

Revised



ALBANY CITY COUNCIL

AGENDA

Wednesday, March 11, 2020

7:15 p.m.

Council Chambers, City Hall

333 Broadalbin Street SW

1. Call to order and pledge of allegiance
2. Roll call
3. Public hearings
 - a. Adjusting rates for wastewater system and repealing Resolution No. 6814. [Pages 3-28]
Action: _____ RES NO. _____
 - b. Adjusting rates for water service and repealing Resolution No. 6815. [Pages 29-32]
Action: _____ RES NO. _____
 - c. Adjusting rates for stormwater management services and repealing Resolution No. 6816. [Pages 33-37]
Action: _____ RES NO. _____
4. Business from the public
5. First reading of ordinances
 - a. Amending AMC by creating Title 6.16, Wildlife Control. [Pages 22-23]
Action: _____ ORD NO. _____
 - b. Amending AMC by creating Title 13.21.112, Central Albany parking area. [Pages 38-40]
Action: _____ ORD NO. _____
 - c. Amending AMC 13.36.180, motor vehicle or recreational vehicle use for sleeping or housekeeping purposes and related parking restrictions. [Pages 41-42]
Action: _____ ORD NO. _____
6. Award of bid and contracts
 - a. Awarding bid for PK-20-01, pickleball courts. [Pages 43-48]
Action: _____

- b. Awarding contract for WL-20-03, Gibson Hill Road Corrosion Repairs and WL-20-04, Park Terrace Water Line [Pages 49-52]

Action: _____

7. Adoption of consent calendar

- a. Appointments to citizen advisory groups. [Pages 53-57]
- b. Approval of minutes
 - 1) January 22, 2010, regular session. [Pages 58-60]
 - 2) February 24, 2020, work session. [Pages 61-62]
- c. Reclassify Accounting Supervisor Position to Finance Manager. [Page 63]
- d. Adoption of resolution.
 - 1) Applying for FY 19-20 Assistance to Firefighters grant to purchase mobile training unit. [Pages 64-65] RES NO. _____

Action: _____

8. Staff report(s)

- a. Code Enforcement Team Report. [Pages 66-70]
- b. 1000 Friends of Oregon. [Pages 71-74]

9. Business from the council

10. Next meeting dates

Monday, March 23, 2020; 4 p.m. work session

Wednesday, March 25, 2020; 7:15 p.m. regular meeting

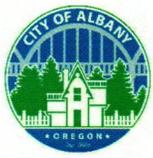
11. Adjournment



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The location of this meeting is accessible to the disabled. If you have a disability that requires accommodation, please notify the City Clerk in advance of the meeting: cityclerk@cityofalbany.net | 541-917-7532 or 541-917-7565.



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager

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

DATE: March 2, 2020, for the March 11, 2020, City Council Meeting

SUBJECT: Utility Rate Adjustments for Fiscal Year 2020-2021

Relates to Strategic Plan theme: Great Neighborhoods, A Safe City, A Healthy Economy, An Effective Government

Action Requested:

Staff recommends Council hold a public hearing, deliberate, and act on the attached resolutions.

Discussion:

At the February 10, 2020, City Council Work Session, staff provided a summary of water, sewer, and stormwater utility needs and provided recommendations for rate adjustments in fiscal year 2020-2021. The February 10th Council memo is provided as Attachment A and includes detailed descriptions of the needs for each utility. Council directed staff to hold a public hearing on the rate increases shown below to consider implementing resolutions.

- 3.5% sewer rate increase, effective July 1, 2020 (Estimated to generate \$594,000 in additional annual rate revenue.)
- 5% water rate increase, effective January 1, 2021 (Estimated to generate \$672,000 in additional annual rate revenue.)
- 17% stormwater rate increase, effective March 1, 2021 (Estimated to generate \$345,000 in additional annual rate revenue.)

Attachments B, C, and D provide resolutions for each of the recommended increases. The sewer rate resolution also includes an increase for Significant Industrial Users (SIU) to \$723 to reflect the increase in fees charged to the City by the Oregon Department of Environmental Quality (DEQ) for these permits. As they have done for each of the last few years, DEQ raised the SIU fee last fall. The City's practice has been to adjust the SIU fee described in the rate resolution to match the amount charged to the City by DEQ.

Budget Impact:

The Adopted fiscal years 2019-21 budget assumes utility rates are adjusted as provided for in the attached resolutions.

JJB:ss

Attachments (4)

- c: Kristin Preston, P.E., Wastewater Superintendent (via email)
Rob Emmons, P.E., Assistant City Engineer (via email)
Ryan Beathe, P.E., Civil Engineer III (via email)
Jeff Babbitt, Senior Accountant (via email)
Patty McInnes, Utility Billing Customer Service Supervisor (via email)



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager

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

DATE: February 5, 2020, for the February 10, 2020, City Council Work Session

SUBJECT: Utility Rate Adjustments for Fiscal Year 2020-2021

Relates to Strategic Plan theme: A Safe City; An Effective Government

Action Requested:

Staff requests City Council provide direction regarding utility rate adjustments for Fiscal Year (FY) 2020-2021.

Discussion:

Each year, Public Works staff provide annual revenue and expenditure reports for each utility, recommend rate adjustments, and provide five-year rate projections necessary to meet levels of service established by council. All the utilities are discussed at one time in order to better understand the combined impacts of utility rates on the community. This year's discussion will occur at the February 10, 2020 work session.

Based on council feedback from the work session, staff will develop new rate resolutions for each utility, which will be adopted following a public hearing in the coming months. (In a budget year, these resolutions would be adopted in June with the Capital Improvement Program and City budget.) The effective dates of the new rate resolutions will mirror traditional times of year that adjustments are implemented (sewer is the first to occur in the fiscal year):

- Sewer – July 1, 2020
- Water – January 1, 2021
- Stormwater – March 1, 2021

This memo provides a summary of each recommendation for FY 2020-2021, and Attachment A provides a more detailed discussion of water, sewer, and stormwater revenues and requirements with an updated five-year rate projection.

Sewer Rates

A three-and-one-half percent rate increase effective July 1, 2020, is required to respond to inflationary increases throughout sewer programs and to meet the Council's approved financial target for annual capital projects of \$2.9 million (inflation adjusted). In addition to the rate increase, staff recommends increasing the permit fees for Significant Industrial Users (SIU) to \$723 to reflect the increase in fees charged to the City by the Oregon Department of Environmental Quality (DEQ) for these permits. As they have done for each of the last few years, DEQ raised the SIU fee last fall. The City's practice has been to adjust the SIU fee described in the rate resolution to match the amount charged to the City by DEQ.

Water Rates

A five percent rate increase effective January 1, 2021, is required to respond to inflationary increases and to move closer to the Council's approved financial target for annual capital projects of \$2.7 million (inflation adjusted). The Council chose to build to the \$2.7 million target over a five-year period. The January 1, 2021 adjustment represents the third year of the transition.

Stormwater Rates

Albany's first stormwater service charge was implemented March 1, 2017. The initial program was not established to address the many unfunded needs throughout the utility but rather to start small and grow the program slowly over time. Unfortunately, unfunded system needs are significant and the arrival of the new Municipal Separate Storm Sewer System (MS4) permit means that the time to simply make inflationary increases has ended. In June 2018, the Council approved a funding plan which would create an additional \$1.5 million (inflation adjusted) in annual stormwater revenue by 2025. This revenue is anticipated to fund new requirements placed on the City by the MS4 permit and to fund stormwater improvements associated with planned street projects. In order to remain on track for this revenue target, a stormwater rate increase of 17 percent is required. While an important increase, this funding target does not create any dedicated capital funds in the stormwater utility and the list of unfunded needs in the system continues to grow.

At the June 2018 meeting in which Council set the new revenue target that called for 17 percent rate increases, staff was asked to update the stormwater website with the new rate information and reach out to the same group of customers with the highest stormwater charges as we talked to prior to implementing the initial stormwater charge. This work was completed in 2018; discussions with this group of customers were productive and centered around opportunities for credits as described in the stormwater rate resolution.

Residential Utility Bill Impact

The following table identifies the monthly impact to a residential customer being charged for eight units of water/sewer usage and an average amount of impervious surface based on a 3.5 percent sewer increase, a 5 percent water rate increase, and a 17 percent stormwater increase.

Proposed Rate Increase	Monthly Increase	Total Monthly Charges
3.5% Sewer	\$2.12	\$62.74
5% Water	\$2.58	\$54.43
17% Stormwater	\$1.48	\$10.18
Total:	\$6.18	\$127.35

Unlike residential customers, commercial and industrial customers do not use water and sewer services in predictable and uniform ways. Impacts to the total monthly bill of any individual commercial or industrial customer are likely to be unique to that customer depending on their circumstances. For these reasons, summarizing the impacts to these groups of customers does not fit neatly into a single table. A more detailed discussion of potential increases in monthly charges for these customers will take place at the city council work session.

Community comparisons for both individual utility bills and total bills are provided as Attachment B. The total utility bill described in this table includes all utilities within each community (sewer, water, stormwater, and transportation).

Streets

Over the last few years the council has invested a significant amount of time in understanding the condition of Albany’s streets, what is required to proactively maintain them, and how the costs of proactive maintenance compare to available revenues. A key concept covered in those discussions was that, over the service life of a road, it is more cost-effective to actively maintain a road in good condition than it is to wait to rebuild it after it completely fails. Council set an initial maintenance goal for Albany’s arterial and collector streets, those most used by the community, of not letting them fall below a Pavement Condition Index (PCI) of 60 (a rating of “fair” condition that balances short and long-term financial impacts).

There simply aren’t enough funds available to maintain even Albany’s most used roads in fair condition. Council has considered several potential funding alternatives, acted on some, objected to some, and tabled others. Currently, only one potential reoccurring funding source remains for further consideration: water and sewer In-Lieu-of Franchise Fees (ILFF).

Per the Albany Municipal Code, all ILFF revenue is directed to the street fund. As has been discussed previously, staff proposes increases to these fees from five to seven percent of revenues. With this change, Albany would be treating itself the same as other utilities and generate more revenue for the street fund. In response, staff would not propose additional water and sewer rate increases beyond those already being considered.

Implementing such a change would generate an additional \$525,000 for the street fund, closing almost 20 percent of the funding gap for maintaining our arterial and collector streets.

Budget Impact:

Sewer: A 3.5 percent sewer rate increase is estimated to generate \$594,000 in additional rate revenue to the sewer fund.

Water: A 5 percent water rate increase is estimated to generate \$672,000 in additional rate revenue to the water fund.

Stormwater: A 17 percent increase is estimated to generate \$345,000 in additional rate revenue to the stormwater fund.

Increasing the water and sewer in-lieu-of franchise fees to 7 percent will generate \$525,000 in additional rate revenue to the street fund with a corresponding increase in expenses between the water (\$255,000) and sewer (\$270,000) funds.

JJB:ss
Attachments (2)

ATTACHMENT A – UTILITY RATES

Introduction

The Albany Strategic Plan identifies the importance of providing safe, sufficient, and reliable drinking water, sewage disposal, and drainage systems, and complying with related regulations. To accomplish this, the City proactively manages utility systems. Part of managing each system is to plan for the needed system revenues and expenditures. There are no general fund resources used to support Albany’s utilities. Operations and Maintenance (O&M) activities are funded through revenues generated by service charges, System Development Charges (SDCs), and other permit fees. The exception is the stormwater utility where street funds still cover some stormwater related costs on street capital projects. Grant funding is used to augment revenues when available.

There are three components to the cost of running and maintaining each utility’s expenditures. The three expenditure components are:

- Debt Service
- Operations and Maintenance
- Capital Expenditures

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

Debt Service: The City’s first obligation is to pay off the debts we owe. At times, utilities borrow money to complete large capital improvement projects that cannot be funded with pay-as-you-go funding. The Albany-Millersburg Water Reclamation Facility (WRF) and Albany-Millersburg Joint Water Project are examples of these types of projects.

Debt agreements typically have specific requirements for repayment as well as annual revenue generation. Repayment of debts are often made through a combination of rate funds and SDCs, when eligible.

Operations and Maintenance: The City’s second obligation is to properly operate and maintain existing facilities. These assets include pipe systems, sewer lift stations, water pump stations, reservoirs, and treatment facilities. In addition, there are regulatory requirements within each of the utilities that have operating, monitoring, enforcement, and reporting obligations the City must comply with in order to meet state and federal permit requirements.

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

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

Regular capital investment in utility infrastructure will reduce the risk of system failures that can lead to interruption of service or violation of health or environmental standards and ensures adequate capacity in these systems is available for future growth of the City. Staff routinely conducts condition assessments of utility

assets, providing data that allows planning for specific, targeted repairs or replacements. Targeted capital expenditures will reduce the ongoing maintenance costs associated with operating the utilities.

Revenue and Expenditure Variables

Staff has prepared five-year projections for each utility. However, it is likely that the revenue and expenditure picture will change as we move into the future. Requirements to pay off existing debts are fixed, but there are significant variables that can impact revenue and the operation and capital requirements for each utility. The following is a list of variables that can impact the rate picture over time:

Rate Revenue: While we have confidence in our rate revenue projections, there are influences outside the City's control that can have meaningful impacts. The state of the economy can dramatically impact revenues in either direction and, for the water utility, the weather can also have a significant impact on revenues.

SDC Revenue: The revenue the City receives from SDCs is driven by the amount of development happening in the City. The projections in this memo are conservative in that they assume moderate SDC revenues. If development picks up, so will SDC revenues, which can change the long-term picture for rates.

Personnel and Other Large Operation Expenses: Personnel costs are the largest single driver impacting operating expenses. The cost of fuels, chemicals, and electricity can also have large impacts on expenditures and, therefore, rate requirements. Significant weather events can also have an effect on expenditures in the sewer and stormwater utilities.

Unforeseen Capital Needs: Staff can project and identify most of the substantial capital needs with enough notice that there is time to plan and incorporate them into long-range rate planning; however, there are instances when unforeseen issues arise that require unanticipated expenditures. We are continually working to improve our understanding of the current condition of facilities through a properly functioning asset management program in order to minimize unanticipated needs.

Future Regulatory Costs: Regulatory requirements can significantly impact rate projections. While regulations are tightening for all three utilities, more stringent regulations with important financial implications are anticipated for sewer and stormwater in the near term. The Oregon Department of Environmental Quality (DEQ) has required Albany to apply for coverage under the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System (NPDES MS4), Phase II stormwater permit. This permit brings multiple significant new requirements for stormwater management in Albany. For wastewater, Albany's discharge permit is outdated and has been administratively extended. There is no certain timeline for our permit renewal process to begin, but when it does, the City will be required to conduct additional studies and construct capital improvements for both permit renewal and implementation. The full financial impacts of these future regulatory requirements cannot be precisely calculated at this time.

Sewer Revenue and Rate Picture

The following is a summary of the revenue and expenditure needs for the sewer system.

Revenues:

Rate Revenue - The current estimated total sewer rate revenue the City will receive in fiscal year 2019-2020 is approximately \$17 million. This closely matches the revenue estimated during the budget development process.

SDC Revenue - SDC revenues vary year to year depending on the pace of development in the community. The City anticipates it will receive approximately \$1,100,000 in fiscal year 2019-2020. For the future projections, staff has assumed \$730,000 in annual SDC revenue. This is equivalent to approximately 205 home starts in a

year. If development patterns change and SDC revenues increase or decrease, the future analysis will be adjusted to reflect that change.

Expenditures:

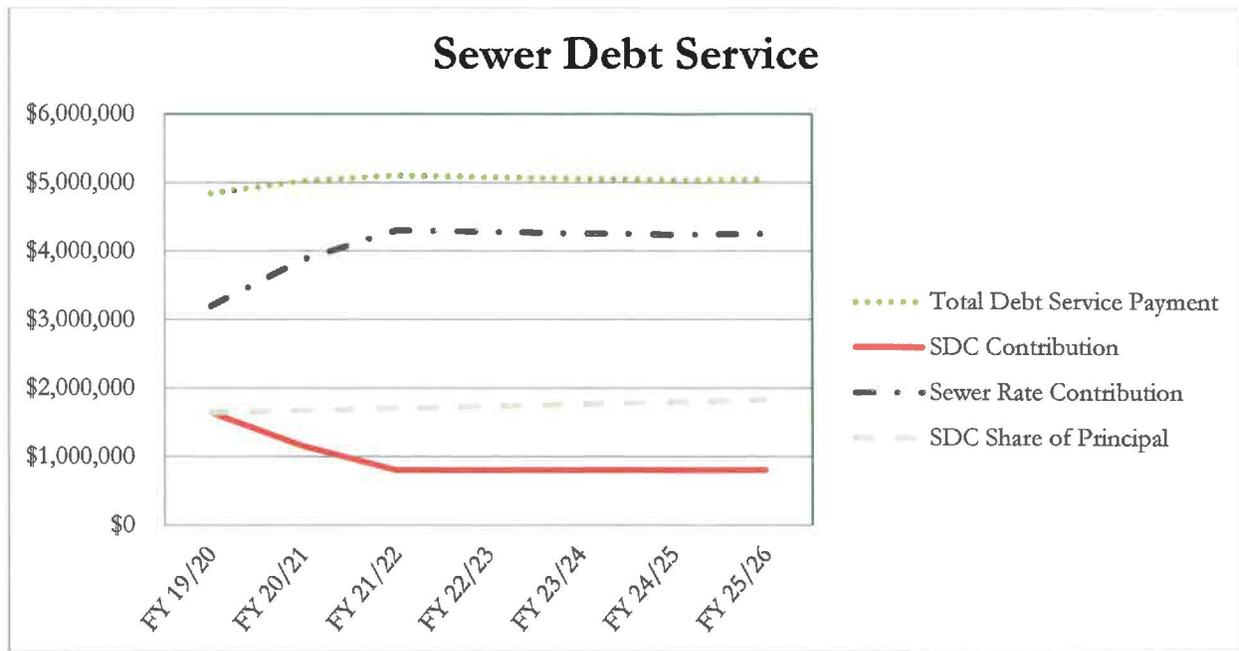
Debt Service - In order to complete the Water Reclamation Facility (WRF) and Talking Water Gardens (TWG) wetlands project, the City borrowed approximately \$77.2 million. While the City was able to secure low-interest financing for these projects, the annual debt payments are significant. In 2017, the City refinanced the remaining debt and is projected to save \$4.1 million over the life of the loan. The total current debt service associated with construction of the WRF and the TWG wetlands treatment projects amounts to approximately \$4.7 million per year through the year 2032. Albany's share after Millersburg's contribution toward debt service is approximately \$4.3 million per year.

