



NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
Council Chambers
333 Broadalbin Street SW
Wednesday, September 14, 2016
7:15 p.m.

OUR MISSION IS

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

OUR VISION IS

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

AGENDA

Rules of Conduct for Public Meetings

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

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. SCHEDULED BUSINESS
 - a. Communication
 - 1) Accepting Anne Taleff's resignation from the Library Board. [Page 3]
Action: _____
 - b. Business from the Public
 - c. Adoption of Resolutions
 - 1) Authorizing the establishment of the Health Reimbursement Arrangement/Voluntary Employees' Beneficiary Association ("HRA VEBA") plans. [Pages 4-6]
Action: _____ RES. NO. _____
 - 2) Authorizing department directors to execute all contracts, agreements, proposals, and memoranda of understanding within the scope of their supervisory duties between the City of Albany and other parties; authorizing department directors to delegate that authority to direct report supervisors; and repealing Resolution No. 5183. [Pages 7-8]
Action: _____ RES. NO. _____
 - 3) Authorizing the City Council to temporarily waive the City of Albany Resolution No. 4335 provision prohibiting alcoholic beverages in City Hall on September 21, 2016. [Pages 9-10]
Action: _____ RES. NO. _____
 - 4) Waiving competitive bidding and awarding a sole source contract to Stryker Corporation and appropriating funds from the fiscal year 2016-2017 beginning fund balance for the purchase of Stryker Power-LOAD cot loading systems and accessories. [Pages 11-12]
Action: _____ RES. NO. _____
 - d. Adoption of Consent Calendar
 - 1) Approval of Minutes
 - a) July 25, 2016, City Council Work Session minutes. [Page 13]
 - b) July 25, 2015, City Council and Planning Commission Joint Work Session minutes. [Pages 14-16]
 - 2) Authorizing the City of Albany to submit a grant application for Oregon Department of Aviation funds and a commitment to provide the required local match. [Pages 17-18] RES. NO. _____
 - 3) Authorizing the City Manager to execute an intergovernmental agreement with the Oregon Department of Transportation (ODOT) to exchange federal Surface Transportation Program (STP) funds for state funds. [Pages 19-26]
 - 4) E-0229-16, License to Occupy Public Right-of-Way, Marshall and Charlotte Smith, 820 East Thornton Lake Drive NW. [Pages 27-33]
Action: _____

e. Reports

1) Reclassifying Administrative Services Supervisor position in the Police Department. [Page 34]

Action: _____

2) Third Avenue Bridge vehicle load limits. [Pages 35-42]

Action: _____

3) Sale of fire truck to Lebanon Fire District. [Page 43]

Action: _____

5. BUSINESS FROM THE COUNCIL

6. NEXT MEETING DATE: Work Session: Monday, September 26, 2016
Regular Session: Wednesday, September 28, 2016

7. ADJOURNMENT

Hyde, Laura

From: Dickerman, Sheena
Sent: Friday, July 8, 2016 7:36 AM
To: Hyde, Laura
Subject: FW: Resignation

FYI

From: anne taleff [<mailto:annetaleff@hotmail.com>]
Sent: Friday, July 1, 2016 4:15 PM
To: Gallagher, Ed
Subject: Resignation

Dear Ed:

I am resigning from the Library Board because it needs a reliable person and that is not me lately. I'm involved in too many other things, evidently. Each time I plan to be there and then realize that I missed it again.

I'm sorry for inconveniencing people.

It's been good to be able to go to the Carnegie on Saturdays.

Anne Taleff



Virus-free. www.avast.com

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TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Stewart Taylor, Finance Director
David Shaw, Human Resources Director
Danette Jamison, Sr. Human Resources Program Coordinator

DATE: September 8, 2016, for the September 14, 2016, City Council Meeting

SUBJECT: Voluntary Employee Beneficiary Association (VEBA)

RELATES TO STRATEGIC PLAN THEME: ● An Effective Government

Action Requested:

Council approval of the attached resolution authorizing the City to participate in a Voluntary Employee Beneficiary Association (VEBA).

Discussion:

As Council may recall, the 2015 - 2018 collective bargaining agreements (CBAs) with AFSCME - General Unit and AFSCME - Transit Unit, provided for moving to a higher deductible health insurance plan and establishing a Voluntary Employee Beneficiary Association (VEBA). Council ratified the collective bargaining agreements on March 23, 2016. The CBAs require the City to establish the VEBA to be effective January 1, 2017. The City will include non-bargaining employees in the higher deductible health insurance plan and VEBA.

By contributing to a VEBA, the City will be assisting employees with saving funds now for their health needs in the future.

Staff, having met with representatives of organizations offering VEBAs in Oregon, recommends Council approve the City joining the Voluntary Employees' Beneficiary Association Trust for Public Employees in the Northwest ("Trust"). The Trust's plan design and support systems will provide services in the best interests of the employees. The HRA VEBA serves as a Trust that assumes fiduciary responsibilities for VEBA investments.

Budget Impact:

Moving to the higher deductible health insurance plan will save the City approximately \$800,000 annually. Funding the VEBA will cost approximately \$400,000 annually. Thus, there will be a net savings of approximately \$400,000.

DS
Attachment

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE HEALTH REIMBURSEMENT ARRANGEMENT/VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION ("HRA VEBA") PLANS

WHEREAS, the Internal Revenue Code Section 501c(9) allows for the creation of a voluntary employees' beneficiary association (VEBA) which is a tax-exempt health and welfare trust; and

WHEREAS, Internal Revenue Service regulations and guidelines allow an employer to offer health reimbursement arrangement (HRA) plans; and

WHEREAS, such HRA VEBA plans are available to governmental employers in the Northwest; and

WHEREAS, the recently ratified AFSCME collective bargaining agreements include implementing HRA VEBA plans beginning January 1, 2017; and

WHEREAS, non-bargaining employees will also participate in the HRA VEBA plans beginning January 1, 2017; and

WHEREAS, the City of Albany desires to establish the HRA VEBA plans for its employees as a way to manage the increasing costs of health insurance and to provide a way for employees to save for future health related costs; and

WHEREAS, the Voluntary Employees' Beneficiary Association Trust for Public Employees in the Northwest ("Trust") offers and will administer two HRA VEBA plans (collectively the "Plans") as amended and restated: the **Standard HRA Plan**, which shall be integrated with the Employer's or another qualified group health plan, and which shall accept Employer contributions on behalf of eligible employees who are enrolled in or covered by such qualified group health plan and any other contributions that may be permitted under applicable law from time to time; and the **Post-separation HRA Plan**, which shall accept contributions on behalf of eligible employees, including eligible employees who are not enrolled in or covered by the Employer's or another qualified group health plan, and which shall provide benefits only after a participant separates from service or retires; and

WHEREAS, the City desires to use the services of the Trust to administer such Plans; and

WHEREAS, the Plans will be administered in accordance with the Plan documents provided by the Trust on file in the City Recorder's Office.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Effective January 1, 2017, the City of Albany hereby elects to participate in the Plans and Trust as presently constituted or hereafter amended using the Trust as its plan administrator for the benefit of eligible employees as defined by City policies or collective bargaining agreements.

Section 2. The Plans will be funded with City contributions in amounts determined from time to time pursuant to City policies and collective bargaining agreements.

Section 3. The City Manager and Human Resources Director are authorized to execute documents and establish procedures consistent with Plan and Trust provisions and applicable City policies and collective bargaining agreements necessary to effect the adoption and administration of the Plans.

DATED AND EFFECTIVE THIS 14TH DAY OF SEPTEMBER 2016.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Stewart Taylor, Finance Director
DATE: September 8, 2016, for the September 14, 2016, City Council Meeting
SUBJECT: Department Director Delegation of Signing Authority
RELATES TO STRATEGIC PLAN THEME: ● Effective government

Action Requested:

The Finance Director recommends that the City Council, by resolution, authorize department directors to execute all contracts, agreements, proposals, and memoranda of understanding within the scope of their supervisory duties and authorize department directors to delegate that authority to direct report supervisors upon written notice to the City Manager.

Discussion:

Shortly after his appointment as City Manager, Wes Hare brought a resolution to the City Council authorizing delegation of signing authority to department directors. The purpose of the resolution was to place the responsibility for obligating the City closer to those who would have the greatest understanding of the specific issues at hand. The authority to delegate the signing authority is allowed in the following section of the city Charter:

Section 2.100.010 Administrative delegation. Any power or duty granted or assigned by this code or the Charter to the City Manager may be delegated by the City Manager as he or she may determine to be in the best interests of the City.

On August 24, 2005, the City Council passed Resolution No. 5183 authorizing department directors to execute all contracts, agreements, proposals, and memoranda of understanding within the scope of their supervisory duties between the City of Albany and other parties.

A review of current operations has identified a benefit in extending the signing authority to the supervisor level upon written notice to the City Manager. A good example is the variety of course instructor contracts in the Parks & Recreation Department.

Budget Impact:

None.

ST
Attachment

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING DEPARTMENT DIRECTORS TO EXECUTE ALL CONTRACTS, AGREEMENTS, PROPOSALS, AND MEMORANDA OF UNDERSTANDING WITHIN THE SCOPE OF THEIR SUPERVISORY DUTIES BETWEEN THE CITY OF ALBANY AND OTHER PARTIES; AUTHORIZING DEPARTMENT DIRECTORS TO DELEGATE THAT AUTHORITY TO DIRECT REPORT SUPERVISORS; AND REPEALING RESOLUTION NO. 5183

WHEREAS, on August 24, 2005, the City Council passed Resolution No. 5183 authorizing department directors to execute all contracts, agreements, proposals, and memoranda of understanding within the scope of their supervisory duties between the City of Albany and other parties; and

WHEREAS, the purpose of the resolution was to place the responsibility for obligating the City closer to those who would have the greatest understanding of the specific issues at hand; and

WHEREAS, a review of current operations has identified a benefit in extending the signing authority to the supervisor level upon written notice to the City Manager.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council hereby authorizes each department director to execute all contracts, agreements, proposals, and memoranda of understanding, and any other documents of the same type within the scope of their supervisory duties, between the City of Albany and other parties.
2. Department directors may delegate such authorization to direct report supervisors upon written notice to the City Manager.
3. All such authorization will apply to documents that have received Council approval, unless otherwise directed by the Council.
4. Resolution No. 5183 is hereby repealed.

