

ALBANY CITY COUNCIL AGENDA

Wednesday, August 7, 2024
6:00 p.m.

Council Chambers, City Hall
333 Broadalbin Street SW

Watch on YouTube: <https://www.youtube.com/user/cityofalbany>

Please help us get Albany's work done.

Be respectful and refer to the rules of conduct posted by the main door to the Chambers and on the website.

1. Call to order and pledge of allegiance
2. Roll call
3. Business from the public
4. Second reading of ordinances
 - a. Proposed AMC 7.20 Camping Regulations amendments - Kris Schendel [Pages 3-10] ORD NO. _____ p. 4
5. Adoption of resolutions
 - a. 2023-2025 Supplemental Budget – Jeanna Yeager [Pages 11-21] RES NO. _____ p. 14
6. Award of contracts
 - a. Award contract for a fire training tower – Chris LaBelle [Pages 22-23] MOTION _____
7. Approval of agreements
 - a. Albany Community Pool lease and Intergovernmental Agreement renewal – Kim Lyddane [Pages 24-53] RES NO. _____ p. 25
 - b. Pacific Power conversion agreement – Sophie Adams [Pages 54-64] MOTION _____
8. Adoption of consent agenda
 - a. Approval of minutes [Pages 65-68]
 - 1) July 10, 2024, city council meeting
 - b. Recommendations to OLCC [Page 69]
 - 1) Approve annual liquor license renewals
 - c. Adoption of resolutions
 - 1) Apply for Transportation Safety Office grant funds to hire a DUII police officer – Marcia Harnden [Pages 70-71] RES NO. _____ p. 71
 - d. Approval of agreements
 - 1) Intergovernmental agreement for emergency water purification trailer – Chris Bailey [Pages 72-76]
 - e. Approval of meeting schedule



1) November and December 2024 City Council Meeting – Mary Dibble

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MOTION: _____

9. Staff reports

a. Oregon Community Paths grant pre-application – Staci Belcastro [Pages 78-83] MOTION _____

b. Street Maintenance Funding direction and potential ordinance – Staci Belcastro [Pages 84-116]

ORD NO. _____ p. 88

10. Business from the council

11. City manager report

12. Reconvene

13. Next meeting dates

Monday, September 23, 2024; 4:00 p.m. work session

Wednesday, September 25, 2024; 6:00 p.m. meeting

14. Adjournment


This meeting is accessible to the public via video connection. The location for in-person attendance is accessible to people with disabilities. If you have a disability that requires accommodation, please notify city staff at least 48 hours in advance of the meeting at: cityclerk@albanyoregon.gov

Testimony provided at the meeting is part of the public record. Meetings are recorded, capturing both in-person and virtual participation, and are posted on the City website.



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager 

FROM: Kristopher Schendel, Code Compliance Officer

DATE: July 29, 2024, for the August 7, 2024, City Council Regular Session

SUBJECT: Proposed AMC 7.20 Camping Regulations, amendments based on City Councilor comments.
Relates to Strategic Plan theme: Great Neighborhoods and Effective Government

Action Requested:

Staff requests the City Council adopt Albany Municipal Code (AMC) Chapter 7.20 Camping Regulations as amended.

Discussion:

During the July 22, 2024, Albany work session and July 24, 2024, regular session meetings, multiple city councilors made comments on the proposed amendments to AMC Chapter 7.20, Camping Regulations. These comments centered around AMC 7.20.035 Prohibited Camping and the definition of “reasonable,” and AMC 7.20.075 Violation – Penalty.

With the comments made, staff added “reasonable” to AMC 7.20.030 Definitions to follow HB-3115 in stating that it “shall be determined based on the totality of the circumstances.” This allows staff to take in all information when interacting with individuals experiencing homelessness, before making a decision. This change was vetted by Dina Eldridge (Community Services Consortium), Emma Deane (CHANCE), Stacey Bartholomew (Creating Housing Coalition), and Viyanna Langager (Community Outreach Assistance Team). All individuals appreciated the change and saw no concern with how the code was proposed.

For AMC 7.20.075 Violation – Penalty, the section was set to be specifically for 7.20.035, 7.20.040, and/or 7.20.045. This is in addition to adding section four which states “The Albany Municipal Court Judge is encouraged to use diversion with individuals willing to engage with housing, mental health, alcohol, drug, and other service providers.” These changes codify something that would already be an option for the judge but emphasize it to keep with the spirit of the code changes and encouraging individuals to utilize services.

