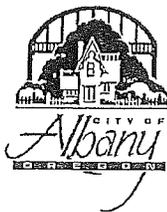
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- What contributions do you hope to make?

I will contribute my knowledge and experience of working with city, state and federal government agencies through advocacy and policy development. I can also contribute to the committees because of my knowledge of the community needs. I have conducted or led focus groups, facilitated meetings and participated in local forums that have provided me with an understanding of what other residents of Albany view as a priority to improve the city. My experience with developing local budgets based on rules, regulations, administrative restrictions, and federal guidelines will be a great contribution to the budget committee. I have experience with community planning and development through research and data can contribute to the committee efforts.

  
Signature of Applicant

12/4/2015  
Date



## BOARD/COMMISSION/COMMITTEE SUPPLEMENTAL FORM

Your Name JoAnn Miller

Board/Commission/Committee Name Budget Committee or Planning Commission

Sometimes, the City receives requests for contact information for members serving on City boards, commissions, and committees. Under Oregon law, as a public body volunteer serving the City, your addresses and telephone numbers are generally exempt from public disclosure.

To help City staff members, could you please check "yes," "no," or "not applicable" below as to whether or not you authorize this information being available to the public:

Home Address	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Home Telephone Number	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Home Fax Number	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Applicable
Personal Cellular Number	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Home E-mail Address	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Work Address	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Work Telephone Number	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Work Fax Number	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Applicable
Work Cellular Number	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Applicable
Work E-mail Address	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable

Generally, only information for which you have checked "yes" will be released. If you have chosen "no" to all and a citizen wants to communicate with you, the City will suggest that s/he either:

- send a letter to you c/o the liaison City department, P.O. Box 490, Albany, OR 97321; then that department will forward it to you; or
- leave a phone message or E-mail message with the applicable staff liaison who will then give the message to you.

Signature

JoAnn Miller

Date

12/4/2015

JoAnn R. Miller

Albany, OR 97322

**PROFESSIONAL OBJECTIVE**

To become a leader in the education, business, community, or social environment.

**EDUCATION**

Masters Interdisciplinary Studies  
Oregon State University  
June 2003

Bachelor of Science  
Southern Illinois University  
Education, Training & Resource Development, 1991

Associate of Arts  
Olympic College  
Business, 1990

**SPECIALIZED SKILLS**

Substance Abuse Prevention Specialist  
Substance Abuse Prevention Trainer  
Public Health Community Development Trainer  
Interdisciplinary Education Facilitator

**LEADERSHIP TRAINING**

Cultural Competency Trainer –March 2006, Warm Springs  
Oregon Pacific Program – Catalytic Leadership and Development for Upper Level Managers  
October 2004, Warm Springs Oregon.  
Safe Streets Gang Prevention - 1993– Juvenile Justice, Kitsap County

**ADDITIONAL SKILLS**

Crisis Prevention Interventionist  
Diversity Counselor  
EEO/Affirmative Action Trainer  
Mediation Training  
Juvenile Crime Prevention Training

**RELEVANT EXPERIENCE**

Community Benefit Director  
Supervises 3.0 FTE employees and advise 36 advisory board members from five hospitals on community benefit. Plan, develop, coordinate and oversee the Samaritan Health Services community benefit initiative. Work closely with Chief Executive Officers of five hospitals to develop and implement a Community Benefit Plan. Develop and implement policies, procedures, and guidelines related to community benefit. Lead collaborative initiatives in partnership with other staff involved in community benefit activities. Train and educate executives, managers, staff and board members about community benefits. Train staff and

managers on Community Benefit Inventory for Social Accountability (CBISA) software. Monitor and maintain CBISA system. Develop annual community benefit report. Work closely with accounting department to develop annual reports for tax statements. Support efforts to identify and seek external funding to support community benefit activities. Write and edit local, state, and federal grants for various departments. Oversee and monitor grant funded projects. Conduct annual employee evaluations. Oversee department budget over \$1,000,000 per year. Samaritan Health Services, Inc., Corvallis, OR  
11/2008 – present