DATED AND EFFECTIVE THIS 14TH DAY OF SEPTEMBER 2016.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
FROM: Wes Hare, City Manager ^{WH}
DATE: September 2, 2016, for the September 14, 2016, City Council Meeting
SUBJECT: Waiver of City Hall Alcohol Restriction for Retirement Celebration

Action Requested:

Adoption of the attached resolution to waive the prohibition of alcohol in City Hall for a private retirement celebration on Wednesday, September 21, 2016.

Discussion:

The City will be hosting a private retirement celebration for long-time City Attorney Jim Delapoer on September 21, 2016. It's been requested that wine be one of the beverage options served to invited guests.

The City Council has previously approved four such waivers that were public events; the alcohol was not purchased or provided by the City. Those events were:

- 1) November 5, 1997, for an Albany Visitors Association fund-raiser event on December 2, 1997;
- 2) January 28, 1998, for the Arts Commission Spring Gala event on March 12, 1998;
- 3) October 14, 1998, for the Arts Commission Art of Christmas event on December 8, 1998; and
- 4) November 29, 1999, for the Arts Commission Art of Christmas event on November 30, 1999

Budget Impact:

None. Funds to purchase the wine will be from a private source and not from City funds.

WH:ldh
Attachment

G:\Administrative Services\City Manager's Office\Alcohol waiver for JVBD's retirement celebration-mvh.docx

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CITY COUNCIL TO TEMPORARILY WAIVE THE CITY OF ALBANY RESOLUTION NO. 4335 PROVISION PROHIBITING ALCOHOLIC BEVERAGES IN CITY HALL ON SEPTEMBER 21, 2016

WHEREAS, Resolution No. 4335, adopted September 13, 2000, prohibits the use or presence of alcoholic beverages in City Hall; and

WHEREAS, the City is hosting a private retirement celebration for longtime City Attorney Jim Delapoer on September 21, 2016, at City Hall from 5:00 p.m. to 8:00 p.m.; and

WHEREAS, the City would like to offer wine as one of the beverages during this celebration.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council temporarily waives the City of Albany Resolution No. 4335 provision prohibiting alcohol in City Hall and authorizes the City to allow wine to be served in City Hall at a private retirement celebration on September 21, 2016, from 5:00 p.m. to 8:00 p.m.

DATED AND EFFECTIVE THIS 14TH DAY OF SEPTEMBER 2016.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: John R. Bradner, Fire Chief *jr*
DATE: September 7, 2016, for the September 14, 2016, City Council Meeting
SUBJECT: Sole Source Procurement of Stryker Power Load Cot Loading Systems
RELATES TO STRATEGIC PLAN THEME: ● A Safe City

Action Requested:

In the Council's role as the Local Contract Review Board, the Fire Department requests authorization by resolution to waive competitive bidding requirements for the purchase of Stryker Power Cot Loading Systems and accessories by entering into a sole source agreement with Stryker Corporation in accordance with Oregon Revised Statutes 279B.075. In addition, the purchase will require Council to approve the appropriation of previously unappropriated funds from the General Fund beginning fund balance for Fiscal Year 2016-2017.

Discussion:

The Fire Department is in the process of refurbishing medic units, which includes adding power loading systems. The purchase would include four power loading systems and associated accessories. The Fire Department currently uses Stryker brand cots. Purchase of Stryker Power Load cot loading systems and accessories for its medic units maintains the same equipment on all emergency medical units, promoting familiarity, efficiency, and safety to Firefighter/EMTs and the public. ORS 279B.075 provides for an exemption from competitive bidding when the contractor is the sole source provider of the goods and services required.

Findings reflect that Stryker Corporation is the sole vendor for the Stryker Power Load cot loading systems and accessories. The Fire Department will propose purchasing Stryker Power Load cot loading systems and accessories to retrofit four frontline medic units. If approved by Council this equipment would be purchased from the General Fund - Fire Emergency Services Program and the Equipment Replacement Fund.

Budget Impact:

General Fund – Fire Emergency Services Program Transferred from the Beginning Fund Balance:
\$75,000

Equipment Replacement Fund: \$30,500

JB:ljh
Attachment

RESOLUTION NO. _____

A RESOLUTION OF THE ALBANY CITY COUNCIL, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, WAIVING COMPETITIVE BIDDING AND AWARDING A SOLE SOURCE CONTRACT TO STRYKER CORPORATION AND APPROPRIATING FUNDS FROM THE FISCAL YEAR 2016-2017 BEGINNING FUND BALANCE FOR THE PURCHASE OF STRYKER POWER LOAD COT LOADING SYSTEMS AND ACCESSORIES.

WHEREAS, the Albany City Council serves as the City's Local Contract Review Board; and

WHEREAS, the Local Contract Review Board may award a contract without competitive bidding when the contractor is the sole source of the goods required; and

WHEREAS, the Fire Department requires Stryker Power Load cot loading systems and accessories, compatible with existing equipment for promoting familiarity, efficiency, and safety; and

WHEREAS, Stryker Corporation is the sole vendor of Stryker Power Load cot loading systems and accessories; and

WHEREAS, the Albany City Council authorized Department Directors to sign contracts and agreements (Resolution 5183 dated August 24, 2005).

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The City of Albany City Council, acting as the Local Contract Review Board, adopts the following findings:

1. Stryker Corporation is a sole source vendor of Stryker Power Load cot loading systems and accessories, in accordance with ORS 279B.075 and OAR 137-047-0275.

BE IT FURTHER RESOLVED, the Fiscal Year 2016-2017 Beginning Fund Balance funds are hereby appropriated as follows:

Resources:	Debit	Credit
100-10-1002-49905		\$ 75,000
Requirements:		
100-25-1208-70005	\$ 75,000	

DATED AND EFFECTIVE THIS 14TH DAY OF SEPTEMBER 2016.

Mayor

ATTEST:

City Clerk

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Council Chambers
Monday, July 25, 2016
5:10 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 5:10 p.m.

ROLL CALL

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

Councilors absent: None.

BUSINESS FROM THE PUBLIC

Rhea Graham, Albany's Canna Kitchen & Research LLC, said that those who think recreational cannabis isn't being sold in Albany are fooling themselves; the untaxed, unregulated market is thriving in homes and cars, and deliveries to Albany are advertised daily online. Residents are being punished because some decision-makers lack education about cannabis and hemp and why they were made legal. Cannabis and hemp have what is needed for superior health and to bring our bodies to homeostasis, regulating blood pressure, blood sugar and more. Community members need and deserve access to clean cannabis. Motives are being questioned, with millions of dollars of tax money being pushed away while taxes are increased on items such as electricity and gasoline. She said, the city's streets and roads are a disaster; in a few short years, the streets could all be resurfaced using money from cannabis sales tax and, in time, we wouldn't need a levy or bond for public improvements. If the City is going to follow the state's recommendation for time, place, and manner restrictions on alcohol, it must do the same with recreational cannabis. They are regulated by the same entity and failure to do so is building more evidence for a case of discrimination against lawful cannabis users.

FIRST READING OF AN ORDINANCE

Imposing a three percent tax on the sale of marijuana items by a marijuana retailer and referring ordinance

City Attorney Sean Kidd read the ordinance for a first time in title only: AN ORDINANCE OF THE CITY OF ALBANY IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER AND REFERRING ORDINANCE.

Konopa said that City Council will have a second reading of the ordinance on Wednesday, July 27, 2016, Regular Session, and that there will be an opportunity for public comment prior to that action.

ADJOURNMENT

There being no other business, the meeting was adjourned at 5:16 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix
Administrative Assistant

Jorge Salinas
Assistant City Manager/Chief Information Officer

CITY OF ALBANY
CITY COUNCIL AND PLANNING COMMISSION
JOINT WORK SESSION
Council Chambers
Monday, July 25, 2016
5:15 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 5:15p.m.

ROLL CALL

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

Councilors absent: None

Commissioners present: Commissioners Larry Tomlin, Linsey Godwin, Sue Goodman, Cordell Post, and Dala Rouse

Commissioners absent: Commissioners Roger Phillips, Bobby Schueller (excused), and Dan Sullivan (excused)

BUSINESS FROM THE PUBLIC

There was no business from the public.

POTENTIAL DEVELOPMENT CODE AMENDMENTS

Public Works Engineering and Community Development Director Jeff Blaine said that a few years ago, the Planning Commission and staff set a goal to review and update the Albany Development Code (ADC) on an annual basis. Due to staff reductions and turnover, that goal has not progressed; however, staff has been maintaining a list of potential amendments and discussion topics. The Planning Commission requested that the list be brought to them, and staff felt it would be most productive to also invite the City Council due to the range of issues included.

Blaine distributed a list titled ADC Amendment Concepts (see agenda file) with near-term, mid-term, and long-term categories. He reviewed each item on the list and provided clarifying information in response to questions. Near-term items include Central Albany Revitalization Area (CARA) Code Amendments; Commercial Window Requirements; Floodplain Amendments/Federal Emergency Management Association (FEMA) References; Definition of Assisted Living Facility; Local Street Design Standards "Skinny Streets"; RV Time Limits; Clear Vision Area Standards; Location Requirements for RV Parks near Fairgrounds; Application Materials, Review Criteria and Development Standards; Annexation Provisions; Food Carts; Transitional Housing Provisions; Expedited Review for Qualifying Subdivisions; and Corrections, Clarifications, and Minor Revisions (several dozen). Mid-term items include Article 2 – Non-Conforming Situation provisions; Article 7 – Historic District Overlay; Article 6 – Floodplain Overlay provisions; Food Cart Provisions (if major changes or a public involvement process are desired); and review and amendment of the ADC to comply with the new NPDES MS4 Phase II stormwater permit.