Both rate and SDC revenues are responsible for paying off debt for the wastewater improvements. Rate revenues are responsible for all interest costs and 55 percent of the principal payments for the WRF and 100 percent of the TWG. In Fiscal Year 2020-2021 this will equal approximately \$2.6 million. SDCs are responsible for 45 percent of the debt principal payment for the WRF because a significant portion of the facility was sized to serve future capacity needs. In FY 2020-2021, SDCs share of the payment equals \$1.7 million.

The City also has remaining debt for the purchase of the TWG property. There is only one payment remaining on this debt; a final payment of \$90,000 due in December 2020.

Albany recently accepted a new low interest rate loan to address capacity problems in the City's largest sewer interceptor, the River Front Interceptor (RFI). The RFI has been a known problem for several decades and has been the subject of past enforcement actions by DEQ. The debt service associated with the new \$13 million loan will be offset with savings from recent refinancing and conclusion of the annual payments for TWG property. Consequently, debt service requirement for this loan should not require rate increases. Payments for this loan will be approximately \$760,000 per year and will begin when the construction project is complete. Phase 1 of the project is currently under construction.

For several years, staff has discussed with Council that SDC revenue has not been keeping pace with the amount of debt required to be paid by SDCs each year. When there is not enough SDC revenue to cover its share of the annual debt payment, rate revenue is used to make up the difference. Based on current annual SDC revenue projections, it is anticipated that SDC revenues will not be adequate to cover SDCs share of the sewer debt service for the WRF and TWG in fiscal year 2020-2021. This relationship is shown in the graph below. Should development pick up in the City and SDC revenues climb, SDC revenues may be able to keep pace with debt obligations.



Operations and Maintenance - Rising employment, chemical, and energy costs impact the O&M budget. For the five-year projection, a five percent per year increase in O&M expenses has been used.

Public Works staff will continue to look for efficiencies and make sure funds are appropriately targeted; however, most maintenance activities cannot be deferred without increasing the risk of sewer line failures, interruption of service, damage to streets and private property, or other impacts from failed systems.

Capital - The City needs to invest in capital projects to replace failing and/or undersized infrastructure. Adequate investment provides for reliable service to existing customers and anticipates needs to support economic development and growth. Although SDC revenue is not predicted to be adequate to cover the SDC share of debt service and operating costs (personnel and materials) continue to rise, sewer capital projects are still being programmed and completed at an acceptable rate. Staff continues to analyze the adequacy of capital funding each year and will discuss any shortfalls with Council should they arise.

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

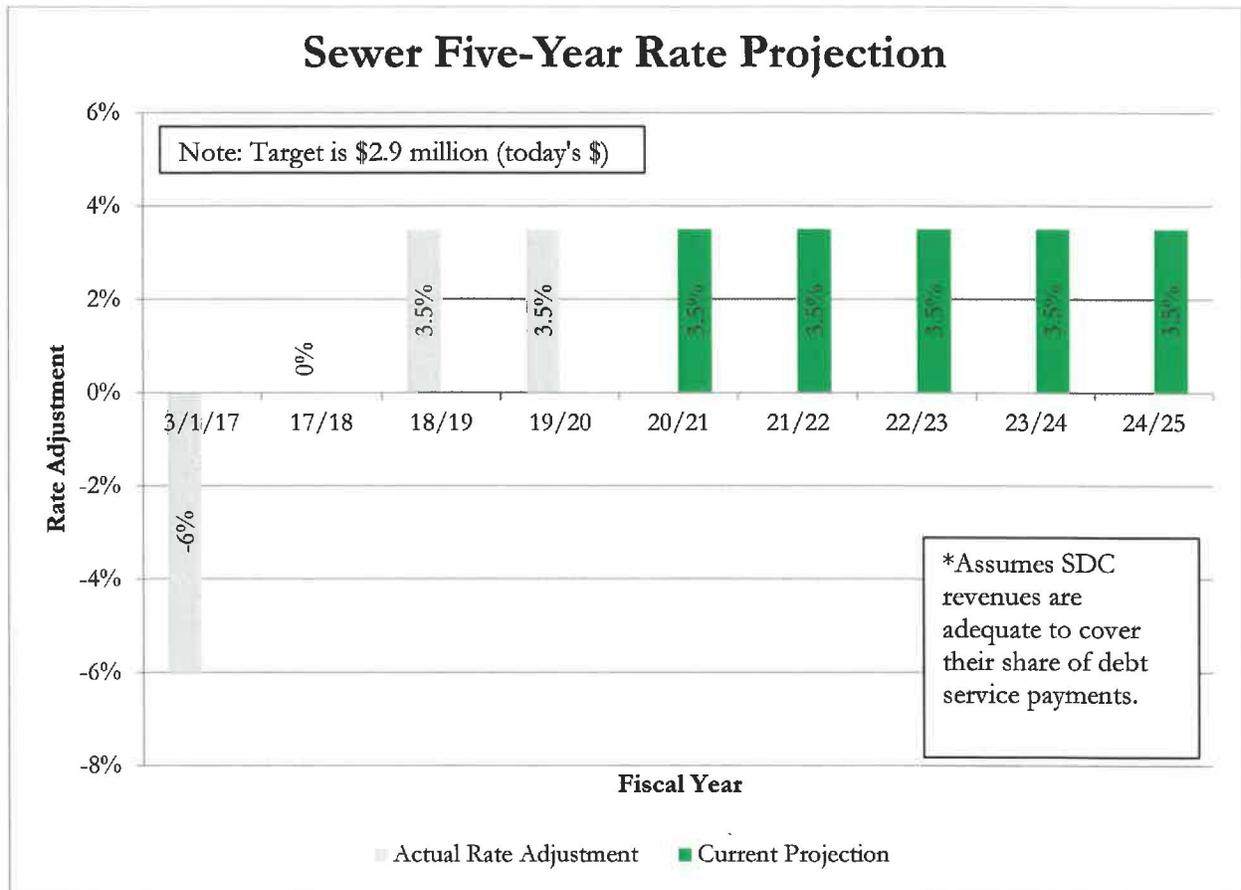
The remaining major capital needs in treatment are the solids process improvements and future permit-related costs. Additionally, staff continues to develop and implement capital projects to address long-standing collection system needs.

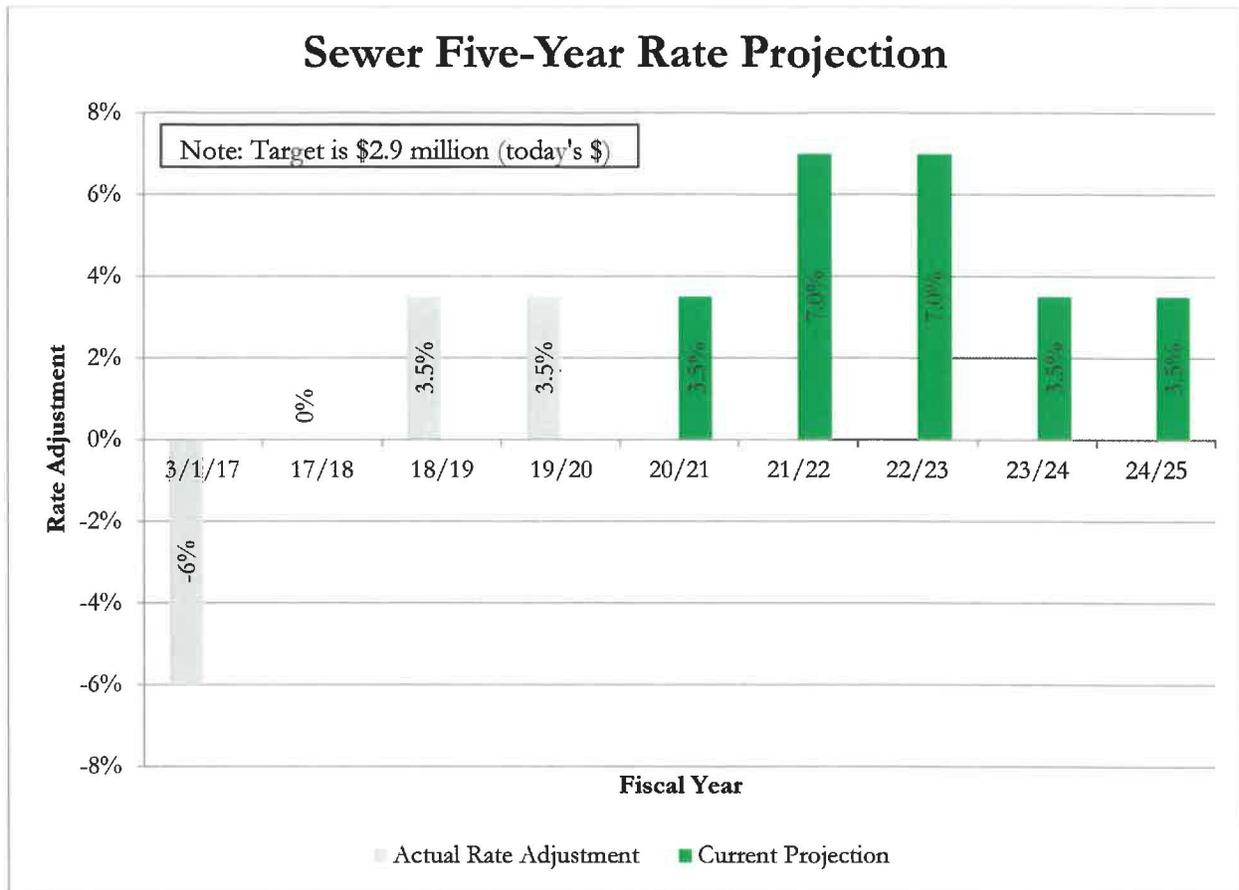
Council previously established program goals that resulted in an annual financial target of \$2.9 million (inflation adjusted) for capital projects. Like water, increases in local costs for some sewer construction projects have outpaced regional inflation indexes. However, the use of trenchless technologies, such as pipe bursting and cured-in-place pipe, provide for lower cost construction methods than traditional open trench methods and to date have allowed us to adequately address system needs without further inflationary adjustments for local conditions.

Summary

Recommendation:

A sewer rate increase of three-and-one-half percent is necessary effective July 1, 2020. This rate increase will allow the City to continue to meet debt service and O&M requirements and meet capital project program goals. The following graphs show recent past and projected future rate adjustments necessary to meet system requirements and provide desired levels of service. The first graph projects future rate increases necessary if SDC revenues are adequate to cover their share of future debt service payments. The second graph projects future rate increases necessary to meet capital financial targets and to redirect rate revenues to cover a portion of SDCs share of debt service payments.





Water Revenue and Rate Picture

The following is a summary of the revenue and expenditure needs for the water system:

Revenues:

Rate Revenue - The current estimated total water rate revenue the City will receive in FY 2019-2020 is approximately \$13.4 million. This closely matches the revenue estimated during the budget development process.

SDC Revenue - SDC revenues vary year to year depending on the pace of development in the community. It is anticipated that this fiscal year the City will receive approximately \$450,000 in SDC revenue, which is above what was assumed during the budget development process. For future projections, staff has assumed \$400,000 in annual SDC revenue. This is equivalent to approximately 140 home starts in a year. This estimate reflects the most recent development activity the City has been seeing. At this level, SDC revenues will not keep pace with the debt service funding needs. It is estimated that by fiscal year 2021-2022 rate funding will need to be used to help pay for some of the SDCs portion of the debt payment. If development patterns change and SDC revenues increase or decrease, then future projections will be adjusted to reflect that change.

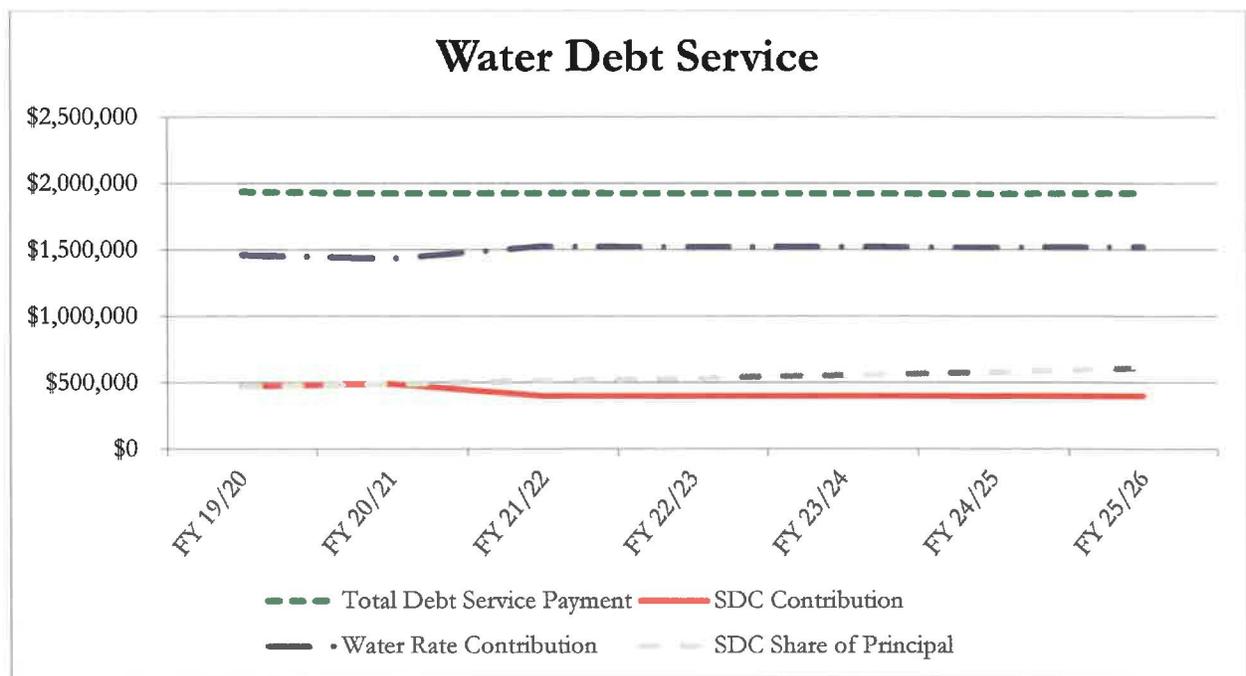
Expenditures:

Debt Service - In 2003 the City sold \$40.5 million in water revenue bonds to fund the construction of several significant water improvements and retirement of other water debt. These improvements included the

Albany-Millersburg Water Treatment Plant (WTP), dam and fish screen improvements on the canal, and other capital projects.

In 2013 the City refinanced the existing water bonds to take advantage of low interest rates. This saved an estimated \$7.3 million over the life of the loan. The total new debt service associated with the water bond projects amounts to approximately \$1.92 million per year through the year 2034. Both rate revenue and SDC revenues are responsible for paying for the water bond debt. Rate revenues are responsible for all interest payments and 57 percent of the principal payments. SDC revenues are obligated to pay 43 percent of the principal payments of the debt service.

Based on current annual SDC revenue projects, it is anticipated that SDC revenues will not be adequate to cover the SDCs share of the water debt service by fiscal year 2021-2022. This relationship is shown in the graph below. Should development pick up in the City and SDC revenues climb, SDC revenues may be able to keep pace with debt obligations.



Operations and Maintenance - Rising employment, chemical, and energy costs impact the O&M budget. For the five-year projection, a five percent per year increase in O&M expenses has been used.

Public Works staff will continue to look for efficiencies and make sure funds are appropriately targeted; however, most maintenance activities cannot be deferred without increasing the risk of public health advisories, water line failures, interruption of service, lower fire protection reliability, damage to streets and private property, or other impacts from failed systems.

Capital - The City needs to invest in capital projects to replace failing and/or undersized infrastructure. Adequate investment provides for reliable service to existing customers and anticipates needs to support economic development and growth. A five-year look at the water fund revenues and expenditures show a decreasing amount of rate revenue money available for capital maintenance projects unless additional funding is provided. If rate increases are limited to just the revenue required to meet debt coverage and O&M expenses, limited rate revenue will be available to fund capital projects.

Identifying the appropriate level of capital funding must be balanced with the burden it places on the rate payers. It is vital to have enough capital funding available to replace the worst infrastructure in a reasonable time in order to reduce the risk of failures, damage to public and private property, interruption of service, and health regulation violations. It is also important to be able to address problems that result in recurring high operation and maintenance costs.

Immediate capital needs for major treatment plant improvements have primarily been addressed with recent improvements; however, ongoing investments for system maintenance and reliability are anticipated. The largest annual reoccurring need is to invest in replacement of pipes in the water distribution system.

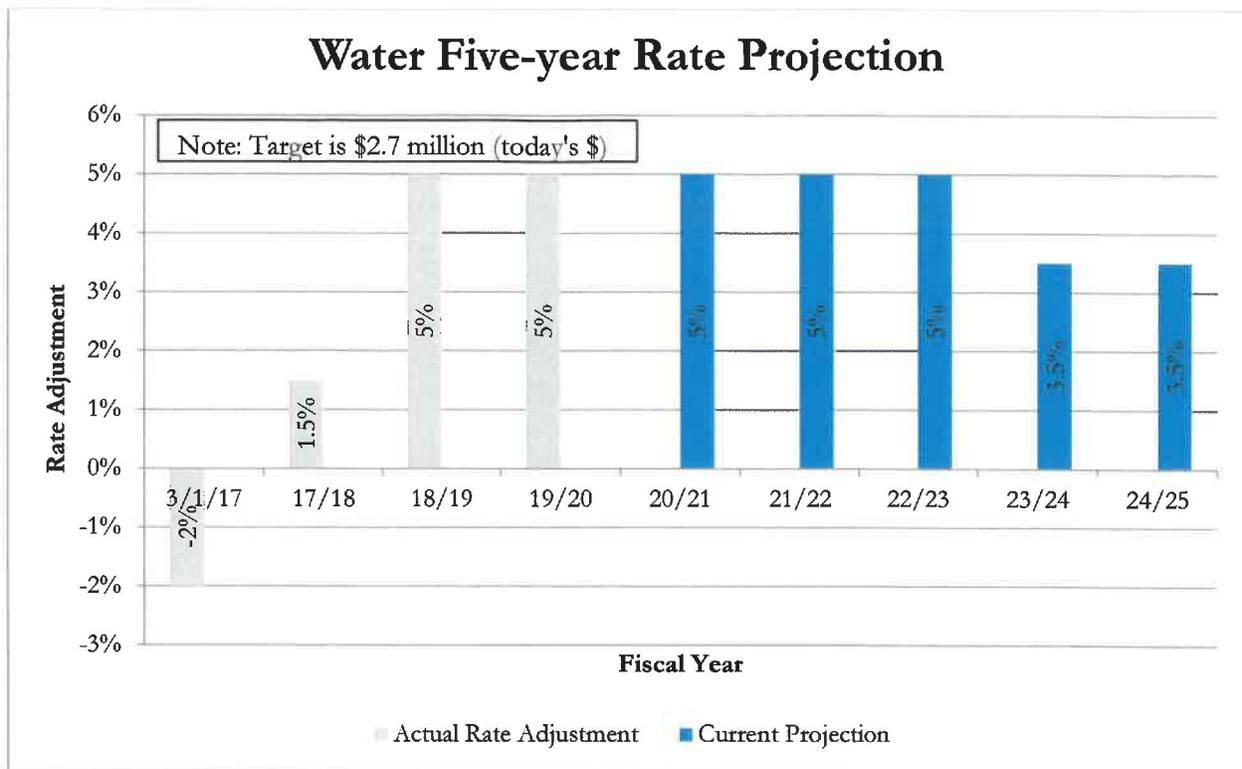
The water loss in the system has been reduced in the recent past and is currently estimated at approximately nine percent. This has been achieved through focused efforts to replace failing lines and an ongoing dedication to seek adequate funding. Despite accomplishments in reducing water loss, our work is not done. Water loss reduction goals were achieved through focused attention on steel water mains. Other pipes throughout the system are aging and exceeding their anticipated service life. For example, the City has some pipe sections that are 100 years old and still in service. Additionally, there are over 85 miles of Asbestos Cement (AC) pipe in our distribution system. The older sections of AC pipe are nearing 70 years of service, which means they are approaching the end of their original design life (75 years). AC pipe failures have shown this material fails in a catastrophic way rather than starting with smaller leaks, as other pipe materials do. This failure more often results in damage to both public right-of-way and private property.