KS:de
Attachments: AMC Chapter 7.20 Camping Regulations.



AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) CHAPTER 7.20, CAMPING REGULATIONS

WHEREAS, the City of Albany adopted AMC Chapter 7.20, Camping Regulations, in May of 2023 to adhere to Oregon State House Bill 3115; and

WHEREAS, AMC Chapter 7.20, Camping Regulations, was monitored for success and effects on the community; and

WHEREAS, AMC Chapter 7.20 created a space riddled with criminal activity and drug use; and

WHEREAS, it is incumbent upon the City to take action in addressing the safety of the community.

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

Section 1. AMC 7.84.210, Prohibited Camping, is hereby repealed.

Section 2. Amending AMC Chapter 7.20, Camping Regulations. AMC Chapter 7.20, Camping Regulations, is hereby amended as follows:

**Chapter 7.20
CAMPING REGULATIONS**

Article I. Administration

- [7.20.005](#) Title.
- [7.20.010](#) Scope.
- [7.20.015](#) Interpretation.
- [7.20.020](#) Interchangeability.
- [7.20.025](#) Terms not defined.
- [7.20.030](#) Definitions.

Article II. Camping

- [7.20.035](#) ~~Prohibited camping.~~
- [7.20.040](#) Permitted camping.
- [7.20.040](#) Private property camping permit.
- [7.20.045](#) Unpermitted camping.
- [7.20.050](#) Prohibited camping.
- [7.20.045](#) ~~Open flame.~~ Fire Safety
- [7.20.050](#) Utilities.

Article III. Compliance

- [7.20.055](#) Storage of personal property.
- [7.20.060](#) Cleanup and posting.
- [7.20.065](#) Nonexclusive remedy.

- ~~7.20.080~~ — Right of entry.
- ~~7.20.085~~ — Maintenance.
- 7.20.070 Special Permit.
- 7.20.075 Violation – Penalty.

Article I. Administration

7.20.005 Title.

These provisions shall be known as the Albany camping regulations and shall be cited as such and will be referred to herein as “this regulation.” (Ord. 6015 § 1, 2023).

7.20.010 Scope.

The provisions of this regulation apply to all public property and public right-of-way located within the city of Albany as defined herein. (Ord. 6015 § 1, 2023).

7.20.015 Interpretation.

This regulation is to be interpreted consistent with applicable state statutes and providing the protection required by state statutes. (Ord. 6015 § 1, 2023).

7.20.020 Interchangeability.

Words used in the present tense include the future, words in the masculine gender include the feminine and neutral, the singular number includes the plural, and the plural, the singular. (Ord. 6015 § 1, 2023).

7.20.025 Terms not defined.

Where terms are not defined through the methods authorized by this article, such terms shall have ordinarily accepted meanings such as the context implies. Words of common usage are given their plain, natural, and ordinary meanings. Words that have well-defined legal meanings are given those meanings. (Ord. 6015 § 1, 2023).

7.20.030 Definitions.

(1) “Camp” or “camping” means to pitch, erect, create, use, or occupy camp facilities for the purpose of habitation, as evidenced by the use of camp paraphernalia.

(2) “Camp facilities” includes, but is not limited to, tents, huts, temporary shelters, motor vehicles, or recreational vehicles.

(3) “Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, outdoor cooking devices or utensils, and similar equipment.

(4) “Motor vehicle” means a vehicle that is self-propelled or designed for self-propulsion.

(5) “Public property” means any real property or structures owned, leased, or managed by the city, including public rights-of-way.

(6) “Public rights-of-way” means all property dedicated to the public for transportation purposes and administered by the city, including streets, roads, alleys, lanes, -sidewalks, trails, paths, bridges, viaducts, and all other public ways and areas managed by the city.

(a) Includes public utility easements to the extent that the easement allows use by the permittee planning to use or using the public utility easement. “Right-of-way” includes the subsurface under and airspace over these areas.

(b) “Right-of-way” does not include the airwaves for purposes of commercial mobile radio services, broadcast television, direct broadcast satellite and other wireless providers, or easements or other property interests owned by a single utility or entity.

(7) "Reasonable" shall be determined based on the totality of the circumstances.

(8) "Recreational vehicle" or "RV" means a vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by the Oregon Department of Transportation in OAR Chapter [735](#), Division [022](#).