Blaine said that the ADC has served the community well for many years; however, multiple isolated revisions have created discontinuity and confusion in the text. Staff believes there are opportunities to streamline review processes in a way that would both strengthen the standards and improve flexibility. Long-term, staff recommends that the ADC as a whole be reviewed and overhauled as necessary with a process to include visioning/goal setting sessions with Planning Commission and Council, workshops with the local development community and interested parties, retaining a consultant familiar with varying approaches to land use review, defining evaluation and implementation strategy, and opportunities for public input.

Councilor Floyd Collins commented on one of the near-term items, commercial window requirements. He said that the standard was intended for pedestrian-oriented areas, but he doesn't think it holds up for destination-oriented areas, such as WinCo. Brief discussion followed regarding how this standard impacts other specific sites in the community and ways that it might be evaluated and balanced.

Councilor Rich Kellum commended the tracking system and the list being brought forward at this time. He asked how an item gets added to the list and what timeframe is expected to address some of the issues. Planning Manager Bob Richardson said that he maintains the list and items are added as issues arise. He noted

that City Council or the Planning Commission can initiate amendments to the ADC, and that a member of the public can submit an application to amend the ADC. Blaine reviewed staffing issues and said that staff is making efforts to bring forward some of the items.

Blaine asked if there are objections to the recommendation that the ADC be reviewed as a whole. Planning Commissioner Dala Rouse said that some items may need to be addressed in a more timely manner. Councilor Ray Kopczynski said that if staff is able to carve out time to do the work, he has no objection.

Collins raised the issue of federal regulations being imposed on the City which may affect what people can do with their property. Brief discussion followed regarding notification procedures. City Attorney Jim Delapoe clarified that the City is required to give notice whenever a City action might impact the value of someone's land; however, there isn't really a way to know exactly what the impact will be when it isn't known what the property owner wants to do with their property. Konopa noted that state legislation provides that if new regulation affects someone's property, they have five years to file a claim.

FLOODPLAIN DEVELOPMENT/FEMA REQUIREMENTS

Planner II Melissa Anderson gave a presentation on the Endangered Species Act (ESA) Impacts to the National Flood Insurance Program (NFIP) (see agenda file). She explained that the National Oceanic and Atmospheric Administration (NOAA) Fisheries administers the Endangered Species Act (ESA) and that FEMA is in charge of the National Flood Insurance Program. Any changes to the NFIP ultimately impacts Oregon local communities and the criteria used to evaluate development in the flood plain. The ESA provides for the conservation of threatened and endangered plants and animals and their habitat and requires that federal agencies not jeopardize the continued existence of any listed endangered species. In our area, the Chinook Salmon and Steelhead are listed as threatened species, and NOAA Fisheries has concluded that regulations of the NFIP are likely to jeopardize the continued existence of listed fish species in Oregon. Participation in the NFIP allows residents in the community to obtain flood insurance through the NFIP. The state of Washington previously dealt with these same issues and implemented new regulations.

Anderson said that in 2009, a lawsuit was filed by the Audubon Society of Portland and other groups for FEMA's failure to meet ESA requirements. A settlement agreement was reached in 2010, and FEMA began consultation with NOAA Fisheries to meet ESA requirements. This year, NOAA Fisheries issued a Biological Opinion with Reasonable Prudent Alternative (RPA), in which they determined that development in the floodplain impacts important habitat and contributes to water quality and hydrological conditions that are unfavorable for fish. FEMA must meet the RPA with new regulations and maps that further restrict development in the floodplain within five years. Local community implementation will include adoption of new regulations, biological assessments, data collection, and reporting to FEMA.

In response to questions, Blaine explained that the new regulations will apply to new development; however, if FEMA changes the maps, that could impact existing home flood insurance rates whether or not those property owners do anything with their property. Anderson said workgroups will be formed with local community representation to give recommendations for FEMA's consideration, and that staff will participate in trying to get common sense alternatives. She noted that refusing to maintain compliance with the NFIP would impact the ability of citizens to get flood insurance through the NFIP, which could impact the ability to finance properties for purchase.

Rouse said it seems that more attention is being paid to endangered species than to public health.

Commissioner Cordell Post said from his reading, the new regulations would seriously impact what someone can do with their property; he asked how many acres would be affected. Anderson said staff will do a GIS analysis to determine the affected acreage as they get further into the process. In general, most of the city's land in the floodplain is residential and the biggest impact will be in North Albany.

Collins asked whether the new regulations would apply to public works projects such as North Albany Road. Staff said yes, any development in the floodplain would be required to meet ESA requirements or do studies that prove fish are not being harmed. Brief discussion followed regarding the potential of doing a citywide biological assessment once the variables are known.

Konopa left at 6:25 p.m. for a previous engagement. Vice Chair Collins took over as Chair.

Anderson resumed the presentation. Interim regulations due March 2018 are anticipated to include 170' riparian buffer zone; 2 to 1 ratio cut and fill; 3 to 1 ratio tree replacement; limited land uses within the riparian buffer zone; limits on new impervious surface areas; stormwater treatment; stormwater detention; and local reporting to FEMA. Under an aggressive timeline laid out by NOAA Fisheries, FEMA is to have new mapping protocols and methods for revising floodplain maps by March 2018 and to issue new floodplain maps by September 2019. New federal regulations in January 2019 are expected to codify the interim measures; prevent development in the floodway; require new subdivisions in the floodplain to have their buildable area out of the

floodplain; have minimum lot sizes and have a 10 percent maximum lot coverage; limit new impervious surfaces; and put in place mitigation standards.

Anderson reviewed potential impacts on staff time to understand and stay current on the changes; understand biological assessment requirements to address ESA; modify and adopt local codes to meet new requirements; respond to public inquiries; process floodplain permits; and collect data and report to the federal government. Potential impacts on development include more restrictive use of land in the floodplain; higher cost to develop land in the floodplain; time and money to meet regulatory requirements; increased cost to prepare biological assessment for fill projects; increased cost on flood insurance; and negatively impacted land value.

In response to questions, Anderson said staff anticipates that some of the prescriptive interim regulations will have specific guidance and perhaps model code language. It is hoped that common sense alternatives will develop through the local community work groups and staff is participating at every opportunity. Additional details about how various areas of the community will be affected will be brought back to Council when more specifics are available, about a year from now.

Collins said it would help to have consistency from community to community; he suggested that the League of Oregon Cities (LOC) be contacted on this issue. Commissioner Larry Tomlin suggested that the LOC be asked whether a private insurer might be interested in providing flood insurance to multiple Oregon communities. City Attorney Sean Kidd said he would inquire as to whether the LOC has a position on this issue. It was noted that home builders and other interested parties should be engaged in the process as soon as possible.

BUSINESS FROM THE COUNCIL AND COMMISSION

There was no additional business.

CITY MANAGER REPORT

None.

ADJOURNMENT

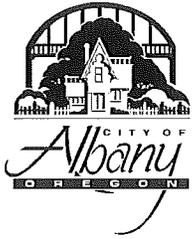
There being no other business, the meeting was adjourned at 7:04 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix
Administrative Assistant

Jorge Salinas
Assistant City Manager/Chief Information Officer



TO: Albany City Council

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

FROM: Jon Goldman, Transportation Superintendent

DATE: September 7, 2016, for the September 14, 2016, City Council Meeting

SUBJECT: Permission to Apply for Oregon Department of Aviation Funds

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

Action Requested:

Staff recommends that Council authorize, by resolution, submission of an application to the Oregon Department of Aviation (ODA), for funds to be used as match for a Federal Aviation Administration (FAA) grant.

Discussion:

The Fiscal Year 2016-2017 budget included \$405,000 in revenue from an FAA grant. This represents 90% of the cost for a project to design taxiway extensions and connectors, design for rehabilitation of the main parking apron, and perform associated environmental work. This grant agreement has been signed and work will begin this fiscal year. A 10% local match (\$45,000) is required and was budgeted.

In late August, the ODA announced a grant opportunity for public-use airports through the Critical Oregon Aviation Relief (COAR) grant program. These grant funds can be used as the match for the FAA grant in place of using local funds. The ODA grant also has a 10% match requirement. This grant would pay for 90% of the local match requirement, or \$40,500, which would reduce the local funding requirement to \$4,500.

Budget Impact:

If this grant application is successful, the expenditure from the Airport Capital fund will be reduced from the \$45,000 currently budgeted to \$4,500.

Fund 203-50-5003

FY 2016-2017

Revenues:

FAA Grant	\$405,000
ODA Grant	\$ 40,500
Transfer in from Airport Capital	\$ 4,500

Expenditures:

Project Engineering	\$450,000
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JCG:CB:rk
 Attachment

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF ALBANY TO SUBMIT A GRANT APPLICATION FOR OREGON DEPARTMENT OF AVIATION FUNDS AND A COMMITMENT TO PROVIDE THE REQUIRED LOCAL MATCH.

WHEREAS, the City of Albany has received a Federal Aviation Administration grant, number 3-41-0001-014-2016, of \$405,000; and

WHEREAS, a local match of ten percent, or \$45,000, is required for these funds; and

WHEREAS, the matching funds were budgeted as part of the Fiscal Year 2016-17 budget; and

WHEREAS, this application for Oregon Department of Aviation funding will request \$40,500 in state funds to be used toward the required match; and

WHEREAS, the Oregon Department of Aviation grant requires ten percent, or \$4,500, in matching funds; and

WHEREAS, receipt of this grant revenue will fund engineering design and environmental work for apron rehabilitation, taxiway extensions and connectors.