Staff has started development of a water pipe assessment program that evaluates the risk and consequences of failure for each water main in order to prioritize pipe replacement projects, maximize the available capital funding, and avoid catastrophic failures and all of the consequences they bring. This approach has informed the distribution system capital projects planned for FY 2020-2021 and the five-year Capital Improvement Program. The pipe assessment program will continue to be refined and developed in future years.

From 2012 to 2017, actual construction costs for standard water line projects in Albany increased 80 percent while the regional ENR CCI for Seattle only increased 26 percent. In response to these increased costs, the existing financial target for capital projects was increased to \$2.7 million (inflation adjusted). Planned rate increases will build the annual capital funding target so that the new goal of \$2.7 million is reached in fiscal year 2022-23.

Recommendation:

A water rate increase of five percent is recommended effective January 1, 2021. This rate increase will allow the City to continue to meet debt service and O&M requirements and build toward an adequately-funded capital program. The following graph shows recent past and projected future rate adjustments necessary to meet system requirements and provide desired levels of service.



Stormwater Revenue and Rate Picture

The following is a summary of the revenue and expenditure needs for the stormwater system.

Revenues:

Rate Revenue - The current estimated total stormwater rate revenue the City will receive in FY 2019-2020 is approximately \$2 million. This matches the revenue estimated during the budget development process.

SDC Revenue - Albany does not currently impose stormwater SDCs. Adopting stormwater SDCs will be considered following completion of a stormwater masterplan update.

Expenditures:

Debt Service - There are currently no stormwater related debts.

Operations and Maintenance - The stormwater system has no treatment plants, reservoirs, lift stations, or other significant fixed facilities, which means the O&M costs for stormwater are much lower than those for water and sewer. This does not mean, however, that the stormwater utility is immune from rising employment, materials costs, or the impacts of growth. With growth comes additional infrastructure and increased regulation. For the five-year projection, a five percent per year increase in basic O&M expenses (not including regulatory compliance costs) has been used.

Now that Albany's population has surpassed 50,000, the community must obtain coverage under the DEQ NPDES MS4 Phase II permit. DEQ implements federal Clean Water Act requirements through this permit. Staff estimates that an additional \$1,100,000 will be required annually for regulatory compliance, based on the requirements imposed through the MS4 permit. DEQ issued the permit in November 2018, and Albany was required to begin complying with the permit in 2019. Albany and other neighboring communities found the

permit requirements to be unreasonable and unachievable. These communities have formed a partnership and are currently in litigation with DEQ over the permit. Implementing DEQ's permit is estimated to cost the City an additional \$1.1 million per year. Council's revenue targets for the stormwater system provide for incremental revenue increases that would cover these costs by FY 2024-25.

As Albany's stormwater programs grow, public works staff will continue to look for efficiencies and make sure funds are appropriately targeted. Although Albany's stormwater program is relatively new, the City's stormwater infrastructure is not. More than 11 miles of pipe are known to be failing, which complicates ongoing maintenance efforts. Unfortunately, street flooding, sink holes, and property damage should be anticipated with the condition of our current assets. This issue is discussed further under capital projects.

Capital - The City needs to invest in capital projects to replace failing and/or undersized infrastructure, yet no revenue source has been identified to fund these types of investments in the stormwater system. Significant portions of Albany's piped stormwater system are failing. With only 65 percent of the system inspected and assigned a condition rating to date, more than 11 miles of pipe are identified as being in a failed condition or are anticipated to fail in the next 10 years. To address these issues would cost approximately \$35 million. If the remaining portion of the system to be inspected is in similar condition, that number increases to more than \$45 million. Left unaddressed, more frequent street flooding, sink holes, and property damage should be anticipated.

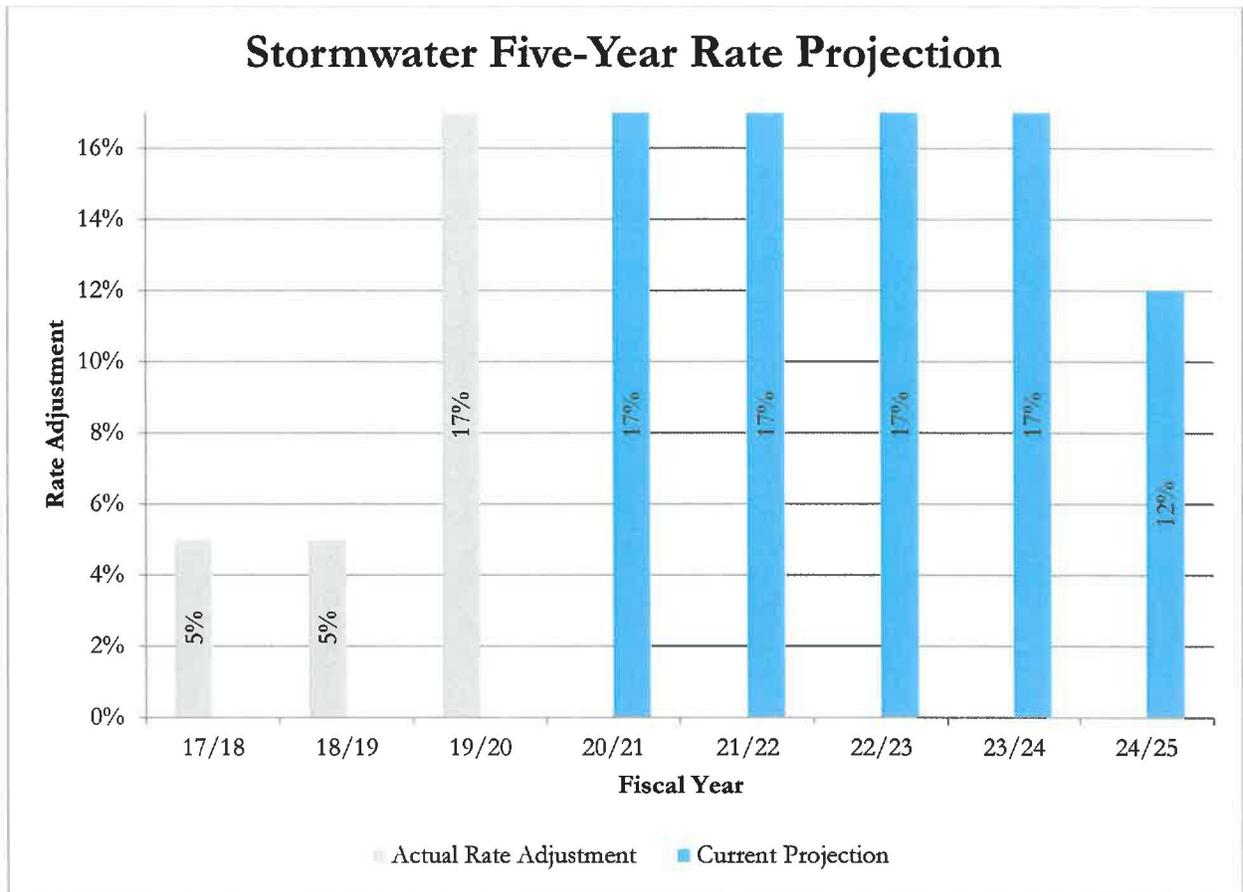
As part of an evaluation of street maintenance needs in 2017, staff estimated that the street fund was spending, on average, \$440,000 (inflation adjusted) to fund stormwater improvements associated with planned street projects. This included costs for stormwater quality improvements, addressing capacity constraints, and replacing failing pipes. This practice impacts the amount of street improvements that can be pursued. Council's revenue targets for the stormwater system provide for the stormwater system covering these costs by FY 2024-25.

Portions of Albany's stormwater system are undersized and result in localized flooding. A stormwater master plan update that will identify the location of undersized pipes is underway. Costs to address these system deficiencies will be incorporated into future presentations once available.

Recommendation:

At the June 11, 2018, work session, council acknowledged the challenge of these unfunded stormwater system needs and chose to address the regulatory requirements and the burden stormwater is currently placing on the street fund. Toward that end, council directed staff to develop a funding target of \$1.5 million (inflation adjusted) above 2018 funding levels by 2024-2025. To achieve this revenue goal, stormwater rates will need to be increased 17 percent per year from March 1, 2020, through March 1, 2024.

While this funding increase is important to the stormwater utility, it does not address many critical needs in the stormwater system. Future rate discussions with council will include options to begin to address the worsening condition of existing infrastructure through a Perpetual Life Replacement program and improving capacity for growth with additional capital investment. There is also a possibility that stormwater regulations continue to tighten, which will place additional burdens on the stormwater program.



TOTAL UTILITY BILL

(Assumes rate increases of 3.5% sewer 7/1/20, 5% water 1/1/21, 17% stormwater 3/1/21)

2019-20 Average Monthly Utility Bills in Oregon Cities
Single-Family Residential Customers - Total Utility Bill

Population 2018 PSU	City / District	800 cu ft	
		\$ / mo	Rank
648,740	Portland	\$177.50	1
9,225	Sweet Home	\$159.01	2
16,920	Lebanon	\$154.84	3
38,215	Lake Oswego	\$151.79	4
52,785	Tigard	\$139.52	5
9,370	Independence	\$138.69	6
860	Adair Village	\$136.33	7
4,715	Philomath	\$132.80	8
11,935	Cornelius	\$129.17	9
53,145	Albany	\$127.35	10
19,505	Sherwood	\$123.62	11
34,860	Oregon City	\$120.64	12
89,505	Bend	\$111.88	13
60,865	Springfield	\$106.78	14
97,000	Beaverton	\$104.19	15
101,920	Hillsboro	\$100.26	16
24,760	Woodburn	\$98.85	17
24,125	Forest Grove	\$97.66	18
165,265	Salem	\$96.98	19
33,810	McMinnville	\$96.50	20
25,830	West Linn	\$94.57	21
110,505	Gresham	\$91.64	22
169,695	Eugene / EWEB	\$88.15	23
59,280	Corvallis	\$87.17	24
9,890	Monmouth	\$82.00	25
38,505	Keizer	\$78.70	26
37,285	Grants Pass	\$76.94	27
24,820	Roseburg	\$68.93	28
	Average	\$113.30	

Utility bill calculation includes water, sewer, stormwater, and transportation fees, if applicable
 Rates are calculated on 3/4-inch meters for residential accounts only; all units calculated in cubic feet
 800 cubic feet is the comparison used by the League of Oregon Cities



RESOLUTION NO. _____

A RESOLUTION SETTING RATES FOR WASTEWATER SYSTEM USE AND REPEALING RESOLUTION NO. 6814 (A RESOLUTION SETTING RATES FOR WASTEWATER SYSTEM USE AND REPEALING RESOLUTION NO. 6711).

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

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

WHEREAS, the rate structure should be designed to generate revenues adequate to properly operate and maintain the wastewater system, to comply with regulatory requirements, to fund wastewater system capital projects, and to meet debt service requirements; and

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

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

WHEREAS, Chapter 10.06 of the Albany Municipal Code sets forth requirements to manage and recover the costs of an industrial pretreatment program as detailed in federal regulations 40 CFR Part 403; and

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

WHEREAS, the council reviews utility rates annually, with this year’s evaluation being completed at the February 10, 2020, council work session; and

WHEREAS, a **3.5 percent** increase in revenue is recommended to cover debt and operating expenses and to meet annual revenue targets for capital projects.

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

BE IT FURTHER RESOLVED that Resolution No. 6814 is hereby repealed; and

BE IT FURTHER RESOLVED that Resolutions No. 4920 and 5055 are superseded by this resolution only to the extent of a conflict with this resolution, in which case this resolution shall control; and

BE IT FURTHER RESOLVED that the rates established by this resolution and the repeal of Resolution No. 6814 shall be effective **July 1, 2020**.

DATED THIS 11TH DAY OF MARCH 2020.

Mayor

ATTEST:

City Clerk

EXHIBIT A

RESIDENTIAL

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

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

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

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

RATE SCHEDULE

Customer Class	Fiscal Year (effective July 1) 2020-21
<i>Fixed Charge</i>	
Residential	\$38.764 \$40.121
<i>Volume Rate (\$/Ccf)¹</i>	
Residential	\$2.732 \$ 2.828

¹ Ccf = one hundred cubic feet or approximately 750 gallons

Fixed Charges:

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

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

Volume Rates:

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

For residential customers with no water meter history including new connections, accounts with no recent water meter history, and new homeowners in a home with previous water meter history, six (6) Ccf will be used to calculate the monthly bill until the monthly average using the winter water meter readings can be calculated and applied.

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

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

Alternative Volume Rates:

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

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

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

COMMERCIAL

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

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

where: A = monthly bill

B = the number of commercial units served by the wastewater service

C = the monthly water consumption expressed in hundreds of cubic feet (Ccf).

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

RATE SCHEDULE

Customer Class	Fiscal Year (effective July 1) 2020-21
Fixed Charges	
Commercial	
Low	\$4.840 \$ 5.009
Medium	\$18.709 \$19.364
High	\$21.620 \$22.377
Volume Rates (\$/Ccf)¹	
Commercial	
Low	\$7.694 \$ 7.960
Medium	\$9.793 \$ 10.136
High	\$16.013 \$16.573

¹ Ccf = one hundred cubic feet or approximately 750 gallons

Customer Classification:

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

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

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

Monthly Water Consumptive Use for Volume Rate:

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

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

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

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

Alternative Volume Rates:

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

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

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

INDUSTRIAL

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

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

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

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

RATE SCHEDULE

Customer Class

Industrial Unit Charges

Flow (\$/Ccf) ¹	\$3.809 \$3.942
Biochemical Oxygen Demand (BOD) (\$/lb.)	\$0.981 \$1.015
Total Suspended Solids (TSS) (\$/lb.)	\$1.342 \$1.358

¹ Ccf = one hundred cubic feet or approximately 750 gallons

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

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

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

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

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

Wastewater Discharge Permit Fee	
	Annual Fee
Significant Industrial User	\$702 \$723

OTHER

Commercial and Contracted Waste Haulers:

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

Holding Tank and Chemical Toilet Waste:

$$A = B \times C$$

where: A = monthly bill
 B = total monthly volume discharged in gallons
 C = ~~(\$0.162)~~ \$0.16 **(\$0.168)** **\$0.17** per gallon

Septic Tank Cleanings:

$$A = B \times C$$

where: A = monthly bill
 B = total monthly volume discharged in gallons
 C = ~~(\$0.161)~~ \$0.16 **(\$0.167)** **\$0.17** per gallon

Valley Landfill:

$$A = B \times C$$

where: A = monthly bill
 B = total monthly volume discharged in gallons
 C = ~~(\$0.054)~~ \$0.05 **(\$0.056)** **\$0.06** per gallon

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

APPENDIX A

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

Waste Characteristic Allocation:

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

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

COMMERCIAL LOW-STRENGTH (UP TO 450 MG/L COMBINED BOD/TSS)**Offices & Services:**

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

General Retail Businesses:

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

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

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

Automotive/Mechanical repair &/or wash:

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

Specialty with medium-strength waste discharge:

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

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

Automotive:

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

Specialty with high-strength waste discharge:

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



RESOLUTION NO. _____

A RESOLUTION SETTING RATES FOR WATER USE AND REPEALING RESOLUTION NO. 6815
(A RESOLUTION SETTING RATES FOR WATER USE AND REPEALING RESOLUTION NO. 6712).

WHEREAS, the water fund is primarily dependent upon water rate revenues for its funding; and

WHEREAS, the rate structure should be designed to generate revenues adequate to properly operate and maintain the water system, to comply with regulatory requirements, to fund water system capital projects, and to meet debt service requirements; and

WHEREAS, in 2012 the Albany City Council decided to set future rate increases by evaluating the referenced water system requirements annually; and

WHEREAS, the council initially implemented a low-income assistance program in 2006 (Resolution No. 5166), and the latest revision to that program was in October 2016 (Resolution No. 6543); and

WHEREAS, the council reviews utility rates annually, with this year's evaluation completed at the February 10, 2020, council work session; and

WHEREAS, a **5 percent** increase in revenue is recommended to cover debt and operating expenses and to meet annual revenue targets for capital projects.

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

BE IT FURTHER RESOLVED that Resolution No. 6815 is hereby repealed; and

BE IT FURTHER RESOLVED that the rates established by this resolution and the repeal of Resolution No. 6815 shall be effective **January 1, 2021**.

DATED THIS 11TH DAY OF MARCH 2020.