(9) "Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.

(10) "Vehicle" means a motor vehicle or recreational vehicle. (Ord. 6015 § 1, 2023).

Article II. Camping

7.20.035 Prohibited camping.

It is unlawful for any person to camp in or upon any public property or public right-of-way if the person has access to reasonable alternate shelter, has means to acquire reasonable alternate shelter, or has otherwise been offered, rejected, and/or been disqualified from reasonable alternate shelter.

7.20.04035 Permitted camping.

(1) Camping within the city of Albany shall be permitted as follows:

(a) In accordance with a duly executed emergency declaration by the Albany city manager.

(b) ~~On the publicly owned property,~~ designated by the Albany city manager, when there is no alternate shelter available.

(i) Each occupant shall follow all posted rules in addition to the rules set herein.

(ii) Each occupant shall be actively working with local service providers to gain alternative housing.

(iii) Each occupant shall store all items and materials within their camping facility.

~~(ii) Each site shall be provided with a portable restroom and sink facility.~~

~~(iii) Each site shall be provided with 1 2A:10B:C fire extinguisher which shall be mounted in a conspicuous location within 75 feet of the permitted camping area.~~

~~(A) Extinguisher shall be annually serviced and maintained by the owner/controlling party of the property.~~

~~(iv) Each camp may occupy a space no greater than 12 feet by 12 feet.~~

~~(v) Any individual may only occupy and/or control a single camp at any time.~~

~~(vi) Camping facilities shall be spaced at least 10 feet apart.~~

(vii) Each camp shall be maintained in a clean, sanitary, and safe condition.

(viii) Camping facilities left unoccupied shall be posted pursuant to ORS 195.500.

~~(c) On religious organization or transitional shelter property that holds a private property camping permit as outlined in AMC [7.20.040](#).~~

~~(i) Each permitted site shall host a maximum of four camping facilities.~~

~~(ii) Permitted sites shall make such accommodations free of charge.~~

~~(iii) All items and materials are stored within the camping facility or in a separate storage area that is screened from the view of adjacent properties and public rights-of-way.~~

~~(iv) Locations providing camping accommodations described under this regulation shall provide consistent and ongoing access to water, water closet/lavatory, and garbage service on site. Any provided cooking facilities shall meet all federal, state, and local standards.~~

~~(A) Water closets/lavatories and showers may be provided through a rented portable facility, as described in Chapter 9.04 AMC, if such facility is locked, and each occupant of the camping area has access to a key. Such structures shall be permitted as required in AMC Title 18.~~

~~(B) Where new and/or altered accommodations or cooking facilities are proposed, those elements shall be permitted as required in AMC Title 18.~~

~~(v) One 2A:10B:C fire extinguisher which shall be mounted in a conspicuous location within 75 feet of the permitted camping area.~~

~~(A) Extinguisher shall be annually serviced and maintained by the owner/controlling party of the property.~~

~~(vi) Each camp may occupy a space no greater than 12 feet by 12 feet.~~

~~(vii) Any individual may only occupy and/or control a single camp at any time.~~

~~(viii) Camping facilities shall be spaced at least 10 feet apart.~~

~~(ix) Each camp shall be maintained in a clean, sanitary, and safe condition. (Ord. 6015 § 1, 2023).~~

7.20.040 Private property camping permit.

~~(1) Application.~~

~~(a) Scaled site plan of the proposed property, to include at minimum:~~

~~(i) Site layout demonstrating compliance with all setback and spacing requirements;~~

~~(ii) Location of camping facilities;~~

~~(iii) Location of all accommodations;~~

~~(iv) Location of any fire hydrants and/or fire lanes on site and/or adjacent to the proposed property;~~

~~(v) Details demonstrating compliance with the requirements set forth in this regulation; and~~

~~(vi) Any other information requested by the city manager or designee.~~

~~(2) Records Management.~~

~~(a) Locations shall provide a list of names and dates of birth for all individuals staying on site to the Albany Police Department. This list shall be kept up to date and resubmitted every time an individual joins or leaves the camp site as a resident.~~

~~(i) This information shall be for the purpose of ensuring sex offender registration requirements are met and that any outstanding violent persons are not utilizing the facilities.~~

~~(3) Establishment of camps on private property within the city limits of Albany shall be prohibited unless a private property camping permit is obtained from the city manager or designee. Each approved property shall be allowed 1 continuous 120 calendar day permit within a 365 calendar day period.~~