NOW, THEREFORE, BE IT RESOLVED that the City of Albany approves and endorses the submittal of a grant application to the Oregon Department of Aviation for the purpose of matching Federal Aviation Administration grant number 3-41-0001-014-2016.

DATED AND EFFECTIVE THIS 14TH DAY OF SEPTEMBER 2016.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Chris Bailey, Public Works Operations Director *cb*
Jeff Babbitt, Public Works/Community Development Business Manager *JB*
DATE: August 29, 2016, for the September 14, 2016, City Council Meeting
SUBJECT: Hill Street Reconstruction (Queen Avenue–34th Avenue)
Surface Transportation Program Fund Exchange

RELATES TO STRATEGIC PLAN THEME: ● A Safe City

Action Requested:

Staff recommends that Council authorize the City Manager to execute an intergovernmental agreement with the Oregon Department of Transportation (ODOT) to exchange federal Surface Transportation Program (STP) funds for state funds.

Discussion:

The Albany Area Metropolitan Planning Organization (AAMPO) is allocated a percentage of federal transportation funds received by the State of Oregon. These funds are used to pay for projects in AAMPO's Transportation Improvement Program (TIP), which was approved by the AAMPO Policy Board. One of the projects in the TIP is the Hill Street Reconstruction project from Queen Avenue to 34th Avenue.

This project is also identified in the City's Capital Improvement Plan as two separate projects scheduled for fiscal years 2017-18 and 2019-20. Due to the estimated cost, funds from the federal fiscal year 2015, 2016, 2017 and 2018 fund exchange programs will be used for the Hill Street Reconstruction projects. Construction of the first of the two projects is anticipated to begin in 2018.

ODOT facilitates a fund exchange program in which cities can choose to exchange the federal STP funds for state funds. Exchange of the funds allows qualifying street work to be completed using state funding instead of federal funding. By doing this, projects do not have to meet all of the federal requirements, greatly simplifying the administrative process and reducing project costs for local governments. The exchange rate for the program is 94 percent.

The following table summarizes the funds the City will receive under this intergovernmental agreement.

Year	Federal Funds	Exchange Rate	State Funds
2015	\$416,000.00	94%	\$391,040.00
2016	\$670,000.00	94%	\$629,800.00
2017	\$670,000.00	94%	\$629,800.00
2018	\$576,000.00	94%	\$541,440.00
TOTAL	\$2,332,000.00		\$2,192,080.00

The STP fund exchange program is a reimbursement program. The City will send documentation to ODOT with a request for reimbursement according to the agreement. Staff recommends the Street Capital and Restoration fund (250-50-2700) be used to expend the interim funds and receive the reimbursement.

City Council

Page 2

August 29, 2016, for the September 14, 2016, City Council Meeting

Budget Impact:

This agreement will have no net impact on the Street Capital and Restoration fund (250-50-2700). The Street Capital and Restoration fund will be used to expend the project costs up to the eligible reimbursement amount and will receive an equal amount back from the ODOT reimbursement.

JB:CB:kw

Attachment

2016 FUND EXCHANGE AGREEMENT
Hill Street Reconstruction (Queen Avenue – 34th Avenue)
City of Albany

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State," and CITY OF ALBANY, acting by and through its elected officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statutes (ORS) 190.110, 366.572, and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Agency has submitted a completed and signed Part 1 of the Project Prospectus, or a similar document agreed to by State, outlining the schedule and costs associated with all phases of the Hill Street Reconstruction (Queen Avenue – 34th Avenue) project, hereinafter referred to as "Project."
2. State has reviewed Agency's prospectus and considered Agency's request for the Fund Exchange. State has determined that Agency's Project is eligible for the exchange of funds.
3. To assist in funding the Project, Agency has requested State to exchange 2016 federal funds allocated to Albany Area Metropolitan Planning Organization (AAMPO), which have been allocated to Agency, for state funds based on the following ratio:

\$94 state for \$100 federal

4. Based on this ratio, Agency wishes to trade \$416,000 federal funds for \$391,040 state funds.
5. The term of this Agreement will begin upon execution and will terminate two (2) calendar years later, unless extended by an executed amendment.
6. The Parties agree that the exchange is subject to the following conditions:

City of Albany / State of Oregon – Dept. of Transportation
Agreement No. 31583

- a. The federal funds transferred to State may be used by State at its discretion.
- b. State funds transferred to Agency must be used for the Project. This Fund Exchange will provide funding for specific roadway projects and may also be used for the following maintenance purposes:
 - i. Purchase or Production of Aggregate. Agency shall ensure the purchase or production of aggregate is highway related and used exclusively for highway work.
 - ii. Purchase of Equipment. Agency shall clearly describe how it has used or plans to use said equipment on highways. Agency shall demonstrate that the equipment will only be used for highway purposes.
- c. State funds may be used for all phases of the Project, including preliminary engineering, right of way, utility relocations and construction. Said use shall be consistent with the Oregon Constitution and statutes (Section 3a of Article IX Oregon Constitution). Agency shall be responsible to account for expenditure of state funds.
- d. This Fund Exchange shall be on a reimbursement basis with state funds limited to a maximum amount of \$391,040. All costs incurred in excess of the Fund Exchange amount will be the sole responsibility of Agency.
- e. State certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within State's current appropriation or limitation of the current biennial budget.
- f. Agency, and any contractors, performs the work as an independent contractor and is exclusively responsible for all costs and expenses related to its employment of individuals to perform the work including, but not limited to, retirement contributions, workers' compensation, unemployment taxes, and state and federal income tax withholdings.
- g. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530, and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

City of Albany / State of Oregon – Dept. of Transportation
Agreement No. 31583

- h. Agency, or its consultant, is responsible for all aspects of the Project, and has completed or will complete the following: conducting the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates; purchasing all necessary right of way in accordance with current state and federal laws and regulations; obtaining all required permits; responsibility for all utility relocations; advertising for bid proposals; awarding all contracts; performing all construction engineering; and making all contractor payments required to complete the Project.
- i. Agency shall submit an invoice to State for actual costs incurred by Agency on behalf of the Project directly to State's Project Manager for review and approval. Such invoice will be in a form identifying the Project, the Agreement number, the invoice number or account number or both, and will itemize all expenses for which reimbursement is claimed. Under no conditions shall State's obligations exceed \$391,040, including all expenses. Travel expenses will not be reimbursed.
- j. Agency shall, at its own expense, maintain and operate the Project upon completion at a minimum level that is consistent with normal depreciation and service demand.
- k. All employers, including Agency, that employ subject workers in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. Agency shall ensure that each of its subcontractors complies with these requirements.
- l. This Agreement may be terminated by either Party upon thirty (30) days' notice, in writing and delivered by certified mail or in person.
 - i. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - A. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - B. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.

City of Albany / State of Oregon – Dept. of Transportation
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- ii. Either Party may terminate this Agreement effective upon delivery of written notice to the other Party, or at such later date as may be established by the terminating Party, under any of the following conditions:
 - A. If either Party fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow either Party, in the exercise of their reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - B. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or either Party is prohibited from paying for such work from the planned funding source.
 - iii. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
 - m. State and Agency agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
7. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.
8. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
9. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

City of Albany / State of Oregon – Dept. of Transportation
Agreement No. 31583

10. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

The funding for this Fund Exchange program was approved by the Oregon Transportation Commission on December 18, 2014 as a part of the 2015-2018 Statewide Transportation Improvement Program (STIP).

The Program and Funding Services Manager approved the Fund Exchange on June 14, 2016.

SIGNATURE PAGE FOLLOWS

City of Albany / State of Oregon – Dept. of Transportation
Agreement No. 31583

CITY OF ALBANY by and through its
elected officials

By _____
Mayor

Date _____

By _____
City Manager

Date _____

APPROVED AS TO LEGAL FORM

By _____
City Legal Counsel

Date _____

Agency Contact:

Jeff Babbitt, Public Works/Community
Development Business Manager
City of Albany
333 Broadalbin Street SW
PO Box 490
Albany, OR 97321
Phone: (541) 791-0064
Email: jeff.babbitt@cityofalbany.net

STATE OF OREGON, by and through
its Department of Transportation

By _____
Region 2 Manager

Date _____

APPROVAL RECOMMENDED

By _____
Region 2 Planning and Development
Manager

Date _____

State Contact:

Shelly White-Robinson, Acting Local Project
Delivery Coordinator
ODOT, Region 2
455 Airport Road SE, Bldg. B
Salem, OR 97301
Phone: (503) 986-6925
Email: shelly.white-robinson@odot.state.or.us



TO: Albany City Council

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

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

DATE: September 7, 2016, for the September 14, 2016, City Council Meeting

SUBJECT: License to Occupy Public Right-of-Way, Fence at 820 East Thornton Lake Drive

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

Action Requested:

Staff recommends Council reviews and provides direction on the encroachment request made by Marshall and Charlotte Smith.

Discussion:

Per Albany Municipal Code (AMC) Chapter 14.04 on encroachments (Attachment 1), the Albany City Council has the authority to issue licenses to occupy public property as long as certain conditions are met.

A new fence was constructed in conjunction with the North Albany Road Street Improvements project at 820 East Thornton Lake Drive. The 4-foot tall smooth topped fence was constructed along the back of the new sidewalk and is for the most part located within City ROW (Attachment 2). The fence poses a clear vision issue for vehicles turning onto North Albany Road from East Thornton Lake Drive. North Albany Elementary School has received a number of complaints from concerned parents not being able to see children on the sidewalk or approaching vehicles. Attachment 3 is a photo illustrating the clear vision issue.