Commission on Children and Families - Director  
Supervises 3.5 employees and 26+ community volunteers. Worked closely with the Board of County Commissioners to coordinate support for the Benton County Commission on Children and Families. Develops and executes a comprehensive service delivery plan. Analyzes information, issues, and policy options. Have a thorough knowledge of local, state, and federal child and family rules, regulation and policies. Have a thorough knowledge of local and state services that support children and families. Promote community awareness of, and interest in, children and family needs, issues, strategies and goals. Facilitates consensus among local commissioners, board members, and other representatives of groups involved in planning for the delivery of services to children, families, consumers, juvenile justice professionals, child and family advocates, elected officials, business leaders, and educators who represent diverse interests in Benton County. Serve as liaison with media and other community groups; coordinates commission advocacy efforts and networks with statewide children and families representatives. Conduct research on issues, assesses needs, and analyzes data concerning children and family issues. Provide technical assistance and training to local commission members, service providers, public agencies, and the general public. Develop and write reports both state and local. Oversee county budget of \$1,000,000 year. Reviewed federal grants for Department of Justice, Department of Education, and Center for Substance Abuse Prevention. Benton County Commission on Children and Families, Corvallis, OR  
10/95 – 11/2008

Hyde, Laura

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From: JoAnn Mille  
Sent: Friday, December 4, 2015 12:16 PM  
To: Hyde, Laura  
Subject: FW: Scanned image from PGAVPA46  
Attachments: AR-M257\_20151204\_120807.pdf

Good Afternoon Laura,  
Attached is my application to serve on the Budget or Planning Commission. I am also willing to consider serving on other boards.  
Thank you

JoAnn R. Miller

Corvallis, OR 97330

-----Original Message-----

From: [PGAVPA46@samhealth.org](mailto:PGAVPA46@samhealth.org) [mailto:[PGAVPA46@samhealth.org](mailto:PGAVPA46@samhealth.org)]  
Sent: Friday, December 04, 2015 12:08 PM  
To: JoAnn Miller  
Subject: Scanned image from PGAVPA46

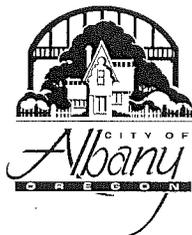
DEVICE NAME: PGAVPA46  
DEVICE MODEL: SHARP AR-M257  
LOCATION: Avery Square - Business Office - Suite 201

FILE FORMAT: PDF G4  
RESOLUTION: 300dpi

Attached file is scanned image in PDF format.  
This file can be read by Adobe Acrobat Reader.  
The reader can be downloaded from the following URL:

<http://www.adobe.com/>

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TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Laura Hyde, Executive Assistant to the City Manager *Laura*

DATE: August 12, 2016, for the August 24, 2016, City Council Meeting

SUBJECT: League of Oregon Cities Conference: Designation of Voting Delegate and Alternate

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Designation of a Voting Delegate and Alternate for the annual LOC membership meeting on Saturday morning, October 1.

Discussion:

The City received its notice about designation of a voting delegate, and the League wants the information returned no later than September 2.

Each city is entitled to cast one vote at the LOC business meeting. To do so, the Council needs to officially designate a Voting Delegate and Alternate who are registered to attend the LOC Conference. Those attending are the following: Sharon Konopa, Jorge Salinas, Stewart Taylor, Sean Kidd, and Jessica Henson (Legal Assistant @ Delapoer, Kidd, PC).

Budget Impact:

None.

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TO: Albany City Council  
FROM: Marilyn Smith, Management Assistant/Public Information Officer  
DATE: August 16, 2016, for the August 24, 2016, City Council Meeting  
SUBJECT: November and December 2016 Council Meeting Dates

*Marilyn Smith*

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Council's direction for changes in the meeting schedule for November and December.

Discussion:

Staff recommends the following meeting schedule for November and December.

**November**

- Wednesday, November 2 Potential date for Work Session or Meeting
- Monday, November 7 Work Session @ 4:00 p.m.
- Wednesday, November 9 Council Meeting @ 7:15 p.m.
- Friday, November 11 City Holiday: Veterans' Day
- Monday, November 14 Potential date for Work Session or Meeting
- Wednesday, November 16 CARA & ARA Meetings @ 5:15 p.m.
- Monday, November 21 No Work Session or Meeting
- Wednesday, November 23 No Work Session or Meeting
- November 24 & 25 City Holidays: Thanksgiving & day after Thanksgiving
- Monday, November 28 No Work Session or Meeting;
- Wednesday, November 30 Potential date for Council Meeting @ 7:15 p.m.

**December**

- Monday, December 5 Work Session @ 4:00 p.m.
- Wednesday, December 7 Council Meeting @ 7:15 p.m.
- Monday, December 12 Potential date for Work Session or Meeting
- Wednesday, December 14 CARA & ARA Meetings @ 5:15 p.m.
- Monday, December 19 No Work Session or Meeting
- Wednesday, December 21 No Work Session or Meeting
- Monday, December 26 City Holiday: Christmas
- Wednesday, December 28 No Work Session or Meeting
- Monday, January 2, 2017 City Holiday: New Year's Day

Budget Impact:

None.

MMS:ldh

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