~~(4) In issuing a private property camping permit, the city manager or designee shall consider impacts to the surrounding area and city department responses to the site.~~

~~(5) Permit fees shall be set by council resolution.~~

~~(6) Denial, Revocation, or Suspension of Permit.~~

~~(a) The city manager or designee may deny, revoke, or suspend the permit upon finding that any provision herein or condition of approval will be or has been violated.~~

~~(b) The city manager or designee may deny, revoke, or suspend the permit upon finding that any issuance or continued allowance of a permit poses a risk to peace, safety, health, or welfare of the City.~~

~~(c) The city manager or designee may deny, revoke, or suspend the permit upon finding that any issuance or continued allowance of a permit causes impacts to the surrounding area~~

and city department responses to the site. Determination of impacts is at the sole discretion of the city manager or designee.

(d) Upon denial, revocation, or suspension the city manager or designee shall give notice of such action to the applicant or permittee in writing stating the action which has been taken and the reason. The action shall be effective immediately and units shall be removed no more than three calendar days after such decision.

(7) Private Property Camping Facility Removal. All camping facilities shall be removed no more than three calendar days after the location's permit expires. (Ord. 6015 § 1, 2023).

7.20.045 Unpermitted camping.

At no time is camping allowed in the following areas:

(1) Residential zones, unless a permit has been obtained from the City of Albany as provided under AMC 7.20.035;

(2) Albany city parks;

(3) Historic downtown;

(4) Upon a sidewalk;

(5) Within a flood zone;

(6) Within 300 feet of a water way; and

(7) Within 600 feet of a school or childcare facility, to include the YMCA and Boys and Girls Club. (Ord. 6015 § 1, 2023).

7.20.050 Prohibited camping.

It is unlawful for any person to camp in a location not permitted through AMC 7.20.035. (Ord. 6015 § 1, 2023).

7.20.0545 Fire Safety Open flame.

At no time shall there be any of the following at campsites without prior approval by the Albany Fire Chief or their designee. open flames in/on private property or public property campsites. (Ord. 6015 § 1, 2023).

(1) Open flame;

(2) Propane;

(3) Flammable/combustible liquid;

(4) Heat producing appliance; or

(5) Smoking/vaping.

7.20.0650 Utilities.

No utilities shall be connected or supplied to any camping facility. (Ord. 6015 § 1, 2023).

Article III. Compliance

7.20.0655 Storage of personal property.

Except as expressly authorized by AMC, it shall be unlawful for any person to store personal property on public property or within the public right-of-way. (Ord. 6015 § 1, 2023).

7.20.0760 Cleanup and posting.

(1) The cleanup of permitted public property campsites may be scheduled by the city manager or their designee.

(a) Occasional cleanup of permitted public property campsites may be necessary to ensure the health and safety of the community.

(i) Prior to such cleanups, the property shall be posted as pursuant to ORS ~~195.500-203.077~~.

(ii) In addition to this notice, the location(s) of other ~~permitted camping reasonable alternate shelter areas~~ will be provided.

(b) This subsection does not release individuals of the requirement to maintain a clean, sanitary, and safe area around their camp nor negate the conditions of any other AMC titles and/or chapters.

~~(2) Private property campsite hosts shall ensure that the property is kept in a clean, sanitary, and safe condition.~~

~~(a) This does not release camping individuals of the requirement to maintain the space in a clean, sanitary, and safe condition as well.~~

(2) The cleanup of ~~prohibited unlawful public property~~ campsites will be scheduled by the city manager or their designee.

(a) All ~~unlawful prohibited~~ campsites shall be posted and cleaned pursuant to ORS ~~195.500-203.077~~.

(3) No posting is required prior to removing debris, garbage, or items that are clearly discarded on public property or within the right-of-way. The city manager or their designee is expected to use objectively reasonable discretion in determining whether advanced notice should be provided when it cannot be clearly determined that items were discarded and are not personal property. (Ord. 6015 § 1, 2023).

7.20.0765 Nonexclusive remedy.

The remedies described in this chapter shall not be the exclusive remedies of the City for violations of this chapter. (Ord. 6015 § 1, 2023).