Staff has worked with the property owners, Marshall and Charlotte Smith, who would like to leave their fence in its current location, and modify the panels from a 4-foot height to a 2-foot height which would largely address the clear vision issue. Staff has reviewed their proposal and believes it is a good compromise. Simply relocating the Smith's fence onto private property will not address the clear vision issue at this location; the fence panels need to be lowered.

A proposed License agreement is attached (Attachment 4).

Budget Impact:

None.

SLB:kw
Attachment

ATTACHMENT 1

Chapter 14.04 ENCROACHMENTS

Sections:

<u>14.04.010</u>	Conditions of license.
<u>14.04.020</u>	Limitations.
<u>14.04.030</u>	Notices.
<u>14.04.040</u>	Liens.

14.04.010 Conditions of license.

The City Council shall have authority to issue license to occupy public property, including rights-of-way, subject to the following conditions:

- (1) The Council shall find that the occupation of the public property or right-of-way shall not constitute unreasonable obstruction for public use at the time the license is granted;
- (2) A property owner receiving the license shall assume all liability arising from use of the public rights-of-way or public properties;
- (3) All licenses issued under this chapter shall be subject to revocation without cause after 90 days' written notice by the City to the licensee;
- (4) All licenses issued under this chapter may be revoked for failure to comply with the terms of the license, after the City has given the licensee 10 days' notice or revocation. (Ord. 3079 § 1, 1963).

14.04.020 Limitations.

Any license issued under this chapter shall include any terms or conditions deemed to be in the public interest within the following limits:

- (1) No encroachment onto any existing public sidewalk shall exceed five inches;
- (2) In areas where no sidewalks are existing at the time the license shall be granted, the encroachment shall not extend over the established curb line of the street;
- (3) No encroachment into a public alley shall exceed four feet. (Ord. 3079 § 2, 1963).

14.04.030 Notices.

All notices provided to be given in this chapter shall be in writing addressed to the licensee as his/her address appears at the assessor's records of the county in which the property is located. For the purpose of this chapter only, a license issued hereunder shall be to the owner of the property abutting the proposed encroachment upon public way and the license shall be one that runs with the land and the obligations of this chapter and the conditions of license shall attach to the land and succeed to each owner of the land abutting the encroachment. (Ord. 5026 § 1, 1993; Ord. 3079 § 3, 1963).

14.04.040 Liens.

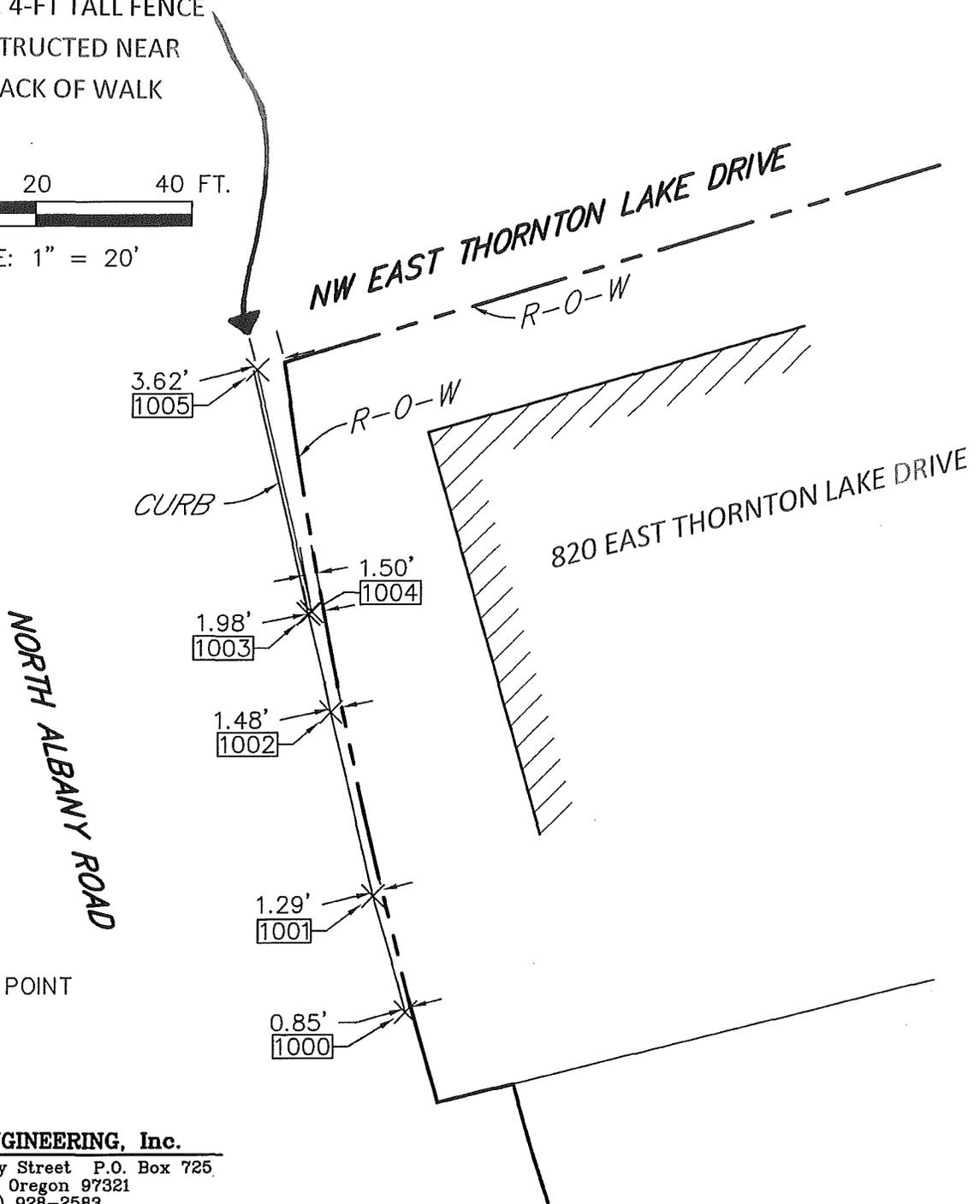
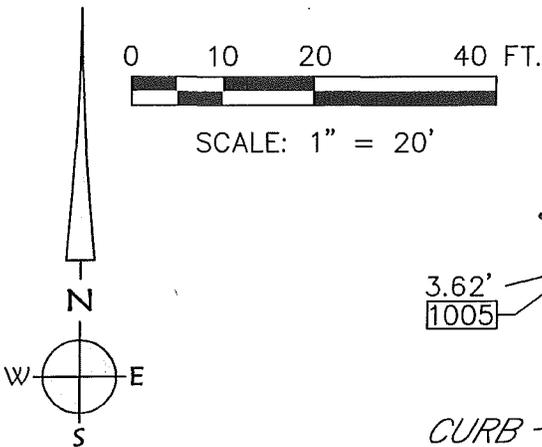
Upon notice to remove an encroaching structure from public rights-of-way or public property, the licensee shall remove the encroachment within 10 days after receipt of notice. In the event the licensee shall fail to remove the encroachment within 10 days after receipt of notice, the City shall have the authority to remove the encroachment and the cost of removal shall become a lien against the real property abutting the encroachment. The lien so created shall be subject to foreclosure pursuant to the foreclosure laws of the State in the same manner as foreclosure of mechanic's liens. (Ord. 3079 § 4, 1963).

Attachment 2

EXHIBIT MAP R-O-W LOCATION NORTH ALBANY ROAD MAY 20, 2016

NOTE

EXIST. 4-FT TALL FENCE
CONSTRUCTED NEAR
THE BACK OF WALK



LEGEND:

1001 R-O-W
REFERENCE POINT



K & D ENGINEERING, Inc.

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

Date: 5/20/2016

Time: 10:56

Scale: 1=20(PS)

File: dwg\2012\12-116-b\12-116b_fnc_exhibit.dwg (Brian)

ATTACHMENT 3



ATTACHMENT 4

LICENSE TO OCCUPY PUBLIC RIGHT OF WAY

ENCROACHMENT PERMIT # E-0229-16

The City of Albany ("Licensor") hereby authorizes Marshall and Charlotte Smith ("Licensee") to encroach upon the Licensor's public right-of-way under the terms and specifications set forth herein.

1. Location and Nature of Encroachment: This License shall apply to Licensee and shall allow all reasonable and necessary access for the installation, repair and maintenance of a fence and landscaping, and all related accessory and component parts and equipment thereof, as shown on Exhibit "A", under the Licensor's public right-of-way, at 820 East Thornton Lake Drive NW in Albany, Benton County, Oregon.
2. Conditions of License:
 - a. The Licensee agrees to indemnify and hold harmless the City of Albany, its agents, officers, and employees from all damages, claims, or liability arising from their use of the public right-of-way pursuant to the terms of this license. Licensee's indemnity shall cover the acts of any agents, contractors, subcontractors, representatives, or employees of Licensee for any negligence or intentional acts or omissions with regard to the installation and subsequent alteration, modification, repair and maintenance of the fence and/or landscaping, and any work or other activities within the public right-of-way that may give rise to liability arising out of the use of this License by Licensee.
 - b. The Licensee agrees to facilitate modification of the 4-foot tall fence panels to a height of approximately 2-feet.
 - c. The Licensee agrees to repair and maintain all of Licensee's private improvements within the public right-of-way.
 - d. This License shall be subject to revocation without cause after 90 days written notice by the Licensor as provided by AMC 14.04.010.
 - e. This License may be revoked, at any time, for failure of the Licensee to comply with the terms of this License after 10 days' notice of revocation.
 - f. If, during the course of maintaining private infrastructure, the Licensee encounters or disturbs any of the Licensor's public improvement within the right-of-way or those of any franchise utility, it shall be the Licensee's responsibility to notify the Licensor immediately and remove, replace and/or repair said improvements at the sole discretion and as directed by the Licensor.
3. Notices. Notices shall be given as provided in AMC 14.04.030.
4. Liens. Licensor shall have the authority to impose a lien upon the property as provided for in AMC 14.04.040.
5. Binding Upon Heirs and Assigns. Unless earlier terminated by either party, the terms of this License shall inure to the benefit of and be binding upon, the parties, their heirs, devisees, successors, and assigns. The terms of an encroaching structure pursuant the terms of AMC 14.04.040 and of this License shall constitute a covenant running with all of the land described in Exhibit "A" attached hereto.