Mayor

ATTEST:

City Clerk

EXHIBIT A

I. SERVICE FEES AND CHARGES

Description	Reference	Charge			
		Customer Type	Property Owner	Non-Property Owner	
Account Deposit	AMC 11.01.040(2a)	Residential	no deposit	\$100	
		Multi-family & Non-residential	no deposit	\$100	
New Account – Service Fees	AMC 11.01.040(5)	Regular working hours \$20			
Restore Service	AMC 11.01.060(5)	Regular working hours \$45			
		After hours \$60			
Financial Institution Returned Item	ORS 30.701(5)	\$35			
Past Due and Disconnection Notice	AMC 11.01.060(4)	\$10 per occurrence			
Tampering Fees	AMC 11.01.080(9)	\$100			
Meter Testing at Customer's Request	AMC 11.01.090(1b)(ii)	Meter Size	Service Charge Deposit		
		¾-inch	\$15		
Drop-in Meter Installation	AMC 11.01.100(2)(3)	Larger than ¾-inch	Actual Cost		
		¾" meter	1" meter	1-1/2" meter	2" meter
Full Installation with meter (Excludes system development charges)	AMC 11.01.100(2)(3)	¾" meter	1" meter	1-1/2" meter	2" meter
		\$2,950	\$2,975	Actual Cost	Actual Cost
Reduction of Meter Size (based on size of meter to be installed)	AMC 11.01.100(5b)	¾" meter	1" meter	1-1/2" meter	2" meter
		\$275	\$340	\$1,771	\$1,883
Main Extensions	AMC 11.01.120(2h)	Actual Cost Plus 15% Overhead			
Fire Service Extensions	AMC 11.01.150(1)	Actual Cost Plus 15% Overhead			
Unauthorized Use of Fire Hydrant	AMC 11.01.180(1)&(4)	\$50 + \$3.94 \$3.75 per 100 cubic feet			
Metered Use of Hydrant	AMC 11.01.180(4)	Refundable Deposit	\$75.00		
		Set Up	\$25.00		
		Bulk Rate	\$ 3.94	\$3.75 per 100 cubic feet	
		Relocation Rate	\$25.00		
		Monthly Base Charge	\$112.28	\$106.93	

II. RESIDENTIAL, MULTI-FAMILY, AND NON-RESIDENTIAL WATER SERVICEA. WATER CUSTOMERS INSIDE CITY LIMITS

Applicable to all residential, multi-family, and non-residential customers receiving water service within the Albany city limits.

A residential customer is defined as a customer whose meter serves only one single-family dwelling unit. All dwelling units served by individual meters shall be charged the residential rate for service. For example, the residential rate shall apply where separate water meters provide service to each side of a duplex.

Multi-family customers are defined as customers whose meter services more than one dwelling unit. For the purposes of this rate resolution, dwelling unit shall be defined as any place of human habitation designed for occupancy based upon separate leases, rental agreements, or other written instruments.

Non-residential customers are defined as customers whose meter is for any use other than residential and multi-family. Some examples of non-residential uses include but are not limited to commercial, industrial, institutional, and food processing. Examples of institutional uses include schools, hospitals, and nursing homes.

MONTHLY RATE:

Customer Class/ Meter Size	Base Charge (\$/month)	Consumption Charge		
		Block 1	Block 2	Block 3
Nonresidential & Multi-Family		<i>Consumption Level (hundred cubic feet)</i>		
¾ inch or less	\$19.66 \$ 20.64	First 17	Next 17	Over 34
1 inch	\$28.73 \$ 30.17	First 18	Next 18	Over 36
1½ inch	\$65.47 \$ 68.74	First 21	Next 21	Over 42
2 inch	\$104.79 \$110.03	First 25	Next 25	Over 50
3 inch	\$209.79 \$220.28	First 28	Next 28	Over 56
4 inch	\$327.75 \$344.14	First 30	Next 30	Over 60
6 inch	\$655.32 \$688.09	First 31	Next 31	Over 62
8 inch	\$727.49 \$763.87	First 40	Next 40	Over 80
10 inch	\$727.49 \$763.87	First 92	Next 92	Over 184
12 inch	\$727.49 \$763.87	First 92	Next 92	Over 184
		<i>Consumption Rate (\$/100 cubic feet)</i>		
Nonresidential		\$3.68 \$3.86	\$2.68 \$2.81	\$2.54 \$2.67
Multifamily		\$3.53 \$3.71	\$2.64 \$2.77	\$2.46 \$2.58
Residential		<i>Consumption Level (hundred cubic feet)</i>		
¾ inch or less	\$19.66 \$20.64	First 6	Over 6	NA
1 inch	\$28.73 \$30.17	First 6	Over 6	NA
1½ inch	\$65.47 \$68.74	First 6	Over 6	NA
2 inch	\$104.79 \$110.03	First 6	Over 6	NA
		<i>Consumption Rate (\$/100 cubic feet)</i>		
All Meters		\$4.38 \$4.60	\$2.78 \$2.92	NA
<i>Low-Income Assistance Program Surcharge – Residential Bills Only</i>				\$0.35

B. WATER CUSTOMERS OUTSIDE CITY LIMITS

Applicable to all residential, multi-family, and non-residential customers receiving water service outside the Albany city limits and are not served by water lines previously operated by the North Albany County Service District (NACSD) or the Dumbeck Lane Domestic Water Supply District.

MONTHLY RATE

Rates by class as listed under Section I.A, Water Customers Inside City Limits, with a 10 percent surcharge on said rates for service outside the city limits.

C. WATER CUSTOMERS WITHIN THE DUMBECK LANE DOMESTIC WATER SUPPLY DISTRICT

Applicable to the Dumbeck's master water meter that will serve a maximum of 132 residential connections as defined in the agreement dated December 2014 between the Dumbeck Lane Domestic Water Supply District and the City of Albany.

MONTHLY RATE

Dumbeck will pay quarterly for water delivered to Dumbeck's meter that Albany installs and maintains for billing purposes. The water rate will be increased annually to reflect changes adopted by Albany.

Dumbeck	Base Charge (\$/month)	Consumption Rate (\$/100 cubic feet)
Wholesale	N/A	\$4.06 \$4.26

D. WATER CUSTOMERS OUTSIDE CITY LIMITS IN BENTON COUNTY

Applicable to all residential, multi-family, and non-residential customers outside city limits and served by water lines previously operated by the North Albany County Service District (NACSD) (excludes the Dumbeck Lane Domestic Water Supply District).

MONTHLY RATE

The water rates adopted by the Benton County Commissioners acting as the governing body of the NACSD consistent with the contractual agreement between NACSD and the City of Albany.

E. CITY OF MILLERSBURG

The City of Millersburg will pay their share of capital expenses and cost to produce water at the Albany-Millersburg Water Treatment Plant according to the Albany-Millersburg Intergovernmental Agreement for Jointly Owned Water Facilities.

III. SPECIAL CONDITIONS APPLYING TO ALL CUSTOMERS

If water service is provided through a single meter to a facility that contains a mixture of customer classes, the customer class with the higher consumption rates shall be used for calculating the consumption portion of the bill. For example, all water used in a building that contains both non-residential and multi-family uses will be billed at the non-residential consumption rate.

Meter readings from meters that measure flow in 1,000 gallon increments shall be converted to hundred cubic foot units prior to applying the appropriate consumption charge for calculating the water bill.

Water used during construction of a building shall be metered and billed at the rate appropriate for the type of facility being constructed. For example, water used during construction of a single-family residence will be billed at the residential rate. When, during construction, setting a meter is impracticable, the amount of water used shall be estimated and billed at the appropriate rate for the type of facility being constructed.



RESOLUTION NO. _____

A RESOLUTION SETTING RATES FOR STORMWATER MANAGEMENT SERVICES AND REPEALING RESOLUTION NO. 6816 (A RESOLUTION SETTING RATES FOR STORMWATER MANAGEMENT SERVICES AND REPEALING RESOLUTION NO. 6713).

WHEREAS, rain falling onto developed property collects and runs off impervious or saturated surfaces and drains into stormwater inlets, pipes, drainage ditches, and creeks, and ultimately discharges to various local waterways; and

WHEREAS, when not properly managed, stormwater can flood streets, cause property damage, erode streams, and carry pollutants into local waterways, causing harm to habitat and aquatic species; and

WHEREAS, the existing stormwater system assets of piped and open conveyances are valued at more than \$100 million and should be properly maintained; and

WHEREAS, proper operation and maintenance of stormwater systems is essential for public health and safety; and

WHEREAS, local waterways that receive stormwater are valuable community assets and are subject to federal and state water quality regulations; and

WHEREAS, the City of Albany must comply with new stormwater regulatory requirements (National Pollutant Discharge Elimination System, Municipal Separate Storm Sewer System, Phase II permit) that require significant resources; and

WHEREAS, the Albany City Council finds that a dedicated and reliable source of funds is necessary in order to support stormwater services that meet regulatory requirements and proactively manage and maintain the City's stormwater system; and

WHEREAS, the city council has determined that implementing a stormwater utility and service charge is the most appropriate and equitable means of providing a dedicated and reliable source of funds; and

WHEREAS, the stormwater service charge is not a tax subject to the property tax limitation of Article XI - Section 11b of the Oregon Constitution; and

WHEREAS, all developed property in the City either uses or benefits from the City's stormwater management program and no developed property is exempt from the stormwater service charge; and

WHEREAS, the city council has determined that undeveloped properties shall not be charged for stormwater services; and

WHEREAS, the city council reviews utility rates annually, with this year's evaluation completed at the February 10, 2020 council work session; and

WHEREAS, a **17 percent** increase in revenue is recommended.

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

BE IT FURTHER RESOLVED that Resolution No. 6816 is hereby repealed; and

BE IT FURTHER RESOLVED that the rates established by this resolution and the repeal of Resolution No. 6816 shall be effective **March 1, 2021**.

DATED THIS 11TH DAY OF MARCH, 2020.

Mayor

ATTEST:

City Clerk

EXHIBIT A

STORMWATER SERVICE CHARGES

Stormwater service charges shall apply to all developed properties and are established for two rate classes: single-family residential (SFR) and non-single-family residential (NSFR). The stormwater service charge has two parts: a base charge and an impervious surface charge.

The base charge recovers costs attributed to customer-related services, such as billing and account maintenance, plus costs attributed to management of stormwater related to general use areas, such as streets and sidewalks in public rights-of-way. All developed property (SRF and NSFR) benefit from the City's efforts to manage stormwater by reducing flooding, keeping streets passable during storm events, and protecting water quality. All customers will pay the same base charge per account.

The impervious surface charge recovers costs attributed to increased stormwater runoff from impervious surface area outside of the public right-of-way. The amount of total impervious surface on a typical single-family residence serves as the base unit for determining a property's billable impervious surface area. In Albany, the typical single-family residential property has a total of 3,200 square feet of impervious area when all impervious surfaces are included. This typical single-family residential amount of impervious area is defined as one (1) equivalent residential unit or ERU.

The Public Works Director (Director) or his/her designee is responsible for determining the amount of billable impervious surface on a property. In making that determination, the Director may use aerial mapping, building plans, or other available tools. On-site measurement of the amount of impervious surface area on a property is not required to make this determination.

SINGLE-FAMILY RESIDENTIAL RATES

Each developed SFR property shall be billed a base charge and an impervious surface charge for one (1) ERU. The impervious surface charge is tiered in recognition of variations in SFR building footprints throughout the City. The building footprint includes the surface area of the main building.

The monthly stormwater bill for a single-family residential customer shall be computed as follows:

$$A = (\text{base charge}) + (\text{impervious surface charge} \times B)$$

where: A = monthly bill
B = 1 ERU

and where: base charge and impervious surface charges by tier are shown in the rate schedule below.

SFR RATE SCHEDULE:

	Tier 1	Tier 2	Tier 3
Single-Family Residential Customer	1,350 ¹ or less	Between 1,351 and 3,150 ¹	3,151 ¹ or more
<i>Base Charge</i>	\$ 6.18 \$ 7.23	\$ 6.18 \$ 7.23	\$ 6.18 \$ 7.23
<i>Impervious Surface Charge (\$/ERU)</i>	\$ 1.87 \$ 2.19	\$ 2.52 \$ 2.95	\$ 3.16 \$ 3.70
<i>Total monthly SFR stormwater bill</i>	\$ 8.05 \$ 9.42	\$ 8.70 \$ 10.18	\$ 9.34 \$ 10.93

¹Building footprint only – square feet

NON-SINGLE-FAMILY RESIDENTIAL RATES

NSFR properties include commercial or industrial uses, schools, government, duplexes, mobile home parks, multiple-family units, or mixed commercial-residential properties, and all other non-single-family residential properties.

The monthly stormwater bill for each NSFR property shall include a base charge and an impervious surface charge. The base charge is the same one used for SFR accounts.

The impervious surface charge for NSFR properties is based on the amount of measured impervious area. The Director or his/her designee is responsible for determining the billable impervious surface area on a property.

The impervious surface charge for each NSFR customer is calculated by multiplying the rate per ERU by the number of ERUs for each property or account. The number of ERUs is determined by dividing the total billable impervious area by 3,200 square feet (the area of one ERU) and rounding to the nearest tenth.

The monthly stormwater bill for a non-single-family residential customer shall be computed as follows:

$$A = (\text{base charge}) + (\text{impervious surface charge} \times B)$$

where: A = monthly bill
B = the billable impervious area expressed in ERUs

and where: base charge and impervious surface charge rates are shown in the rate schedule below.

RATE SCHEDULE:

**Non-Single-Family Residential
Customer**

Base Charge	\$ 6.18 \$ 7.23
--------------------	-----------------------------------

Impervious Surface Charge (\$/ERU)¹	\$ 2.52 \$ 2.95
---	-----------------------------------

Monthly NSFR stormwater bill²	varies by account
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¹ ERU = Equivalent Residential Unit. One ERU is 3,200 square feet of impervious surface coverage

²The total monthly NSFR stormwater bill cannot be less than the Tier 2 SFR monthly bill

NON-SINGLE-FAMILY RESIDENTIAL CREDITS

The NSFR stormwater credit program recognizes on-site stormwater management improvements that exceed minimum requirements may reduce the City's stormwater management costs.

Credits for the identified programs can be cumulative as long as the aggregate impervious surface charge reduction does not exceed 25 percent. In no case shall the application of credits result in a final NSFR monthly bill that is less than the Tier 2 SFR monthly bill.

To be eligible for a credit, the customer must submit a completed credit application form with all required supporting documentation along with a credit application fee of \$50.00. Eligible credit programs are described below:

On-Site Structural Stormwater Control Credit: NSFR credits may be allowed for an approved, on-site, structural stormwater control that provides detention, reduces runoff volume, or improves stormwater quality. The intent of the credit is to recognize efforts of property owners to better manage stormwater when stormwater controls are not required as part of a proposed development or other regulatory requirement.

To be eligible for a credit, prior approval of design and construction is required. All facilities eligible for credit must also be designed, constructed, and maintained to the City's Engineering Standards and Standard Construction Specifications; or as otherwise approved by the Director or his/her designee. The Director may require an engineering report, hydrologic analysis, an operation and maintenance plan, or any other documentation he/she determines necessary to confirm the reported performance of a stormwater facility.

Facilities installed to meet development or other regulatory requirements are not eligible, even if they exceed minimum performance standards. Facilities determined by the Director or his/her designee to be of no benefit to the City's stormwater systems are also not eligible. Final determination of facility eligibility is made at the discretion of the Director.

The credit will be calculated by determining the amount of impervious surface routed to the eligible facility(ies), multiplying that area by 25 percent and converting it to an ERU (rounded to the nearest tenth). The dollar value of the credit will be calculated by multiplying the resultant ERU by the impervious surface charge rate. The maximum credit allowed is 25 percent of the impervious surface charge on the relevant stormwater bill.

At the discretion of the Director or his/her designee, the credit may be terminated if the customer fails to maintain the facility in proper working order, the property changes ownership, the drainage characteristics of the property change, the property is redeveloped, or the property boundaries change.

The City may request periodic site visits and periodic submittals of maintenance inspection reports to verify that the stormwater facilities, for which the customer is receiving a credit, are installed and maintained in good working order. Failure to allow access or to provide requested reports may be cause for termination of the credit received.

Oregon Department of Environmental Quality (DEQ) 1200Z Credit: Properties that operate in compliance with an approved 1200-Z permit from the Oregon DEQ are eligible for up to a 25 percent impervious surface charge credit for that portion of the property covered by the 1200Z permit. The property owner may be required to provide documentation or allow inspection by City staff in order to demonstrate, to the Director's or his/her designee's satisfaction, compliance with the 1200-Z permit. Final determination of credit eligibility is made at the discretion of the Director.

Education Credit: Albany is required to implement a public education and outreach program. An informed and knowledgeable community is crucial to the success of a stormwater management program since it helps to ensure greater support and greater compliance. Directing educational programs toward specific groups of appropriate school-age children can help to inform and educate our community.

A credit program for education services may be available for certain schools. To be eligible for this credit, the applicant school would provide access to students within the target grade level of the City's Public Education and Outreach Program for City or City-sponsored presentations. In order to be eligible for a credit, both the applicant school and the City must agree to program terms, and the Director or his/her designee shall determine credit eligibility.

The credit for this program is up to 25 percent of the impervious surface charge on the stormwater bill for the educational facility providing access to students.

Other Credits: The Director may consider requests for stormwater credit for other facilities or programs provided the customer can demonstrate those programs or facilities exceed minimum regulatory requirements and they reduce the City's stormwater management costs.

APPEALS

Customers with questions about their stormwater bill will be provided informal opportunities to ask questions about their bill, and the City will work to help the customer understand how the bill is calculated for their property. If, after the bill calculation has been explained and is understood, the customer still disagrees with the bill, the customer may formally appeal the bill.

Initial Appeal: Any customer who disagrees with the calculation of the stormwater service charges for his or her property may apply to the Director for reconsideration of the stormwater service charge. The formal appeal requires payment of a \$25.00 appeal fee, must state the grounds for reconsideration, and must be filed in writing with the Director no later than thirty (30) days after date of the billing. The Director shall review the request to determine whether an error was made in the calculation of the service charge. If an error has been made in the calculation, the Director may approve a change to the service charge. If the appeal is denied, the reason(s) for denial will be reduced to writing and provided to the customer.

Appeal to City Manager: An appeal of the Director's decision may be brought before the City Manager within thirty (30) days of the date of the Director's decision on the initial appeal. The request must state the grounds for reconsideration of the Director's decision and must be filed in writing with the City Manager. If the City Manager determines that an error has been made in the calculation, the City Manager may approve a change to the service charge. If the appeal is denied, the reason(s) for denial will be reduced to writing and provided to the customer. The decision of the City Manager shall be final.

Successful Appeal: If an appeal of charges is successful, the revised service charge shall be applied to the account beginning with the bill that was the subject of the initial appeal, a credit will be applied to the account, and the \$25.00 appeal fee will be refunded. The revised service charge will be reflected in future billings for the property until the physical characteristics of the property change or until the rate resolution is changed.