ATTACHMENT 4

LICENSEE:

Marshall Smith

STATE OF OREGON

County of _____

The foregoing instrument was acknowledged before me on this ____ day of _____, 2016, by Marshall Smith, as a voluntary act and deed.

NOTARY PUBLIC FOR OREGON

My commission Expires: _____

Charlotte Smith

STATE OF OREGON

County of _____

The foregoing instrument was acknowledged before me on this ____ day of _____, 2016, by Charlotte Smith, as a voluntary act and deed.

NOTARY PUBLIC FOR OREGON

My commission Expires: _____

CITY OF ALBANY:

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

City Manager

STATE OF OREGON

County of Linn

This instrument was acknowledged before me this ____ day of _____ 2016, by Wes Hare as City Manager of City of Albany.

NOTARY PUBLIC FOR OREGON

My commission Expires: _____

EXHIBIT A

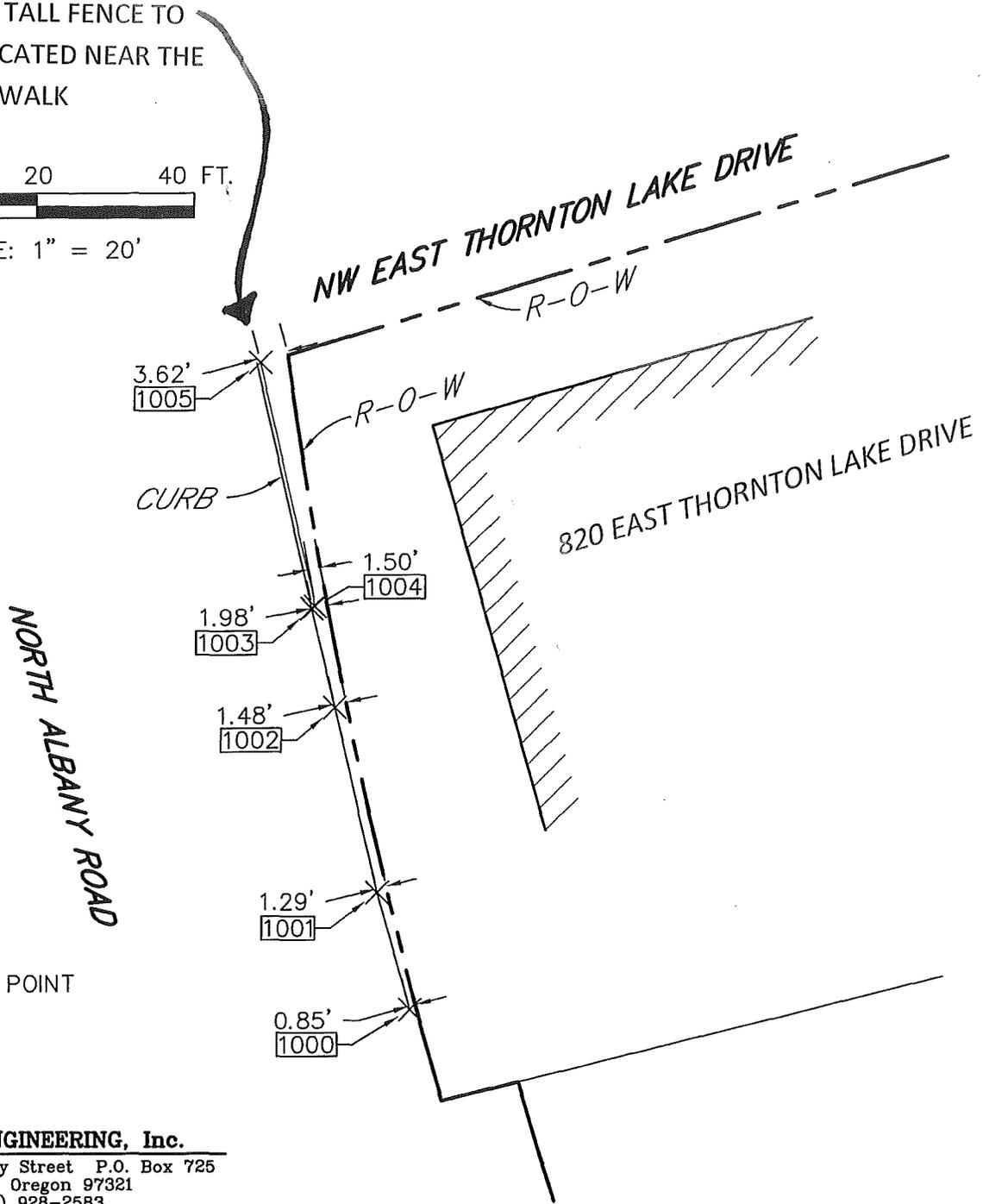
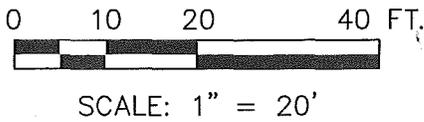
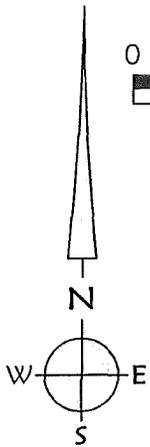
EXHIBIT MAP

R-O-W LOCATION
NORTH ALBANY ROAD

MAY 20, 2016

NOTE

MODIFY EXIST. 4-FT TALL FENCE TO
2-FT TALL FENCE LOCATED NEAR THE
NEAR THE BACK OF WALK



LEGEND:

1001 R-O-W
REFERENCE POINT



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

Date: 5/20/2016 Time: 10:56
Scale: 1=20(PS)
File: dwg\2012\12-116-b\12-116b_fnc_exhibit.dwg (Brian)



TO: Albany City Council
 VIA: Wes Hare, City Manager
 FROM: Mario Lattanzio, Chief of Police
 DATE: September 1, 2016; for the September 14, 2016, City Council Meeting
 SUBJECT: Reclassification Request
 RELATES TO STRATEGIC PLAN THEME: ● Effective Government

Action Requested:

Council authorization for the reclassification of the Police Department's Administrative Services Supervisor position to Senior Administrative Supervisor effective September 1, 2016.

Discussion:

Due to the complex nature of the Administrative Services Supervisor position at the Albany Police Department, I am requesting this position be reclassified to a Senior Administrative Supervisor. This action would bring the position to the same classification as similar positions in the Fire Department and Public Works Engineering & Community Development Department.

Diana Eilers is currently the Administrative Services Supervisor for the Albany Police Department. She has been tasked with several new programs to manage, such as helping the police department become accredited through CALEA (Commission on Accreditation for Law Enforcement), managing some of the design and selection of equipment for the new police building, and developed several new contracts. Her position and job responsibilities have grown over the last year. The duties and responsibilities for the Senior Administrative Supervisor are more in line with Diana's current duties and responsibilities.

This action was reviewed and approved by the Human Resources Director, David Shaw.

Budget Impact:

The cost for the reclassification of this position is \$3,193. The cost can be absorbed into the department's budget for 2017.

ML



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Chris Bailey, Public Works Operations Director *CB*
DATE: September 1, 2016, for the September 14, 2016, City Council Meeting
SUBJECT: 3rd Avenue Bridge Load Restriction

- RELATES TO STRATEGIC PLAN THEME:
- Safe City
 - Great neighborhoods
 - Effective Government

Action Requested:

Staff recommends Council, by motion, direct the Public Works Operations Director to post load restrictions on Bridge 43C09 – Calapooia at 3rd Avenue in accordance with the recommendations presented by the Oregon Department of Transportation (ODOT). Staff also recommends Council authorize staff to work with the City Attorney to revise Albany Municipal Code Chapter 13.64.

Discussion:

Bridge Description

The 3rd Avenue Bridge is a hybrid of two distinct sections and the load rating analysis from ODOT (Attachment A) was completed on the easternmost portion, which was constructed in 1960. The two spans making up the eastern portion of the bridge consist of reinforced concrete deck girder construction resting on concrete piers and spread footings. The Santiam-Albany Canal discharges onto a spillway built integrally to the east abutment. Attachment B is a plan and elevation drawing provided for the 1960s construction of the eastern portion of the bridge; the western portion of the bridge is noted as “Existing Bridge” in the Vicinity Map inset provided on this drawing.

The western portion of the bridge has been reconstructed multiple times, most notably in 1974 and in 2008. Albany Municipal Code (AMC) Chapter 13.64 was established in 1970 and restricts vehicle load limits on the 3rd Avenue Bridge to 10 tons. Staff believes this was put in place prior to the 1974 reconstruction; however, the AMC and Ordinance establishing the load limit was not repealed following the 1974 repair.

Load Rating

ODOT recently completed a load rating on the easternmost portion of the 3rd Avenue Bridge. The load rating was completed on the superstructure and the crossbeam elements only (the spillway apron was not analyzed). The results recommend posting the bridge at 30 Tons for SU6 and SU7 vehicles. However, the City is ultimately responsible, as the owner, to correctly post the load limits on this bridge. The recommended load restriction would affect six-axle or seven-axle vehicles such as large construction vehicles.

If the 3rd Avenue Bridge were closed or restricted, access to Bryant Park from downtown Albany would be via a 5+ mile detour along Queen Avenue, Riverside Drive, and Bryant Drive SW. A vicinity map is included as Attachment C.