GENERAL UTILITY INFORMATION

Billing Accounts: In cases where multiple utility accounts exist on one parcel, e.g., commercial retail mall, multi-family apartment units, etc., the City will work with the property owner to either bill one of the accounts for stormwater services for the full parcel, or a new account may be created in the property owner's name and that account will be billed for the stormwater services for the parcel. If a non-single-family residential customer has two or more parcels associated with a single business operation, e.g., a commercial building and an adjacent parking lot, those parcels may be consolidated into one bill for stormwater billing purposes.

Monthly Bills: Bills will be rendered monthly. Bills for new accounts or closed accounts, or bills that for any other reason cover a period of time more or less than the normal billing period, shall be prorated. Stormwater service charges are not subject to vacancy credits and will not be discontinued when properties become vacant. However, under conditions where the City discontinues billing for other utility services, it may, at its discretion, choose to also discontinue billing for stormwater services.

Commencement: The stormwater service charge shall commence upon connection to the City's water or sewer system; or upon completion, occupancy, or use of the improvements, whichever comes first. Areas that are annexed to the City or under contract to annex shall become subject to the stormwater service charge on the date of annexation or the date of the annexation contract, whichever comes first.

Adjustments, Back-Billing, Credits, and Refunds: When the utility determines a customer has been mistakenly charged too much for stormwater services, the utility will apply a credit to the account based on the date the error first occurred, the date the current customer became responsible for the bill, or a period not to exceed six years, whichever is less. If the date cannot be reasonably determined, the utility will estimate the amount of the credit based on a period not to exceed six years.

When the utility determines a customer has not been charged or has not been charged enough for stormwater services, the utility will back-bill the account based on the date the error first occurred, the date the current customer became responsible for the bill, or a period not to exceed one year, whichever is less. If the date cannot be reasonably determined, the utility will estimate the bill for a period not to exceed one year. Customers who receive such a delayed bill will be offered the opportunity to make arrangements for installment payments.

Unified Billing: The stormwater service charge shall be billed and collected by the City in the same manner and at the same time as water and sewer service charges. Partial payments on the account shall be applied first to the stormwater charge, second to the sewer charge, and finally to the water charge. The customer shall not be allowed to specify a different allocation of payment.

Delinquent Accounts: An account is delinquent 10 calendar days after the date of the bill. Delinquent accounts will receive written notice of the delinquency and may be subject to administrative service charges and service discontinuation until the entire bill balance is paid in full. An interest charge may be added to the unpaid balance, at a rate of nine percent per annum.

Collection: Any balances due on delinquent accounts may be recovered by civil action in the name of the City against the property owner, the person, or both. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating the debt due. Should the City find it necessary to collect any delinquent fees or charges for stormwater services, it shall be entitled to use any means provided by the laws of the State or permitted by the Charter and ordinances of the City. Fees and charges that are delinquent may be subject to interest charges at nine percent per annum. Any interest charge due hereunder, which is not paid when due, may be recovered in an action at law by the City.

AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE (AMC) TITLE 13 BY THE CREATION OF CHAPTER 13.21.112 TITLED CENTRAL ALBANY PARKING AREA.

WHEREAS, the City of Albany is adding AMC Chapter 13.21.112, Central Albany Parking Area, to address areas within the city unlawful activity has increased; and

WHEREAS, these specific areas attracting unlawful activity and pose health and welfare hazards to the public; and

WHEREAS, creating a central Albany parking area will allow law enforcement personnel to more readily address the unlawful activity.

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

Amending AMC Title 13, Vehicles and Traffic. AMC Title 13 is hereby amended to add Chapter 13.21.112 titled Central Albany Parking Area:

Chapters:

13.21.112 Central Albany Parking Area.

(1) It is unlawful for any vehicle to park on the public streets, listed below, without a valid Central Albany Parking Area permit.

(a) Area.

- (i) 11th Avenue SE, west of Jackson Street SE to Montgomery Street SE.
- (ii) Montgomery Street SE, west of 11th Avenue SE to 13th Avenue SE.
- (iii) 13th Avenue SE, west of Jackson Street SE to Industrial Way SW.
- (iv) Howard Drive SE, north of 13th Avenue SE to dead end.
- (v) Industrial Way SW, south of 13th Avenue SE to Queen Avenue SW.

(2) Enforcement.

(a) Any enforcement actions described in this section shall be in line with or in addition to other sections of AMC 13.21.

(b) Upon first offense of the Central Albany Parking Area a parking citation, as laid out in AMC 13.21.155, shall be issued.

(i) If the operator of the vehicle is contacted upon issuance of the parking citation, the vehicle shall be removed immediately from the Central Albany Parking Area.

(ii) If the operator of the vehicle is not contacted upon issuance of the parking citation, the vehicle shall be removed from the Central Albany Parking Area within 24 hours.

(iii) If the vehicle is not removed within the time allotted, the vehicle shall be towed pursuant to AMC 13.70.040.

(c) Upon any additional violation of the Central Albany Parking Area by any vehicle, the vehicle shall be towed pursuant to AMC 13.70.040.

(3) Permits.

(a) All Central Albany Parking Area permits shall be the sole property of the City of Albany.

(b) Upon initial implementation of the Central Albany Parking Area, each business shall be given one parking permit per employee working at the local office, free of charge. Each business will also be given, free of charge, visitor parking permits equal to 15 percent of their employee permits. If the final number is uneven, the number shall be round up to the next number.

(i) Any additionally needed parking permits, employee or visitor, shall be obtained at the cost of \$5.00 per permit.

(ii) The number of employee parking permits shall not exceed the number of employees on the payroll.

(iii) The number of visitor parking permits shall not exceed 30 percent of the number of employees on the payroll.

(iv) Additional permit requests shall be made through the Albany police records division.

(v) All permits shall be the sole property of the City of Albany and may be revoked for any misuse.

(c) Locations with addresses in the Central Albany Parking Area may apply to the Albany Police Department for a group parking permit exemption during special events or construction. These exemptions may be removed for any misuse.

(4) Records.

(a) It shall be the responsibility of each business to keep a record of permit issuance. These records shall include:

(i) Employee name.

(ii) Permit number issued.

(b) It shall be the responsibility of the business to retrieve any permits issued when an employee no longer works for them.

(i) In cases of an employee refusing to return a permit, said permit shall be filed as stolen with the Albany Police Department.

(c) It shall be the responsibility of the business to report any lost or stolen permits to the Albany Police Department. This report shall be made as soon as possible and within reason.

(i) Replacement of lost or stolen permits shall cost \$5.00.

(5) Sunset Clause

(a) This Chapter shall remain in effect until October 10, 2020 and as of that date this Chapter is repealed unless an extension or re-authorization of the Chapter is approved by City Council.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

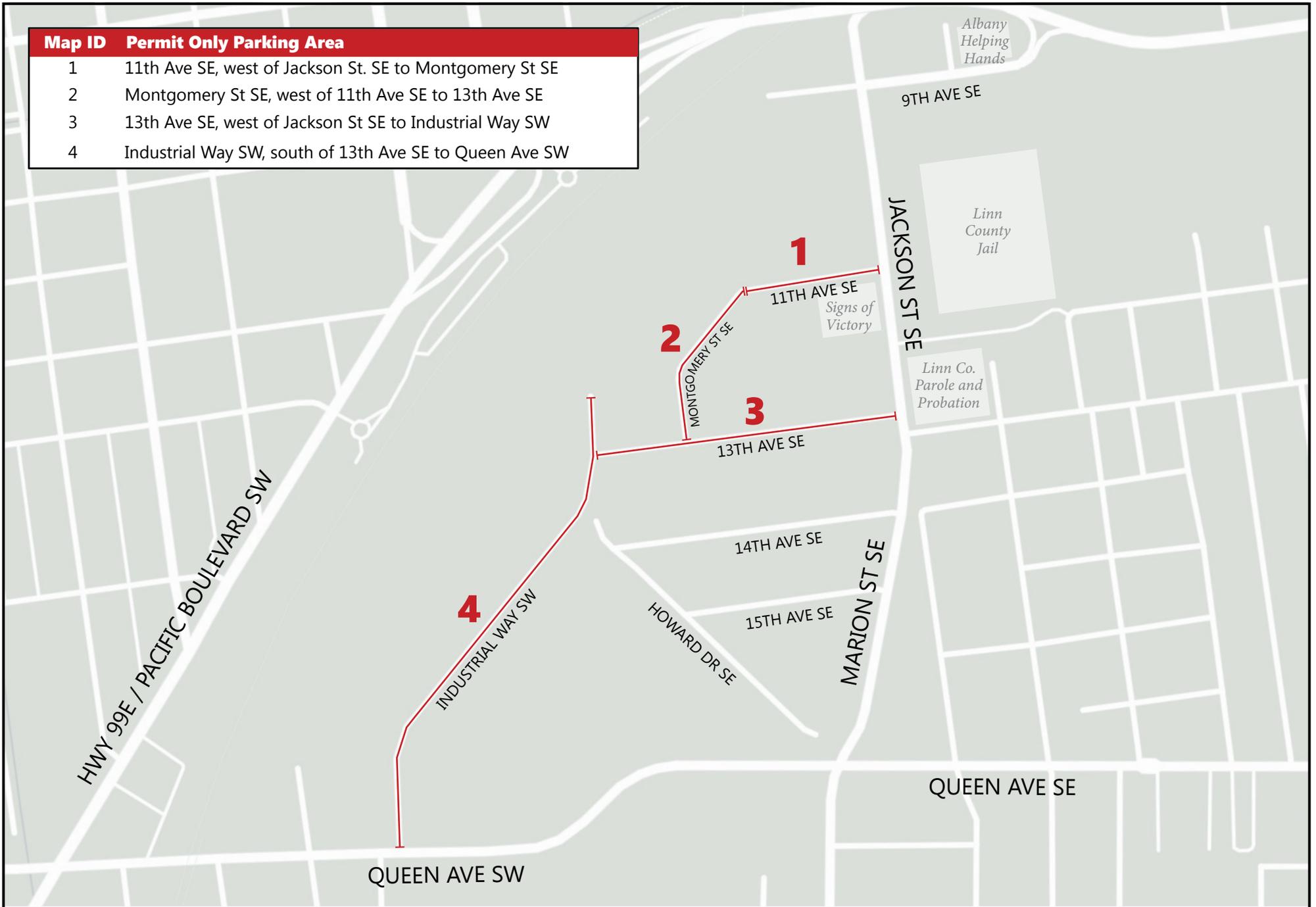
Mayor

ATTEST:

City Clerk

Map ID Permit Only Parking Area

- 1 11th Ave SE, west of Jackson St. SE to Montgomery St SE
- 2 Montgomery St SE, west of 11th Ave SE to 13th Ave SE
- 3 13th Ave SE, west of Jackson St SE to Industrial Way SW
- 4 Industrial Way SW, south of 13th Ave SE to Queen Ave SW



Date: 03/05/2020

Permit Only Parking Areas

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) CHAPTER 13.36.180, MOTOR VEHICLE OR RECREATIONAL VEHICLE USE FOR SLEEPING OR HOUSEKEEPING PURPOSES AND RELATED PARKING RESTRICTIONS

WHEREAS, the City of Albany is amending AMC Chapter 13.36.180, Motor vehicle or recreational vehicle use for sleeping or housekeeping purposes and related parking restrictions; and

WHEREAS, the use of any number of vehicles is limited to not more than seven days in any 90-day period; and

WHEREAS, extended use of vehicles for housekeeping purposes often leads to sewage, trash and electrical hazard exposures; and

WHEREAS, the private property owner faces no recourse for allowing such actions to occur on their property; and

WHEREAS, if the private property owner stood possible recourse, the violation may be abated faster.

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

Amending AMC Title 13, Vehicles and Traffic. AMC Chapter 13.36.180 Motor vehicle or recreational vehicle use for sleeping or housekeeping purposes and related parking restrictions, is hereby amended to add:

It is unlawful, within the City limits, for any person to use, **allow to use, or permit to use on their private property** a motor vehicle or recreational vehicle for sleeping or housekeeping purposes except as follows:

- (1) Within an approved recreational vehicle park;
- (2) On the premises of a private residence and with the consent of the occupant of the residence provided that such use by any number of vehicles is limited to not more than seven days in any 90-day period;
- (3) Within a required front yard setback, as established by the Albany Development Code, parking of such vehicles is limited to not more than 48 hours;
- (4) Within a public right-of-way, parking of self-contained recreational vehicles is limited to 48 hours with the consent of the adjacent property owner. In addition, parking of any such vehicle is further limited by the provisions of AMC Section 13.21.030 and all other regulations pertaining to the parking of vehicles;
- (5) With the consent of the property owner and all adjacent property owners, the City Manager may approve a special temporary use permit for recreational vehicle use of up to 90 days duration in order to alleviate a temporary housing hardship which cannot otherwise be satisfied within a recreational vehicle park. Such approval may be subject to any conditions which the City Manager deems appropriate to maintain public safety and community aesthetics. In addition, any such permit may be revoked by action of the City Council.
 - (a) It is unlawful for any person to discharge wastewater from a recreational vehicle to a storm sewer, sanitary sewer, street, or upon private property except at an approved holding facility or dump station.
 - (b) No utility connections shall be made across public right-of-way to a vehicle except by temporary permit issued by the Building Official. (Ord. 4816 § 1, 1988; Ord. 4171, 1978).

13.36.190 Penalties.

Any person violating any of the provision of this chapter is subject to those penalties set forth in AMC 1.04.010.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT 3/4*
 Kim Lyddane, Parks & Recreation Director

FROM: Rick Barnett, Parks and Facilities Maintenance Manager
 Diane Murzynski, Purchasing Coordinator

DATE: February 27, 2020, for the March 11, 2020, City Council Meeting

SUBJECT: Award of Bid for PK-20-01, Pickleball Courts

Relates to Strategic Plan theme: An Effective Government

Action Requested:

Staff recommends that the City Council award this bid in the amount of \$329,888.00 to the low bidder, North Santiam Paving.

Discussion:

On Tuesday, February 25, 2020, bids were opened for PK-20-01, Pickleball Court Project. There were three bids submitted for this project, ranging from \$329,888.00 to \$345,855.50. The Project Manager’s cost estimate was \$303,800.00. A bid summary is provided as Attachment 1.

Project Description

This project includes demolition of existing tennis courts at Linn-Benton Community College (LBCC), 6500 Pacific Blvd SW, Albany, and construction of new pickleball courts at the same location with site improvements to include installation of lighting, fencing, a water fountain, and related appurtenances. An intergovernmental agreement between the City and LBCC was approved by Resolution No. 6822 on June 26, 2019 by the City Council. The purpose of the agreement is for the construction of new pickleball courts by the City on the Albany campus of LBCC to serve the City’s and LBCC’s community education and recreation purposes. The City will provide funding for the design and construction of the public improvements and LBCC will assume responsibility for routine costs to maintain and operate these improvements. Any future non-routine repair costs for the new courts will be negotiated by the parties.

Summary of Estimated Project Cost

Project Components	Estimated Cost
I. Engineering Costs	
a. Design Engineering	\$32,500.00
b. Construction Inspection	\$0
<i>Engineering Subtotal</i>	\$32,500.00



II. Construction Costs	
a. Construction Contract	\$329,888.00
b. Contingency	\$0
c. Other Construction Costs (post construction survey, etc.)	\$0
<i>Construction Subtotal</i>	\$329,888.00
<i>Total Estimated Project Cost for PK-20-01</i>	\$362,388.00
<i>Project Budget for PK-20-01</i>	\$300,000.00
<i>Under/ (Over) Project Budget</i>	\$62,388.00

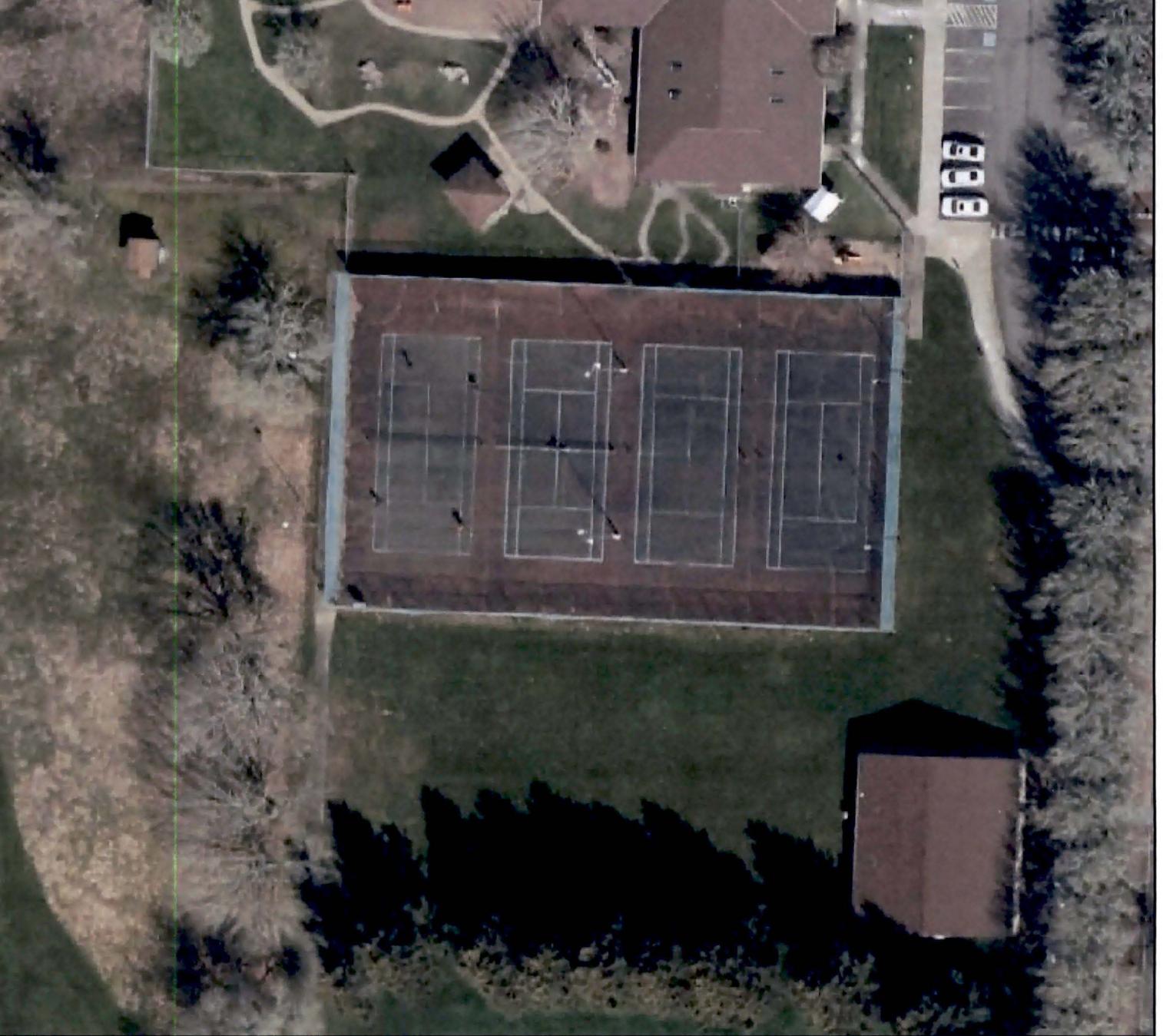
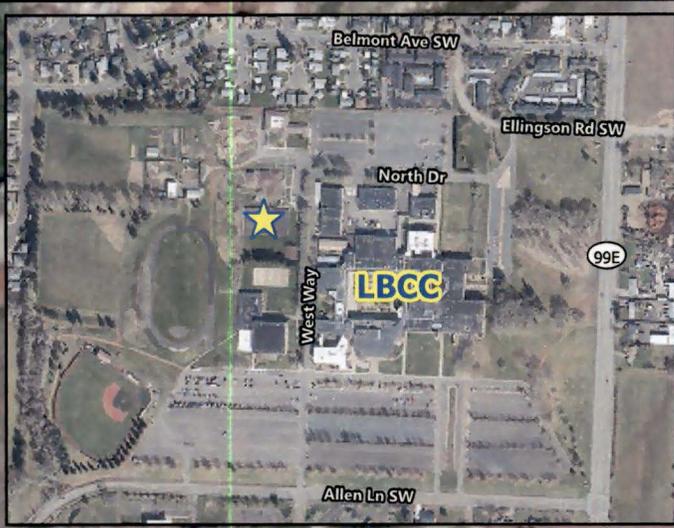
Budget Impact:

This project will be funded from the Parks SDC fund (2025055-915002).