Background

Staff has previously reported to Council regarding issues with this bridge and has been working to find a solution that would lead to the replacement of the 3rd Avenue Bridge for some time. The bridge provides Albany with its main access to Bryant Park. In addition, it provides bicycle access to the Willamette Valley Scenic Bikeway (Albany to Highway 34 Section). However, the bridge is narrow and does not have adequate bicycle or pedestrian facilities. It is also constrained in width at the western end by supports for the railroad trestle.

In addition to the load limit recommendation, there are some concerns with the condition of the bents. Underwater and surface inspections of the bridge supports have found some issues with scouring at the base of the bents. The bridge is inspected annually and the scouring does not appear to be worsening significantly. A previous application to the Federal Highway Bridge Program for grant funding to replace the bridge was approved, but later modified to only repair this scour concern. Because the cost of that project outweighed the risk, and repairing the scour would have caused the bridge to not be competitive for future grant funding, the Council voted not to accept the grant funds in April 2015. The bridge continues to be inspected regularly.

Load Rating Impact/Next Steps

Staff is requesting direction from the Council to bring back revisions to the AMC that would remove the current 10 ton load limit in Chapter 13.64.

Also, based on ODOT's recommendation and considering the ultimate goal of securing funding to replace the bridge, staff is recommending Council approve the posting of the 3rd Avenue Bridge with a load limit of 30 tons for SU6 and SU7 vehicles. This posting will have minimal impact on vehicles currently using the bridge. The railroad trestle and narrow turn located at the end of the western abutment currently make it prohibitively difficult for the type of vehicles impacted by the proposed posting to use the bridge. If the Council would like the load limit to be enforceable by law enforcement, an ordinance and revisions to the AMC will also need to be enacted.

The bridge is likely to score very well based on the identified scour problem, pedestrian and bicycle deficiencies, and the recommended load limit. The Local Highway Bridge Program is open for application every other year. The next funding cycle will begin in the spring of 2017. Staff will continue to monitor the condition of the bridge as well as pursuing funding opportunities that address all bridge deficiencies.

Budget Impact:

None.

SLB:CB:kw

Attachments

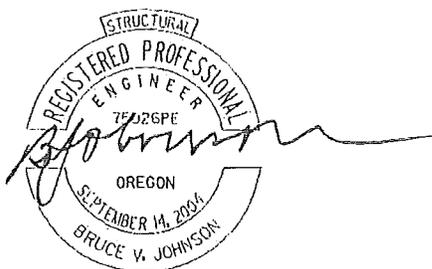
Attachment A



TECHNICAL SERVICES BRANCH
Bridge Engineering Section
Office Phone: (503) 986-4200
Fax Phone: (503) 986-3407

July 12, 2016

TO: Chris Bailey
Public Works Operations Director
City of Albany
310 Waverly Drive NE
Albany, OR 97321



FROM: Bruce V. Johnson, P.E., S.E.
Bridge Engineer

SUBJECT: **Load Restriction Recommendation**
Bridge 43C09 – Calapooia River, 3rd Ave
City of Albany

The 3rd Ave. Bridge over the Calapooia River, Br. No. 43C09, is a multi-span, 222-foot long structure built in 1960. The structure consists of reinforced and prestressed concrete deck girders on concrete and steel supports. The August 2015 inspection report shows that the superstructure is in "satisfactory" condition and the substructure is in "critical" condition. The substructure rating is based on the severe erosion of the channel immediately downstream of the spillway apron.

The bridge was recently load rated and reflects the current condition of the superstructure and crossbeam elements only (the critical spillway apron was not analyzed). The results of the load rating show that the bridge should be posted at 30 Tons for the SU6, and 30 Tons for the SU7 vehicles. Shear in the interior reinforced concrete girders control the load rating.

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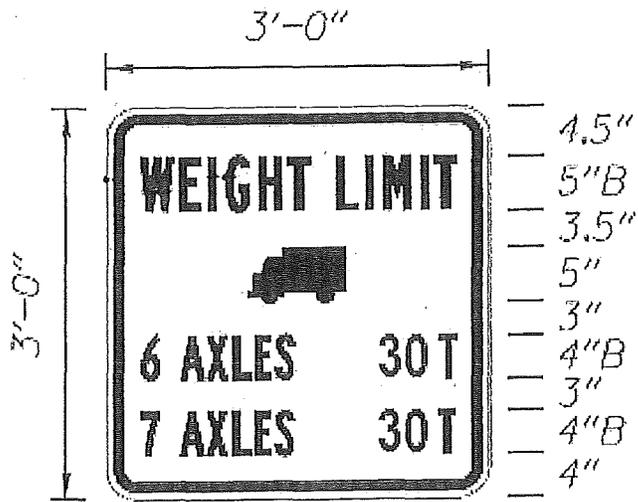
Posting Responsibility

ODOT recommends the bridge be posted for load (see attached ODOT Sign OR12-5g). It is ultimately the city's responsibility, as the owner, to correctly post the structure. The correct signs should be in place not later than October 1st, 2016. In addition to placing signs at the bridge, signs should be placed at approach road intersections or other points where prohibited vehicles can detour or turn around.

To assist us in managing the bridge load rating program, please let us know as soon as the posting signs are in place. Contact Nam Bui, Local Agency Load Rating Engineer by phone (503) 986-3382 or email (Nam.N.Bui@odot.state.or.us), for any questions on these issues.

Attachment

cc: Bert Hartman, Bridge Program Unit Managing Engineer
Craig Shike, Bridge Operations Unit Managing Engineer
Tim Rogers, FHWA Oregon Division Bridge Engineer
Holly Winston, Senior Local Bridge Standards Engineer
Rich King, Local Agency Coordinator
Tom Fuller, Communication Section Manager



Sign No. OR12-5g

Figure taken from ODOT Sign Policy and Guidelines Pg. 3-112

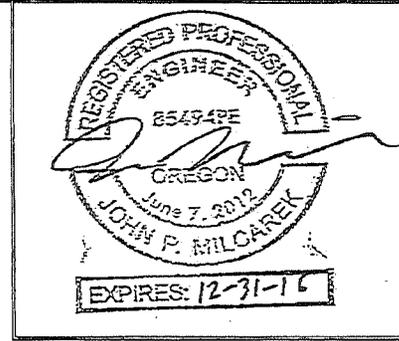


OREGON D.O.T. BRIDGE SECTION
LRFR LOAD RATING SUMMARY REPORT (PAGE 1)

Latest Revision 8/11/2014

QUALITY CONTROL

FIRM QC REVIEWER(S): _____ ODOT QC CHECK BY: NNB



BRIDGE DATA

BRIDGE #: 43C09 NBI FEATURE: Calapooia River
 BRIDGE NAME: Calapooia River, 3rd Ave
 HIGHWAY NAME: 3rd Ave HIGHWAY #: C0000
 REGION: 2 DIST: 04 COUNTY: Linn MILEPOST: 0.37
 YEAR BUILT: 1950 DESIGN LOADING: HS20 OWNER: City of Albany
 SPAN DESCR: 2-65' RCDG, 1-42', 2-36' RC Sid Prest, 1-16' RC Sid
 OTHER DESCR: _____

LOAD RATING ENGINEER DATA

RATING DATE: 7/12/16 FIRM: ODOT LOAD RATER: JPM CALCULATION BOOK: -

LATEST INSPECTION DATA

INSP. DATE: 8/18/15 ADT: 1.236 ADTT: 62 YEAR of ADT (2 digits): 10 A.C. DEPTH, INCHES: 0.0
 DECK SUPERSTR.: 6 SUBSTR.: 2 IMPACT ASSESSMENT (Elem. 325): CS2
 CONDITION RATINGS → 7