DM

Attachments 2 – Vicinity Map and Project Bid Tab

- c: Rick Barnett, Parks and Facilities Maintenance Manager
 Tom Valentino, Building Maintenance Supervisor
 Jeanna Yeager, Finance Director



J:\ArcGIS_Pro_Projects\Public_Works\Engineering\LBCC_Ortho_Pickleball\APPX\LBCC_Pickleball.aprx



0 25 50 100 Feet

Map Date: 1/21/20 Imagery Date: March, 2019

Attachment 2

Pickleball Courts - Project Vicinity Map

CITY OF ALBANY
 333 Broadalbin St. SW
 Albany, OR 97321

ATTACHMENT 1 - BID RESULTS

PROJECT: PK-20-01, Pickleball Courts
 PROJECT MANAGER: Tom Valentino
 BID CLOSING DATE: February 25, 2020

Apparent Bid Results
 *This information is provided to contractors as a courtesy
 *This information does not take into account responsibility or responsiveness of bidders.

Item No.	Description	Approx. Quantity	Unit of Measure	Engineer's Estimate		Willamette Valley Excavating, Turner, OR		Northwest Community Builders, Yoncalla, OR		North Santiam Paving*, Stayton, OR*	
				Unit Price	Total Amt	Unit Price	Total Amt	Unit Price	Total Amt	Unit Price	Total Amt
					\$ 303,800.00						
A-1	Mobilization.	1	LS			\$ 25,947.79	\$ 25,947.79	\$ 34,000.00	\$ 34,000.00	\$ 29,200.00	\$ 29,200.00
A-2	Erosion Prevention and Sediment Control.	1	LS			\$ 4,221.55	\$ 4,221.55	\$ 8,500.00	\$ 8,500.00	\$ 5,200.00	\$ 5,200.00
A-3	Remove and Dispose of Concrete Court Edging	1	LS			\$ 2,186.68	\$ 2,186.68	\$ 4,500.00	\$ 4,500.00	\$ 835.00	\$ 835.00
A-4	Remove and Dispose of Existing Fencing, per Sheet 2.	1	LS			\$ 3,610.04	\$ 3,610.04	\$ 6,500.00	\$ 6,500.00	\$ 11,000.00	\$ 11,000.00
A-5	Strip Topsoil and Prepare for Excavation.	93	BCY			\$ 30.09	\$ 2,798.37	\$ 35.00	\$ 3,255.00	\$ 44.00	\$ 4,092.00
A-6	Furnish Materials, Labor and Equipment.	46	BCY			\$ 16.18	\$ 744.28	\$ 65.00	\$ 2,990.00	\$ 30.00	\$ 1,380.00
A-7	Remove Existing Asphalt Tennis Courts.	307	TN			\$ 40.89	\$ 12,553.23	\$ 20.00	\$ 6,140.00	\$ 30.00	\$ 9,210.00
A-8	Remove Existing Light Pole and Fixture	2	LS			\$ 1,463.63	\$ 2,927.26	\$ 600.00	\$ 1,200.00	\$ 730.00	\$ 1,460.00
	Summary of Schedule A - Demolition						\$ 54,989.20		\$ 67,085.00		\$ 62,377.00
B-1	Court Extension Area: Geotextile Fabric.	385	SY			\$ 4.72	\$ 1,817.20	\$ 2.00	\$ 770.00	\$ 1.70	\$ 654.50
B-2	Court Extension Area: Deliver and Spread Rock.	85	TN			\$ 45.80	\$ 3,893.00	\$ 40.00	\$ 3,400.00	\$ 135.00	\$ 11,475.00
B-3	Entire Court Area: 3" class D mix HMAc.	605	TN			\$ 101.95	\$ 61,679.75	\$ 108.60	\$ 65,703.00	\$ 88.00	\$ 53,240.00
B-4	Entire Court Area. 5-Coat Acrylic Pickleball Court Surface Treatment which includes Striping	26,043	SF			\$ 1.75	\$ 45,575.25	\$ 1.50	\$ 39,064.50	\$ 1.50	\$ 39,064.50
B-5	Concrete Pad for Portable Restrooms and Shed.	35	SY			\$ 89.79	\$ 3,142.65	\$ 120.00	\$ 4,200.00	\$ 79.00	\$ 2,765.00
B-6	Construct Concrete Sidewalk.	372	SY			\$ 64.19	\$ 23,878.68	\$ 90.00	\$ 33,480.00	\$ 79.00	\$ 29,388.00

	Summary of Schedule B - Court Construction					\$ 139,986.53		\$ 146,617.50		\$ 136,587.00

				Engineer's Estimate		Willamette Valley Excavating, Turner, OR		Northwest Community Builders, Yoncalla, OR		North Santiam Paving*, Stayton, OR*	
C-1	Construct 4' Tall Interior Pickleball Court Fence.	500	LF			\$ 48.78	\$ 24,390.00	\$ 44.00	\$ 22,000.00	\$ 53.00	\$ 26,500.00
C-2	Construct 8' Tall Fence.	370	LF			\$ 62.67	\$ 23,187.90	\$ 56.00	\$ 20,720.00	\$ 65.00	\$ 24,050.00
C-3	Construct 10' Tall Fence.	372	LF			\$ 109.31	\$ 40,663.32	\$ 98.00	\$ 36,456.00	\$ 67.00	\$ 24,924.00
C-4	Construct 48"x8' Tall Exterior Gates.	8	EA			\$ 589.45	\$ 4,715.60	\$ 503.00	\$ 4,024.00	\$ 440.00	\$ 3,520.00
C-5	Construct Exterior Gates in 10' Fence.	2	EA			\$ 1,308.98	\$ 2,617.96	\$ 1,117.00	\$ 2,234.00	\$ 585.00	\$ 1,170.00
C-6	Construct 4' Tall Exterior Gates	4	EA			\$ 405.47	\$ 1,621.88	\$ 346.00	\$ 1,384.00	\$ 320.00	\$ 1,280.00
C-7	Install Pickleball Sleeve and Net Post Sets.	8	SETS			\$ 1,910.14	\$ 15,281.12	\$ 855.00	\$ 6,840.00	\$ 1,000.00	\$ 8,000.00
C-8	Install Pickleball Nets	8	EA			\$ 175.78	\$ 1,406.24	\$ 425.00	\$ 3,400.00	\$ 475.00	\$ 3,800.00
C-9	Install Tennis Sleeve and Net Post Set.	1	SET			\$ 1,898.42	\$ 1,898.42	\$ 855.00	\$ 855.00	\$ 1,000.00	\$ 1,000.00
C-10	Install Tennis Net.	1	EA			\$ 328.12	\$ 328.12	\$ 425.00	\$ 425.00	\$ 475.00	\$ 475.00
C-11	Install Basketball Backboard, Post, and Net.	1	EA			\$ 2,783.18	\$ 2,783.18	\$ 3,721.00	\$ 3,721.00	\$ 4,000.00	\$ 4,000.00
Summary of Schedule C - Playing Court Improvements							\$ 118,893.74		\$ 102,059.00		\$ 98,719.00
D-1	Furnish and Install 3/4" PVC Electrical Conduit.	650	LF			\$ 8.76	\$ 5,694.00	\$ 9.30	\$ 6,045.00	\$ 13.90	\$ 9,035.00
D-2	Relocate Existing Electrical Cabinet.	1	LS			\$ 2,259.12	\$ 2,259.12	\$ 4,500.00	\$ 4,500.00	\$ 4,000.00	\$ 4,000.00
D-3	Wire Exterior Rated Outlet Boxes.	9	EA			\$ 251.01	\$ 2,259.09	\$ 516.00	\$ 4,644.00	\$ 430.00	\$ 3,870.00
D-4	Install LED Fixtures	4	EA			\$ 407.22	\$ 1,628.88	\$ 1,240.00	\$ 4,960.00	\$ 1,825.00	\$ 7,300.00
Summary of Schedule D - Electrical Improvements							\$ 11,841.09		\$ 20,149.00		\$ 24,205.00
E-1	Furnish and Install Water Fountain.	1	LS			\$ 8,829.03	\$ 8,829.03	\$ 9,945.00	\$ 9,945.00	\$ 8,000.00	\$ 8,000.00
Summary of A+B+C+D+E						\$ 303,800.00	\$ 334,539.59	\$ 345,855.50	\$ 345,855.50	\$ 329,888.00	\$ 329,888.00

*Apparent Successful Low Bidder



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT*
Jeff Blaine, P.E., Public Works Engineering and Community Development Director *JB*

FROM: Staci Belcastro, P.E., City Engineer *SB*
Chris Cerklewski, P.E., Civil Engineer III *CLC*

DATE: February 26, 2020, for the March 11, 2020, City Council Meeting

SUBJECT: Award of Contract for WL-20-03, Gibson Hill Road Corrosion Repairs and WL-20-04, Park Terrace Water Line

Action Requested:

Staff recommends that Council award this contract in the amount of \$873,006.00 to the low bidder, M.L. Houck Construction Company, of Salem, Oregon.

Discussion:

On Tuesday, February 25, 2020, bids were opened for WL-20-03, Gibson Hill Road Corrosion Repairs and WL-20-04, Park Terrace Water Line Improvements; these projects were bid as a single contract. There were eight bids submitted for this project, ranging from \$873,006.00 to \$1,178,953.00. One bid was determined to be unresponsive. The Engineer's estimate was \$930,000.00. A bid summary is provided as Attachment 1.

Project Description

The Gibson Hill Road Corrosion Repairs and Park Terrace Water Line Improvements were included in the 2019-2024 Capital Improvement Program (CIP) as two separate projects. However, during design, the decision was made to bid the two projects together due to their close proximity and an attempt to reduce costs through economies of scale. A vicinity map showing the project limits is provided as Attachment 2.

The Gibson Hill Road Corrosion Repairs includes replacement of corroded bolts at 33 locations and installation of other corrosion protection measures on existing 24-inch, 20-inch and 8-inch water mains along Gibson Hill Road between Scenic Drive and Kallie Street. In addition to the water line improvements, this project includes installation of two short segments of 8-inch sanitary sewer on Gibson Hill Road near Laura Vista Drive. The Park Terrace Water Line includes construction of approximately 640 feet of water line along Park Terrace north of Gibson Hill Road. Construction of the new water line on Park Terrace will increase system reliability and reduce the number of emergency responses required to fix the leaking steel water line located underneath Park Terrace, and along the backlot lines between Park Terrace and Gibson Way. The improvements on Gibson Hill Road are being made in advance of pavement restoration work Benton County is planning to complete on Gibson Hill Road during the summer of 2021.



Summary of Estimated Project Cost

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

Project Components	Estimated Cost
I. Engineering Costs	
a. Design Engineering	\$ 30,000
b. Construction Inspection	\$ 40,000
<i>Engineering Subtotal</i>	\$ 70,000
II. Construction Costs	
a. Construction Contract Schedule A Gibson Hill Road Water Line	\$ 496,000
b. Construction Contract Schedule B Park Terrace Water Line	\$ 290,900
c. Construction Contract Schedule C Gibson Hill Road Sewer line	\$ 86,100
b. Contingency All Schedules (10%)	\$ 87,300
<i>Construction Subtotal</i>	\$ 960,300
<i>Total Estimated Project Cost</i>	\$1,030,300
<i>Project Budget Schedule A</i>	\$ 770,000
<i>Project Budget Schedule B</i>	\$ 210,000
<i>Project Budget Schedule C</i>	\$ 90,000
<i>Subtotal Project Budget</i>	\$1,070,000
<i>Under/ (Over) Project Budget</i>	\$ 39,700

Budget Impact:

Water line improvements will be funded from the Water System Capital Projects Fund (615-40450) and sewer improvements will be funded from Sewer Capital Projects Fund (601-40350).

CLC:ss

Attachment(s)/Enclosure(s) 2

- c: Jeff Kinney, Water Operations Supervisor
 Kristin Preston, P.E., Wastewater Superintendent

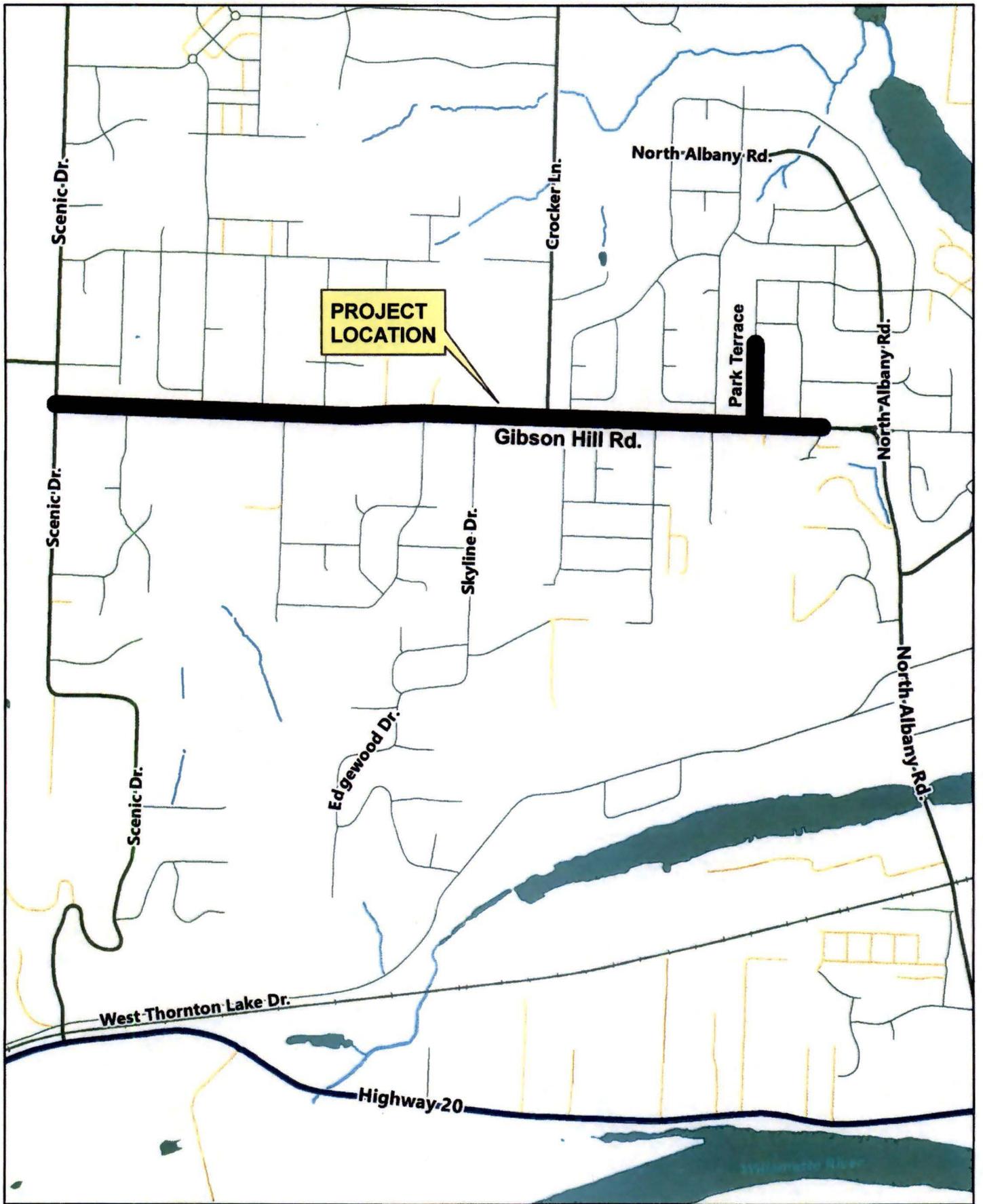


CITY OF ALBANY, OREGON
Public Works Department
Construction Contract Bids

Project: WL-20-03, Gibson Hill Road And Park Terrace Water Line

Bid Opening: Tuesday, February 25, 2020

Engineer's Estimate	M.L. Houck Construction (Salem, OR)	Trench Line Excavation (Corvallis, OR)	Emery & Sons Construction (Salem, OR)	Northcore USA, LLC (Salem, OR)	D&I Excavating (Silverton, OR)	Pacific Excavation, Inc. (Eugene, OR)	North Santiam Paving Co. (Stayton, OR)
\$930,000	\$873,006.00	\$877,500.00	\$888,888.00	\$922,560.57	\$931,432.00	\$967,808.00	\$1,178,953.00



ATTACHMENT 2
WL-20-03, GIBSON HILL ROAD AND PARK TERRACE WATER LINE VICINITY MAP





MEMO

TO: Albany City Council

FROM: Allison Grove, Administrative Assistant I (Confidential)

DATE: March 3, 2020, for the March 11, 2020, City Council Meeting

SUBJECT: Appointments to Citizen Advisory Groups
Relates to Strategic Plan theme: An Effective Government

Action Requested:

Council ratification of the following appointments:

Traffic Safety Commission

- Carol Canham Terrill (Alex Johnson II's appointment; application attached)

Transient Lodging Tax Advisory Committee

- Keith Lohse (Bessie Johnson's appointment; application attached)

Discussion:

Mayor and Councilor recommendations for any remaining vacancies on the City's citizen advisory groups will be submitted for approval at subsequent city council meetings.