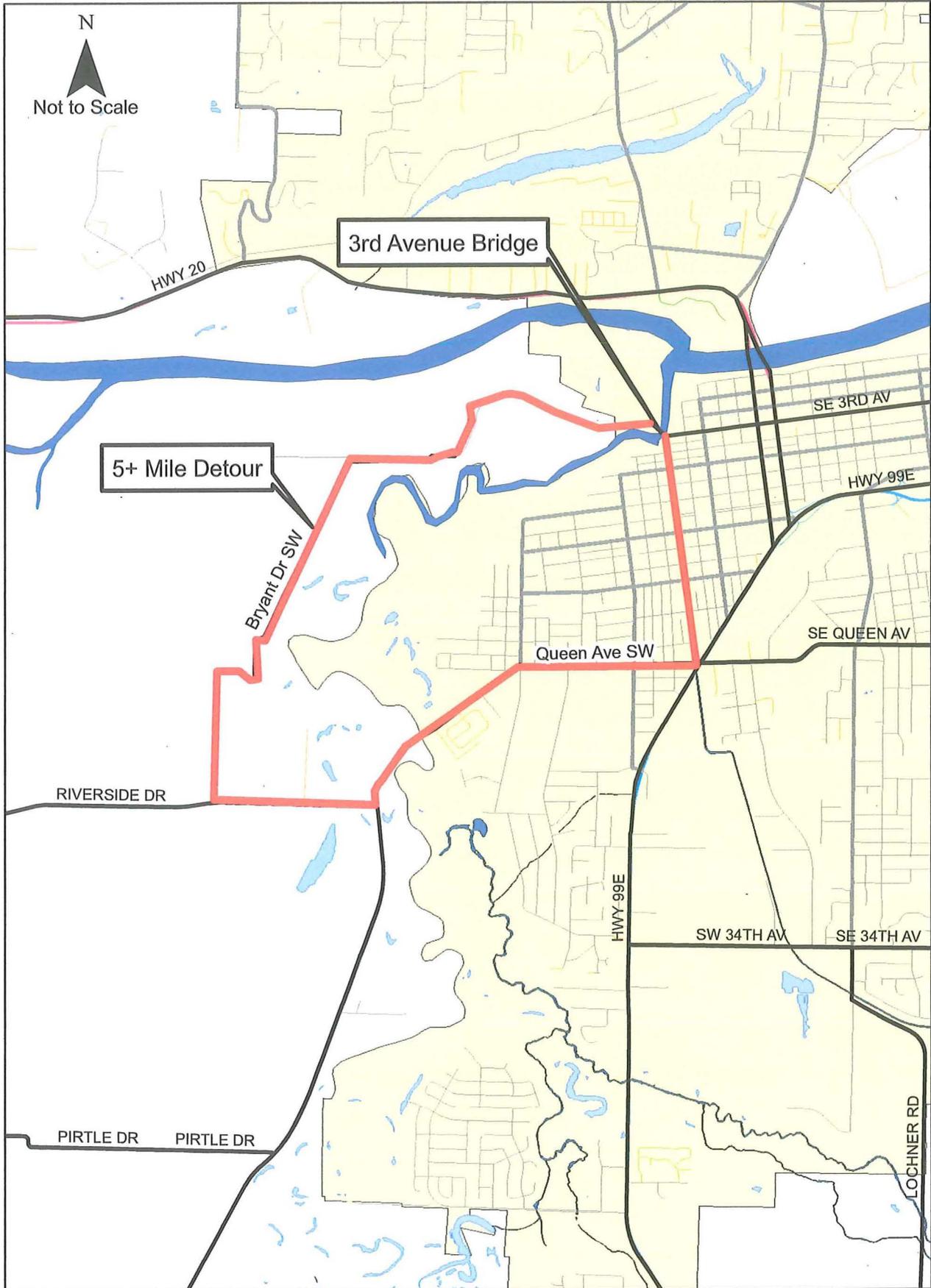
RATING DATA

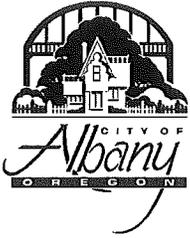
LRFR FACTORS: IMPACT 1+ft: 1.25 Ybc: 1.25 Yow: 1.25
 LRFR RATINGS FOR N.B.L.: INVENTORY (Item 69): Tons 12.2 OPERATING (Item 64): Tons 15.9
 SECTIONS EVALUATED: 146 COMMENTS: Spans and Bents numbered left to right as shown on plan sheets. Substructure rating due to undermined footing and not part of any of the elements included in this load rating. All rating factors 0.95 and above rounded to 1.0 per ODOT load rating procedures.

NBI STATUS ITEMS:	
Operational Status (Item 41):	A
Bridge Posting Status (Item 70):	S
Temporary Status (Item 103):	

LOAD:	TL	1st rating control						2nd rating control							
		R.F.	Limit State	Force Type	Φ	CONTROLLING MEMBER	SPAN	LOCATION	R.F.	Limit State	Force Type	Φ	CONTROLLING MEMBER	SPAN	LOCATION
DESIGN & LEGAL VEHICLES															
HL93 (INVENTORY)	1.750	0.34	S1	V	0.900	Int. RCDG	1 of 6	0.924L	0.34	S1	V	0.900	Int. RCDG	1 of 6	0.246L
TYPE 3 (50K)	1.300	1.25	S1	V	0.900	Int. RCDG	1 of 6	0.846L	1.25	S1	V	0.900	Int. RCDG	1 of 6	0.924L
TYPE 3S2 (80K)	1.300	1.12	S1	V	0.900	Int. RCDG	1 of 6	0.924L	1.15	S1	V	0.900	Int. RCDG	1 of 6	0.9L
TYPE 3-3 (80K)	1.300	1.09	S1	V	0.900	Int. RCDG	1 of 6	0.924L	1.10	S1	V	0.900	Int. RCDG	1 of 6	0.9L
TYPE 3-3 & LEGAL LANE	1.300														
TYPE 3-3 TRAIN & LEGAL LANE	1.300	2.38	S1	-M	0.900	Int. RCDG	2 of 6	0.0L	2.65	S1	-M	0.900	Ext. RCDG	2 of 6	0.0L
SU4 TRUCK (54K)	1.300	1.11	S1	V	0.900	Int. RCDG	1 of 6	0.846L	1.13	S1	V	0.900	Int. RCDG	1 of 6	0.924L
SU5 TRUCK (62K)	1.300	1.00	S1	V	0.900	Int. RCDG	1 of 6	0.924L	1.00	S1	V	0.900	Int. RCDG	1 of 6	0.846L
SU6 TRUCK (69.5K)	1.300	0.87	S1	V	0.900	Int. RCDG	1 of 6	0.846L	0.88	S1	V	0.900	Int. RCDG	1 of 6	0.924L
SU7 TRUCK (77.5K)	1.300	0.79	S1	V	0.900	Int. RCDG	1 of 6	0.846L	0.80	S1	V	0.900	Int. RCDG	1 of 6	0.924L
CTP VEHICLE, MULTI-LANE															
OR-CTP-2A (105.5K)	1.300	0.93	S2	V	0.900	Int. RCDG	1 of 6	0.924L	0.94	S2	V	0.900	Int. RCDG	1 of 6	0.9L
OR-CTP-2B (105.5K)	1.300	1.00	S2	V	0.900	Int. RCDG	1 of 6	0.924L	1.00	S2	V	0.900	Int. RCDG	1 of 6	0.846L
OR-CTP-3 (88K)	1.200	0.80	S2	V	0.900	Int. RCDG	1 of 6	0.924L	0.81	S2	V	0.900	Int. RCDG	1 of 6	0.9L
STP VEHICLE, MULTI-LANE															
OR-STP-3(120.5K)	1.300	0.77	S2	V	0.900	Int. RCDG	1 of 6	0.924L	0.79	S2	V	0.900	Int. RCDG	1 of 6	0.9L
OR-STP-4A (99K)	1.200	0.75	S2	V	0.900	Int. RCDG	1 of 6	0.924L	0.75	S2	V	0.900	Int. RCDG	1 of 6	0.9L
OR-STP-4B (185K)	1.300	0.50	S2	V	0.900	Int. RCDG	1 of 6	0.924L	0.50	S2	V	0.900	Int. RCDG	1 of 6	0.9L
OR-STP-4C (150.5K)	1.200	0.65	S2	V	0.900	Int. RCDG	1 of 6	0.924L	0.66	S2	V	0.900	Int. RCDG	1 of 6	0.9L
OR-STP-4D (162.5K)	1.200	0.55	S2	V	0.900	Int. RCDG	1 of 6	0.924L	0.55	S2	V	0.900	Int. RCDG	1 of 6	0.846L
OR-STP-4E (258K)	1.200	0.44	S2	V	0.900	Int. RCDG	1 of 6	0.924L	0.45	S2	V	0.900	Int. RCDG	1 of 6	0.9L
OR-STP-5BW (204K)	1.200	0.49	S2	V	0.900	Int. RCDG	1 of 6	0.924L	0.50	S2	V	0.900	Int. RCDG	1 of 6	0.9L
SPECIAL	1.000														
STP VEHICLE, SINGLE LANE W/ESCORT															
OR-STP-3(120.5K)	1.150	1.20	S2	V	0.900	Int. RCDG	1 of 6	0.924L	1.23	S2	V	0.900	Int. RCDG	1 of 6	0.9L
OR-STP-4A (99K)	1.150	1.08	S2	V	0.900	Int. RCDG	1 of 6	0.924L	1.08	S2	V	0.900	Int. RCDG	1 of 6	0.9L
OR-STP-4B (185K)	1.150	0.78	S2	V	0.900	Int. RCDG	1 of 6	0.924L	0.78	S2	V	0.900	Int. RCDG	1 of 6	0.9L
OR-STP-4C (150.5K)	1.150	0.94	S2	V	0.900	Int. RCDG	1 of 6	0.924L	0.95	S2	V	0.900	Int. RCDG	1 of 6	0.9L
OR-STP-4D (162.5K)	1.150	0.79	S2	V	0.900	Int. RCDG	1 of 6	0.924L	0.79	S2	V	0.900	Int. RCDG	1 of 6	0.846L
OR-STP-4E (258K)	1.150	0.63	S2	V	0.900	Int. RCDG	1 of 6	0.924L	0.65	S2	V	0.900	Int. RCDG	1 of 6	0.9L
OR-STP-5BW (204K)	1.150	0.71	S2	V	0.900	Int. RCDG	1 of 6	0.924L	0.72	S2	V	0.900	Int. RCDG	1 of 6	0.9L
SPECIAL	1.150														

ATTACHMENT C





TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: John R. Bradner, Fire Chief *JB*
DATE: September 7, 2016, for the September 14, 2016, City Council Meeting
SUBJECT: Sale of Fire Truck to Lebanon Fire District

RELATES TO: ● A Safety City

Action Requested:

Report only; no Council action required.

Discussion:

On September 10, 2014, Council declared a 1998 HME Aerial Fire Truck (VIN#44KFT6486WWZ18839) as surplus property for the purpose of selling the truck and using the funds to support Fire Department equipment replacement needs. The truck was immediately advertised for sale through multiple sources, but the City had not received any viable interest until May 2016.

Albany Fire Department entered into a Memorandum of Understanding (MOU) with Lebanon Fire District effective May 17, 2016. The MOU provided storage of Albany's 1998 HME Aerial fire truck at Lebanon Fire after closing Fire Station 11 on Lyon Street, and provided Lebanon Fire District use of the truck while awaiting the outcome of a federal grant application to purchase a new truck.

The MOU also provided an option for the Lebanon Fire District to purchase the truck for \$50,000 in the event that the District received notification of grant denial. Lebanon Fire District has received denial notification of their federal grant application and is electing to exercise their option to purchase the truck.

The MOU with Lebanon Fire District proved beneficial to both agencies, and maintains the former Albany fire truck within the Linn County mutual aid fire response district.

Budget Impact:

Equipment Replacement Fund Revenue: \$50,000

JB:ljh