Budget Impact:

None.

AG

Attachments 2





Citizen Advisory Group Application

Applying To Traffic Safety Commission

Received February 28, 2020

Name Carol Canham Terrill

In City Limits? Yes (Ward 2)

Are you currently employed outside the home? Yes (City of Halsey)

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

Municipal Clerk

Please summarize what qualifications and experience you have that would apply to this position:

I work for a local city which gives me some familiarity of how things work.

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

Volunteering for various local non profits.

How many Traffic Safety Commission meetings have you attended?

None

What is your understanding of the role of a Traffic Safety Commission member and what contributions do you hope to make to the commission?

My understanding is that as a group we evaluate Albany traffic safety issues and make recommendations to the Council. I am capable of critical thought and able to research for input and answers.

Please describe how your knowledge and experience qualify you to evaluate traffic issues?

I am not a civil engineer, but I hope to contribute however I am able.

What are the biggest issues with traffic in Albany?

I am not aware of any pressing issues at this time.

How can traffic safety be improved in Albany?

Investigating locations with high crash rates. Improved traffic flow management.

Have you reviewed the meeting schedule for this commission and can you commit to regular meeting attendance?

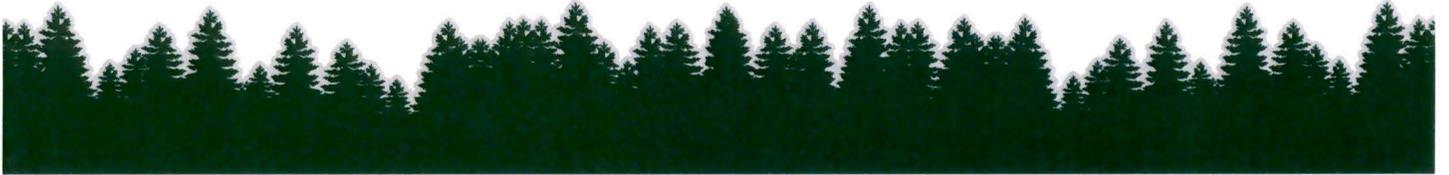
Yes

If there are currently no vacancies for this commission, would you like your application kept on file for the remainder of this recruitment period?

No

How did you hear about this opportunity?

Alex Johnson





Citizen Advisory Group Application

Applying To Transient Lodging Tax Advisory Committee

Received February 27, 2020

Name Keith Lohse

In City Limits? No, not in city limits. (110 Goldfish Farm Rd SE)

Are you currently employed outside the home?

Yes (Albany Regional Museum)

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

Executive Director, Albany Regional Museum

Please summarize what qualifications and experience you have that would apply to this position:

I have spent the last 5 years working in non-profit event management and fundraising. Due to the experience in organizing community programs I am very capable of recognizing a viable budget and stakeholder support for new events presented to the TLT committee. In my current role as Executive Director I am responsible for creating and executing on a budget of \$140,000 and management of a million dollar endowment ensuring it is used per the discretion of the Museum board.

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

As an individual I am a board member of the Rotary Club of Albany acting as its membership chair, I am in the Chamber of Commerce Leadership program, I have volunteered my time at the Monteith House, Cumberland Community Event Center, and Christmas Storybook Land.

As representative of my organization I have advised on projects at the Albany Carousel, the Lebanon Historical Museum, and the Jefferson Historical Society. We participate in a number of downtown activities including 1st Fridays in Historic Downtown Albany, Albany Preservation Month, Albany Summer Passport, and Downtown Trick-r-Treat.

Are you currently a Transient Lodging Tax (TLT) recipient or an employee or board member of a TLT recipient or collector organization?

No

How many TLT Advisory Committee meetings have you attended?

None

What is your understanding of the role of a TLT Advisory Committee member and what contributions do you hope to make to the committee?

The TLT Advisory Committee was established to as part of the methodology for allotting TLT funds, per the guidance of the established policy. As part of that methodology the committee oversees a fund that is open to applications from the public to encourage tourism, the committee votes on the merits of the proposals and the ability to increase tourism to our City. I would like to bring my experience from other Cities tourism efforts and my own program and marketing development to the oversight process. I have been exploring Albany with fresh eyes, resident for 2 half years, and have a strong knowledge of current tourism offerings.

Why is tourism an important part of economic development in Albany?

Tourism drives new money into the local economy, it generates jobs, and offers opportunities to make small business more sustainable by bringing new customers to visit local business. It also offers the opportunity to market the community as a whole and raise potential interest in moving new workforce and entrepreneurs to the City.

How can Albany improve its tourism industry?

We have a strong base for cultural tourism and with an urban core in the Historic Downtown that is only growing better by the day, continued support of that is key. But two forms of tourism we should encourage, in my opinion, are convention and sports tourism. The Linn County Expo Center is an amazing facility that is already home to a number of events but is a space that could bring further visitation to the area in the form of additional conventions. And the Cumberland Community Event Center is a smaller more centralized potential venue to watch for opportunities to serve smaller industry conventions. Sports tourism will need the right projects and time to develop. That said we have a community that would embrace it and some potential spaces being developed to support it.

Why is Albany a good or bad place to visit?

Coming from outside of Albany, the City is still seen as small making it a little less busy than other places you might visit for an event. At the same time that perception can be a negative as the town is seen as lacking some amenities even if it isn't. The infrastructure management and upkeep is being handled well. I am personally impressed by the growth and development I've seen in 3 years. The food culture is impressive. The town is very photogenic which, for better or worse, is important in the age of social media.

Have you reviewed the meeting schedule for this committee and can you commit to regular meeting attendance?

Yes

If there are currently no vacancies for this committee, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity?

Word of mouth





MINUTES

Wednesday, January 22, 2020

Regular Session

Council Chambers, City Hall

Approved: **DRAFT**

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Sharon Konopa called the meeting to order at 7:15 p.m. The mayor led the pledge of allegiance.

ROLL CALL

Councilors present: Mayor Sharon Konopa and Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Alex Johnson II, Dick Olsen, and Mike Sykes

Councilors absent: None.

SPECIAL PRESENTATION

Konopa recognized Library Director Ed Gallagher, who was attending his last council meeting before retiring. Gallagher was responsible for implementing many new programs at the libraries over the course of his career, notably the Dolly Parton Reading Program.

Konopa thanked retiring Police Chief Mario Lattanzio. Lattanzio's accomplishments include the new police station and obtaining Communications Assistance for Law Enforcement Act (CALEA) accreditation.

City Manager Peter Troedsson thanked Gallagher and Lattanzio for their leadership in their respective departments.

PROCLAMATION

- a. Four Chaplains Sunday

The mayor read the proclamation.

BUSINESS FROM THE PUBLIC

None.

ADOPTION OF RESOLUTIONS

7:24 p.m.

- a. Approving application for grant funds for public restroom at multimodal station.

Public Works Operations Director Chris Bailey said that in December, she and Oregon Department of Transportation Regional Transit Coordinator Mark Bernard presented to the council the concept of construction of a new public restroom at the train station to the council. Bailey provided background as outlined in the staff report.

Bernard spoke about opportunities for ODOT support of grant applications from the City for ongoing maintenance of the facilities. Eventually the operating costs would fall to the city, but there could be several years' funding through the grants. There are pros and cons, but if the council wants to proceed, there isn't another way to construct it for little to no cost.

There was discussion about the various transit services that use the station as a transfer point. There are ways to design the restroom to minimize the impacts of those who misuse the facilities.

Konopa pointed out that there are other costs to the city as well, like demand on police services.

MOTION: Councilor Rich Kellum moved to approve the resolution and Alex Johnson II seconded. The motion passed 6-0 and was designated Res. No. 6851.

- b. Levying assessments for sewer connection and system development charges at 3502 David Avenue NE.

7:45 p.m.

Finance Director Jeanna Yeager said this is a standard SDC agreement. The City's interest rate is 6.55 percent.



MOTION: Councilor Mike Sykes moved to approve the resolution and Johnson II seconded. The motion passed 6-0 and was designated Res. No. 6852.

ADOPTION OF CONSENT CALENDAR

7:46 p.m.

- a. Accepting Matthew Koopman's resignation from the TLT Advisory Committee.
- b. Appointments to citizen advisory groups.
- c. Approval of minutes
 - 1) December 2, 2019, work session.
 - 2) December 16, 2019, work session.
- d. Adoption of resolution
 - 1) Appointing municipal court judges pro tem and repealing Resolution No. 6769. RES NO. 6853

MOTION: Kellum moved to adopt the consent calendar as presented. Johnson II seconded and the motion passed 6-0.

APPOINTMENTS

- a. Appointment to the Hospital Facility Authority.

MOTION: Sykes moved to appoint Councilor Bessie Johnson to the Hospital Facility Authority. Councilor Bill Coburn seconded and the motion passed 6-0.

- b. Appointments to the Audit Committee.

MOTION: Johnson moved to appoint Kellum and Budget Committee Chair Sue Folden to the Audit Committee. Coburn seconded and the motion passed 6-0.

- c. Appointments to outside agency boards.

Johnson said she will keep looking for a Tree Commission appointment.

MOTION: Johnson moved to reappoint Councilor Dick Olsen as primary and Transportation System Analyst Ron Irish as alternate on the Cascades West Area Commission on Transportation; and to reappoint Kellum to the Linn County Local Public Safety Coordinating Council. Coburn seconded and the motion passed 6-0.

REPORT

- a. Public Safety Operating Levy.

7:55 p.m.

Troedsson said if the City renews the public safety levy at the current rate of \$1.15 per \$1,000 of assessed value, it will make no progress towards funding gaps due to compression and inflation. The council discussed the funding gap and the rate.

MOTION: Johnson moved to put public safety levy renewal on the May 2020 ballot using the same rate and same ballot title as for the 2016 levy renewal. Kellum seconded and the motion passed 6-0.

Staff will bring back a resolution calling for an election to a meeting in February.

BUSINESS FROM THE COUNCIL

Johnson II noted he met with citizens and he will compile notes to share their concerns.

Troedsson noted the new police chief will be sworn in January 31 at 3:00 p.m.

Troedsson said he met with representatives from Linn Benton Community College (LBCC) to go over details of their agreement with the City. More details can be provided when LBCC President comes to a future work session.

NEXT MEETING DATES

Monday, February 10, 2020; 4 p.m. work session

Wednesday, February 12, 2020; 7:15 p.m. regular meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Reviewed by,

Mary Dibble
City Clerk

Peter Troedsson
City Manager



MINUTES

Monday, February 24, 2020
Work Session Council Chambers, City Hall
Approved: **DRAFT**

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, Bessie Johnson, Alex Johnson II, Dick Olsen, and Mike Sykes

Councilors absent: Bill Coburn was excused.

Business from the public

None.

Resolution calling for election for public safety operating levy **4:02 p.m.**

City Attorney Sean Kidd said the resolution renewing the public safety levy at \$1.15 per \$1,000 will be on Wednesday night’s agenda for council action. Councilor Bessie Johnson asked if the resolution will include more detail on what the levy will cover. Kidd said the explanatory statement, which will be attached to the resolution, will include details.

Public works project cost updates **4:04 p.m.**

City Engineer Staci Belcastro said three current public works projects are expected to come in over budget. The first is the Park Terrace waterline from Gibson Hill Road north 600 feet. This project includes the option for full-width restoration.

Konopa left the meeting at 4:08 p.m. Councilor Dick Olsen presided in her absence.

Belcastro said the second project expected to be over budget is the Ninth Avenue improvements from Elm to Broadway. The estimate for this project used the full-depth pavement method, but part of Ninth Avenue was built in the 1930s and 1940s with no asphalt and little base rock.

The composting and dewatering projects at the water reclamation facility are still at 30% design. The power supply for the plant doesn’t have enough capacity for the improvements, so it will have to be upgraded. The project will probably see savings later.

Belcastro said a memo will come to the council in March asking for approval of a contract increase for the Vine Street water treatment plant solids clarifier project, which was finished last month.

Maple Lawn Preschool update **4:15 p.m.**

City Manager Peter Troedsson gave a brief history of the Maple Lawn preschool budget issues. When the 2019-2021 biennial budget was approved, the council allowed funding until the end of Fiscal Year 2019. Greater Albany Public Schools (GAPS) recognized the community need and they are transitioning to take over the program.

Lyddane said the program will stay in its current location and GAPS will cover all operating costs. No council action is needed at this point. Staff will present an intergovernmental agreement (IGA) for the council’s approval.

Councilor Rich Kellum expressed concern about the City’s legal responsibility. Kidd said the City has insurance, and the IGA will indemnify the city for GAPS actions or inactions.

Konopa returned to the meeting at 4:26 p.m.

Application for COPS hiring grant **4:27 p.m.**



Police Chief Marcia Harnden said police will bring a resolution to the council on Wednesday requesting permission to apply for this grant. The grant will allow restoration of some of the services frozen this fiscal year.

ADC amendments project update

4:31 p.m.

Public Works Engineering and Community Development Director Jeff Blaine said the goal of the Albany Development Code (ADC) amendments is a two-track system for approval of land-use applications. The ADC task force wasn't able to get to some of the project's components, but they completed the most important part.

Blaine reviewed the proposed changes to several articles of the ADC. Article 1 has been rewritten, because some of the City's process doesn't align with state statute. In Article 6, the natural resources standards are not clear and objective and can't be made so. The state requires that the City start by prohibiting development in areas affected by these standards, and then allow discretionary decisions to make it possible. The end result is the same as the City's current process.

Kellum asked Blaine to give the council the task force's "parking lot" list of projects along with the final plan. Blaine said he would.

Blaine asked if the council would be willing to use the \$200,000 recently received from the sale of three small properties to fund ADC updates that have economic development benefits.

Kellum said the council promised Albany citizens that "Pepsi" funds loaned out would be repaid in full, plus interest, to the account.

Konopa said giving the money to planning projects would add to the division's funding at a time when every other department's funding is being reduced. If the council wished to fund one department over another, she would rather give money to the fire or police departments.

Business from the council

4:57 p.m.

Councilor Bessie Johnson said she observed the municipal court in session and thinks the council made a good decision in choosing Judge Reid. Reid invited the councilors to stop by and observe the court.

Councilor Alex Johnson II toured the St. Francis and the Rhodes Building. He thinks the buildings have a lot of potential. He said Sheri Wheeler, who spoke about outside cats at the February 12 council meeting, is being attacked online. There will be a meeting from 6 to 8 p.m. March 18 at the main library to talk about the issue.

City manager report

5:04 p.m.

Troedsson reminded the council that a retirement reception for Recreation Programs Manager Rob Romancier will take place in the council chambers Friday, February 28, from 4 to 6 p.m.

Adjournment

There being no other business, the meeting was adjourned at 5:05 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse
Deputy City Clerk

Peter Troedsson
City Manager



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager 

FROM: Jeanna Yeager, Finance Director

DATE: March 3, 2020, for the March 11, 2020, City Council Meeting

SUBJECT: Reclassification of Accounting Supervisor position

Action Requested:

Approve the reclassification of the Accounting Supervisor position to Finance Manager, based on the current scope of responsibilities, retroactively to July 1, 2019. The incumbent has been performing the duties since that time, but the reclassification was delayed pending an evaluation of the needs of the finance department.

Discussion:

The finance and human resources departments have reviewed the position and determined that in order to provide equitable compensation commensurate with the position's level of responsibility and scope of work, reclassification is required. Additional information regarding this reclassification can be found below:

As several staff members have resigned or moved to other departments, we have been taking a close look at the needs of the finance department. One Accounting Supervisor position was downclassified to a Senior Accountant position, and the Payroll Supervisor was downclassified to a Payroll Administrator. Both positions are lead workers and no longer have supervisory duties.

As a result, the remaining Accounting Supervisor has taken on those supervisory duties and is now responsible for payroll, as well as treasury functions. Additionally, this position will also be coordinating and/or completing ongoing Munis maintenance.

Budget Impact:

The budget impact is estimated to be an increase of approximately \$6,500 in each fiscal year. This impact will be offset by cost savings realized through the reclassification of other positions.

JLY:hr

c: Danette Jamison, Human Resources Director (via email)



MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT 3/4*

FROM: Shane Wooton, Fire Chief *SW*

DATE: March 3, 2020, for the March 11, 2020, City Council Meeting

SUBJECT: Application for FY19-20 Assistance to Firefighters Grant
 Relates to Strategic Plan theme: A Safe City

Action Requested:

Council approval by resolution to apply for the FY19-20 Assistance to Firefighters Grant to purchase a multi-use, mobile training prop through the Department of Homeland Security Assistance to Firefighters Grant (AFG).

Discussion:

Albany Fire Department currently maintains its qualifications and training standard for keeping firefighters proficient at a fiscal and practical cost. The department must remove personnel and emergency vehicles from service and pay overtime costs to ensure proper coverage of primary response areas while personnel train.

The AFG is ^{an} ^{of} awarded up to \$50,000 for mobile training props. A multi-use, trailer-based training prop that can be moved between stations will enable crews to train between calls and without being taken out of service or incurring overtime costs. The purchase includes delivery and set up, consumables such as wood rafters and sheeting materials, standard equipment, and initial training by the manufacturer. Additional features and training aids can be added as future funding allows. The fire department plans to implement training on a scheduled rotation as well as using the prop at educational and outreach events.

Budget Impact:

The prop is expected to cost \$65,300. If awarded, a required 10% local match and the difference would be paid from 20325800-70000.

SW:RB
 Attachments (1)
 c: Scott Cowan, Training Chief



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ALBANY FIRE DEPARTMENT TO APPLY FOR GRANT FUNDS TO PURCHASE A MOBILE TRAINING UNIT THROUGH THE U.S. DEPARTMENT OF HOMELAND SECURITY.

WHEREAS, the U.S. Department of Homeland Security provides up to \$50,000 in funding for training equipment; and

WHEREAS, the Albany Fire Department is in need of a mobile training unit to increase firefighter skills and safety; and

WHEREAS, the program requires a 10 percent match; and

WHEREAS, the application period for this grant ends March 13, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council authorizes the fire department to apply for funding for a new mobile training unit.

DATED AND EFFECTIVE THIS 11TH DAY OF MARCH 2020.

Mayor

ATTEST:

City Clerk



MEMO

TO: Albany City Council
VIA: Peter Troedsson, City Manager *AT 3/4*
FROM: Kris Schendel, Code Compliance Officer
Marilyn Smith, Management Assistant/Communications Officer
DATE: February 25, 2020 for the March 11, 2020, City Council meeting

SUBJECT: Calendar Year 2019: Code Enforcement Team Report

Relates to Strategic Plan themes: Great Neighborhoods and A Safe City

Great Neighborhoods, Goal 1: Create and sustain a city of diverse neighborhoods where residents feel good about where they live.

Objective GN-1: Enforce City ordinances when properties are neglected or abandoned to prevent erosion of property values and quality of life. [City Manager's Office and Police]

Actions: Reduce unresolved cases.

Safe City, Goal 1: Ensure a safe community by protecting people and property.

Objective SC-11: Reduce property code violations, substandard housing conditions, and inadequate infrastructure. [City Manager's Office, Central Albany Revitalization Area (CARA), Community Development, Police]

Actions: Community Development, Police, and the City Manager's Office will work together to set priorities for addressing property code violations and responding to citizen complaints. A partnership with CARA will focus significant code compliance and safety efforts within the CARA boundaries. **Objective SC-12:** CARA will continue to fund projects that eliminate blight and increase public safety. [CARA and Police]

Actions: Use CARA funding on projects that eliminate blight, increase public safety, and reduce police calls.

The Code Enforcement Team has completed more than 20 years and is in the fourth year of focus on situations that contribute to or result from blight in the Central Albany Revitalization Area and addressing chronic nuisance properties and derelict structures citywide. The result is visible and encourages change in neighborhoods. This focus is made possible by dedicated funding for a code compliance officer in the police department, supported 50-50 by the City's general fund and CARA.

Changes in the Albany Municipal Code that followed the creation of the code compliance position give the City greater authority to address problem properties more quickly. Police and the city prosecutor may temporarily board up and, rarely, demolish properties that pose a chronic nuisance in a neighborhood and derelict properties that are unsafe to occupy. In 2019, Code Compliance Officer Kris Schendel initiated action on six chronic nuisance properties (AMC 7.85) and 25 derelict structures.

When the team was new, we reported on scores of cases each quarter. The list has shrunk as properties that had been neighborhood problems for years have been cleaned up, redeveloped, changed ownership or all of those. The list in this report reflects the team's current focus on the worst of the worst, work that takes participation by all members of the team to find the best solution to each problem.

Police Department records show 1,531 new complaints filed between January 1 and December 31, 2019, with 1,505 closed by December 31. The complaints relate to overgrown vegetation, property maintenance, sign code violations, parking, junk and trash, chronic nuisance properties, specified crimes properties, and derelict structures. Those that remained open are ongoing complaints that require multiple follow-ups.

Here is a summary of cases and projects for 2019:

- **Two Big Pickups** – This annual cleanup day changed direction in 2019. The police Community Resource Unit conducted sweeps of neighborhoods throughout Albany in the spring, focusing on accumulations of junk and trash, abandoned vehicles, and overgrown vegetation. Residents received citations for the violations along with a coupon encouraging them to get rid of junk, old appliances, electronics, and tires for a small fee at a temporary dump site at the City shops on the third Saturday in May. The effort was so successful that police repeated it in October. With the two events, May 18 and October 12, police addressed junk and trash issues at more than 100 residences in Albany, resulting in 13 dumpsters of trash and debris being removed. We plan to do this again in 2020. **Ongoing.**
- **122 Thurston Street SE** – This property became a prominent eyesore east of downtown after the owner died and surviving family members and others amassed derelict vehicles, appliances, and assorted junk and trash. Multiple individuals were arrested there repeatedly on drug and other charges. Schendel and the city attorney worked with other relatives to remove squatters, then rid the real estate of all the trash and board up the house. The property remains clean and crime-free. **Closed.**
- **On-street RV parking, Ninth and 11th avenues SE near Jackson Street** – Recreational vehicles, travel trailers, pickups and cars have been parking on these streets near Albany Helping Hands and Signs of Victory homeless shelters for years. People who don't want to or can't stay in the shelters live in the vehicles, taking up on-street parking that would otherwise be used by local businesses or residents, and often surrounding the vehicles with furniture and household trash. Businesses in the area filed multiple complaints, regarding drug use, fights (physical and verbal), nudity, human waste, disorderly conduct, and trespassing, associated with these vehicles. On March 11, 2020, the police department will bring a proposed code change to City Council. This code aims to establish permitted street parking in the area in hopes of reducing ongoing criminal activity. **Ongoing.**
- **732 Fourth Avenue SW** – This property had been on the compliance list since October 2017. Originally, it was a derelict structure with overgrown vegetation and junk violations. The City had the property abated at the end of 2017 and placed a lien for that work. The vegetation grew back, and the garage became unsecured and appeared to be attracting squatters. The City began charging daily fines and moved to foreclosure. The property was sold at a sheriff's auction on January 11, 2019. The property sold in August 2019 and is being rehabilitated. **Closed.**
- **950 Airport Road SE (Heatherdale Mobile Park)** – The Linn Interagency Narcotics Enforcement Team arrested an individual who lives in the park for selling drugs. Upon enforcement of the specified crimes ordinance, staff found multiple violations of the Albany property maintenance code throughout the park. Of the 110 units within the park, 60 had at least one violation. The owners and property managers were contacted about the issues and have been slow to act. After months of attempting to work with the owners and property managers, the owner was cited for the multiple violations; most still exist. This case is pending in Albany Municipal Court. **Open.**
- **Boulder field, Jackson Street at Seventh Avenue SE** – This sheltered spot under the highway overpass had become a gathering place for people who could not or would not stay at either of the homeless shelters that are less than two blocks away. Visitors set up campsites, used the property as an open-air latrine, and left the area littered with discarded food, clothing, bedding, shopping carts, and human waste. Repeated efforts to tell

people to clean up and move along proved to clear the property only briefly. Members of the City Solutions Team contacted people at the site on October 11, 2019, providing each with resource lists and directing them to shelter and other services. On October 15 and 16, staff covered the area with 522 tons of boulders to deter continued camping and littering. So far, it's worked. **Closed.**

- **2225 Salem Avenue SE** – This address has had a junk problem for a couple of years. The current owner was cited for 17 code violations in April 2018 and went to trial in November 2018. The owner took a plea deal that offered him 60 days to finish cleaning the property or face fines and jail time. The property was rechecked after the 60 days and was still out of compliance. Schendel filed for contempt of court and the owner was given five days in jail (actual time was reduced by the Linn County Jail). The Albany Municipal Court Judge gave the owner 60 more days to bring the property into compliance and directed Schendel to recheck after such time had concluded; the property was found in compliance with Albany code. **Closed.**
- **2261 Fulton Place SE** – This property was abandoned and went into foreclosure after the owner moved out due to health issues. Multiple people broke into the house and broke out the back fence for easy access from Waverly Drive. The City abated, removed over 40 yards of trash, and secured the structure. New owners bought the property in May 2019 and cleared all pending liens and fines. **Closed.**
- **2205 Front Avenue NE** – The tenant was cited for having junk and trash throughout the property and into the public right-of-way; a situation that built up over several years. The city manager declared the property an imminent nuisance in June 2019 due to “broken windows and doors; extensive breakage, exposed wiring, excess moisture inside leading to black mold; accumulated junk and trash including hazardous waste (syringes) inside and out; broken or missing siding and trim; continual reports of people coming in and out of the building; onsite arrests for assault, drugs, criminal mischief, and other crimes; and overgrown vegetation that has never been satisfactorily managed by those responsible for the property.” The City had the property cleaned up and boarded up. The owner-occupant relocated to live with a sibling. Property remains secure. **Closed.**
- **3016 Grand Prairie Road SE** – This large undeveloped lot continues to be a collection point for old motor homes and travel trailers, sheds, and assorted junk. Neighbors have reported people camping there and suspect those campers of thefts and car prowls on other properties nearby. Court action is pending against the owner. **Open.**
- **3615 Earl Avenue NE** – Uninhabitable due to neglected maintenance and various unauthorized and unsafe repair attempts. Occupants moved out. Property owner was cited for keeping junk and trash which was subsequently abated. The house remains vacant and the owner reported plans to demolish it but has not received required permits. **Closed.**
- **838 Ferry Street SW** – Owner was cited again for keeping junk, overgrown vegetation, and obstruction of the sidewalk. Volunteers and City staff helped with pruning and cleanup as part of the October Big Pickup. The property was rechecked on February 11, 2020 and found to be in compliance. **Closed.**
- **1410 Water Avenue NE** – Long-time property maintenance and drug issues. Property was found to have multiple violations including electrical hazards, work done without permits, improper habitation, and keeping junk. Upon rechecks, people were found living in the attic and the garage where proper ingress and egress could not be provided. Through the City process, the house was almost vacated as dangerous when, on the last day, the property owner brought everything into compliance. The house has fallen back out of compliance. The owner has talked of demolishing the property and rebuilding it to sell so he can move out of the area. **Open.**
- **1420 Water Avenue NE** – Long running house remodel. Items that would qualify as keeping junk were slowly filling the property. During the Big Pickup, the owner was cited for the violation. He worked with the city

attorney to get the property into compliance. Property is still being remodeled but currently has no livability violations. **Closed.**

- **1126 Water Avenue SE** – Known drug house. Police served a search warrant there after a suspect shot another male in the face with a pellet gun and was thought to have an actual firearm in his possession. Upon execution of the search warrant, police found multiple violations of the property maintenance code including plumbing hazards, electrical hazards, approximately 40 yards of trash, and other sanitation issues. The owners were served with specified crimes and property maintenance paperwork. The house was eventually vacated due to the livability issues and is being rehabbed for future sale. **Closed.**
- **210 Chicago Street SE** – Multiple years of violation of the keeping junk ordinance including rotted building materials, a burnt-up truck, and multiple junk vehicles. The owner was cited and given 30 days to clean up with the option of citation dismissal. The owner has taken no steps to abate the property. The City is looking at doing another “clean and lien” of the property. **Open.**
- **1244 Ferry Street SE** – Property has been the subject of multiple junk complaints. A large installation in the front yard (stylized “chopper,” biker ghouls) prompted more complaints from neighbors and passers-by. The city attorney convinced the occupant to remove the yard art, but it was replaced some months later by year-end holiday decorations. Other junk and trash on other parts of the property present an ongoing problem. **Open.**
- **2280 Three Lakes Road SE (Salem Salvage)** - Both business owners were cited for multiple development code violations that had been going on for over a year. Officers learned, after citations were given, that the property owner was evicting the tenant business, ordering them out by January 31, 2019. Business materials were removed later in 2019. **Closed.**
- **610 Sherman St SE** – Compliance issues date back at least to 2009. The house was forcibly vacated multiple times for livability violations. In September 2019, a search warrant led to multiple drug possession and drug delivery arrests. During the search, the house was again found to be in violation of multiple property maintenance codes, creating hazards for anyone living there. The house was boarded up as dangerous. After an appeals process, the owner would be allowed to make repairs. The owner and his associates continued to violate the dangerous building code and did not complete any work there. Eleven days after time had expired without work completed, the owner received a final notice of abatement, giving him 16 more days to correct the issues. During that time, the City got bids for renovation and demolition and tests for asbestos and other contaminants in preparation for possible City abatement. A test for methamphetamine residue showed contamination in various areas of the house ranging from six to 60 times the allowable state safety limit. On January 13, 2020, 10 days after final notice had expired, the property remained out of compliance. The City had the house demolished. From the date of search warrant in August of 2019 to the final day of demolition, Albany police spent over 400 hours at the property due to continued non-compliance. The property was also deemed in violation of the specified crimes ordinance; that case is pending. The City will be moving forward with foreclosure to recoup costs. **Closed.**

Budget Impact

The code enforcement budget for this biennium is \$40,000, or \$20,000 for each fiscal year. Expenses for the first half of the 2020 fiscal year totaled \$21,795; the boulder field, at \$16,780.60, was by far the greatest single expense but one that we don't expect to repeat.

Other expenses charged against this line item are for professional services to clean up derelict properties, dumpsters, and materials needed to board up problem houses. Those costs, along with fines for unresolved code violations, court filings, attorney fees, and staff time, become liens against those properties. The city attorney has

successfully negotiated lien payments on several properties, recovering the City's costs and making those properties available to new and (ideally) responsible owners.

Since CARA partnered with the police department to fund Officer Schendel's position in 2016, code enforcement has spent \$59,706.99. The City has recovered \$136,932.50 through fees, fines, and liens.

MMS, KJS

Requestor:
1000 Friends of Oregon
133 SW 2nd Avenue
Portland Oregon 97204
503-497-1000

Attorney:
Mary Kyle McCurdy
133 SW 2nd Avenue
Portland, Oregon 97204
541-497-1000

Affected Local Government:
City of Albany
333 Broadalbin Street
Albany, Oregon 97321

Dear Mayor, City Councilors, and Albany staff:

This letter serves as formal notice of our intent to petition the Land Conservation and Development Commission for an enforcement order pursuant to ORS 197.319 to 197.335. Albany's failure to align its land use regulations in line with requirements under state law (enumerated below) regarding Accessory Dwelling Units (ADU) provides our basis for this enforcement action under ORS 197.646(3).

I. Legal Basis for Enforcement Order

The following facts establish our basis for seeking enforcement and invoking 197.646(3):

1. ORS 197.312(5) states :

“(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

“(b)(A) As used in this subsection, “accessory dwelling unit” means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.”

2. Albany's population exceeds 2,500.¹

¹ Portland State University Population Research Center

3. ORS 197.312(5) also provides:

“(b)(B) ‘Reasonable local regulations relating to siting and design’ does not include owner- occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.”

4. HB 2003, passed by the 80th Assembly of the Oregon Legislature (2019), requires:

“Notwithstanding ORS 197.646, a local government required to comply with the amendments to ORS 197.312 by section 6, chapter 745, Oregon Laws 2017, shall adopt land use regulations, or adopt amendments to its comprehensive plan, to comply with the amendments to ORS 197.312 by section 6, chapter 745, Oregon Laws 2017, no later than the effective date of this 2019 Act.” Undesignated Enactments - ORS § Ch. 640 § 16

HB 2003 contained an emergency clause providing it is effective upon the date of passage, which was August 8, 2019.² These provisions of HB 2003 require that every city subject to ORS 197.312(5) be in compliance by the effective date of HB 2003. This includes Albany.

5. The relevant portion of Albany’s Development Code, Section 3.080(4), states:

“One accessory apartment is permitted per primary single-family residence, called the ‘primary residence.’ The accessory apartment may be:

- “(a) An addition to or within the primary residence, OR
- (b) In a detached building built before February 1, 1998, OR
- (c) On a lot in a subdivision of at least ten lots, when the tentative plat was approved after July 1, 2007.

“Accessory apartments shall be incidental in size and appearance to the primary residence and meet the following standards:

- “(a) One of the residences is owner occupied.
- (b) The size of an accessory apartment does not exceed 50 percent of the gross floor area of the primary residence (excluding garages or carports) or 750 square feet, whichever is less.
 - (c) At least three off-street parking spaces are provided on the property to serve the two residences. [Ord. 5338, 1/28/98]
 - (d) All required building permits have been obtained. If the primary residence is on the Local Historic Inventory, historic review may be required.

² HB 2003, Sections 16 and 25; Chapter 640 Oregon Laws secs. 16, 25 (2019).

(e) The size of the property meets the minimum single-family lot area requirements for the zoning district in which the lot is located. [Ord. 5338, 1/28/98; Ord. 5673, 6/27/07]"

II. Nature of non-compliance

The Albany Development Code (ADC) is not in compliance with ORS 197.312(5) for several reasons.

1. The ADC requires ADUs to be attached, while ORS 197.312(5)(b)(A) defines ADUs to include "detached residential structure[s]." ADC 3.080(a) requires any ADUs to be an "addition to or within the primary residence"; in other words, it prohibits all detached ADUs, without any justification, such as being a "reasonable siting and design" regulation.

2. The ADC limits the development of ADUs to only *some* lots or parcels, contrary to ORS 197.312(5), which requires local codes to allow "the development of at least one accessory dwelling unit for each detached single-family dwelling."

- ADC 3.080(b), while being cast as an additional way in which an ADU could be located, is actually written such that it seems to be either a subset of (a) or a further limit on (a). It says that an ADU can be "in" – implying an interior ADU – a "detached building built before February 1, 1998," which could be a temporal limit on (a). In either case, it violates ORS 197.312 by limiting ADUs to buildings built before a certain date.
- ADC 3.080(c) seems to allow detached ADUs, but only in very narrow circumstances: "on a lot in a subdivision of at least ten lots, when the tentative plat was approved after July 1, 2007." No justification is provided, and therefore among other reasons, this is not a "reasonable siting and design" regulation.

3. The ADC requires one of the dwellings to be owner occupied, contrary to ORS 197.312(5)(b)(B).

4. The ADC requires three off-street parking spaces for any lot that has an ADU, contrary to ORS 197.312(5)(b)(B). Table 9-1 in ADC 9.020 establishes a minimum of 2 parking spaces for single family dwellings. ADC 3.080(4)(c) requires that an ADU on a single family dwelling lot have an additional parking space, for a total of 3. Note that ADC 3.080(4) repeats subsections a-c – the reference above refers to the second instance of ADC 3.080(4)(c).

5. ADC 3.080(4)(e) requires a minimum lot size that could preclude the development of ADUs on certain lots. Some lots with single family homes may be smaller than the minimum lot size due to historical changes in the zoning code or lots that required exceptions to build a single family home. This is not consistent with the requirement that

cities allow “at least one accessory dwelling unit for each detached single family dwelling” under ORS 197.312(5)

III. Corrective Action

We request that the City of Albany amend its ADC to remove the standards described above or revise them to be compatible with ORS 197.312(5).

Under OAR 660-045-0050, the city has 60 days to respond to this request, wherein it can choose to take corrective action. If that corrective action effectively addresses our concern, we will notify you and the Land Conservation Development Commission and not pursue further enforcement. If we find the corrective action to be unresponsive, we can enter into mediation or file a petition with LCDC.

We hope that we can resolve this in a timely manner and without undue cost or delay. It is our hope to work collaboratively in the future on additional solutions to the pressing housing needs of Oregonians. Thank you for your time and consideration of this matter.

Sincerely,

Alexis Biddle
Urban Lands Advocate
1000 Friends of Oregon