7.20.080 Right of entry.

~~Where it is necessary to make an inspection on private property to enforce the provisions of this regulation, or whenever the city manager or designee has reasonable cause to believe that there exists a violation of AMC, the city manager or designee is authorized to enter the premises at reasonable times to inspect or perform the duties imposed by this regulation; provided, that if such premises is occupied the city manager or designee shall present credentials to the occupant and request entry. If such unit or premises is unoccupied, the city manager or designee shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the premises and request entry. If entry is refused, the city manager or designee shall have recourse to the remedies provided by law to secure entry. (Ord. 6015 § 1, 2023).~~

7.20.085 Maintenance.

~~Properties shall stay in compliance with all other applicable Albany Municipal Codes. (Ord. 6015 § 1, 2023).~~

7.20.070 Special Permit.

Upon finding it to be in the public interest and consistent with City goals and policies, the city manager or their designee, in the instance of park events, may exempt a special event from the prohibitions of this section through permit or other decree and shall specify the period and location covered by the exemption.

7.20.09075 Violation – Penalty.

Violations of [AMC 7.20.035](#), [7.20.040](#), and/or [7.20.045](#) of this chapter are punishable as follows:

(1) By a fine of not more than \$100 upon first offense.

(2) By a fine of not more than \$100 and/or community service upon second offense.

~~(2)(3) By a fine of not more than \$100, community service, and/or imprisonment for a period not to exceed seven days upon any additional offense. Any person violating any of the provisions of this chapter is guilty of a violation and is subject to those penalties set forth under AMC [1.04.010](#). (Ord. 6015 § 1, 2023).~~

~~(3)(4) The Albany Municipal Court Judge is encouraged to use diversion with individuals willing to engage with housing, mental health, alcohol, drug, and other service providers.~~

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 7/30*

FROM: Jeanna Yeager, Finance Director

DATE: July 26, 2024, for the August 7, 2024, City Council Meeting

SUBJECT: 2023-2025 Supplemental Budget
Relates to Strategic Plan theme: Effective Government

Action Requested:

By resolution, adopt the proposed Biennium (BN) 2023-2025 supplemental budget.

Discussion:

The proposed supplemental budget changes total \$3,513,700, which is a 1.43 percent increase from the current BN 2023-2025 budget. Pursuant to ORS 294.473, since no fund had changes in expenditures that totaled more than ten percent, a public hearing is not required. This supplemental budget will be used to adjust appropriations as needed and to formalize appropriation resolutions made throughout the year. The proposed changes are discussed on a fund-by-fund basis in the narrative presented below.

A biennial budget requires forecasting costs over a two-year period and staff is not always able to anticipate issues such as the inflation rates that occurred over the last couple of years. This is reflected in the use of contingencies in this supplemental budget. This highlights the importance of having reserves and contingencies available when they are needed.

Budget Impact:

General Fund:

- Increase Administration by \$250,000 to reflect payments associated with higher than anticipated Linn County transient lodging tax revenues.
- Create a new program for the stabilization fund. This reserve was approved by Council's adoption of Resolution 7300. The \$975,000 reflects a transfer in from the Capital Replacement fund.
- Increase the Police program by \$189,000 for personnel costs. This increase is offset by revenues received through the City's intergovernmental agreement with Oregon State and the University of Oregon for security services at games, as well as reimbursement for training costs for an officer that moved to another agency.
- Increase Library's appropriation by \$99,000 to reflect the insurance payment that was received as reimbursement for the cost of the recent fire at the main library.

The above transactions resulted in a 1.50 percent change to General fund appropriations.

Parks & Recreation Fund:

- Increase Parks Capital Improvement Program appropriations by \$236,800 for improvements at Lehigh Park. This increase was offset by a transfer in from Community Development, as well as an intrafund transfer from the Parks Maintenance program. (Res. 7271)

The above changes resulted in a 0.87 percent increase in appropriations to the Parks & Recreation fund.

Grants Fund:

- Establish the Grants: IT program and appropriate \$40,000. (Res. 7350)
- Decrease Grants: Community Development appropriations by \$105,000 to reflect funding for the Lehigh Parks project (Res. 7271). This is offset by the increase in Transfers Out to the Parks Fund.
- Increase Grants: Fire appropriations by \$500,000 to reflect funding for the community paramedic program. The intergovernmental agreement was approved by Council through adoption of Resolution 7263.
- Increase Grants: Library appropriations by \$117,500. This reflects funding from a Energy Efficiency and Conservation Block Grant for upgrades at the main library. (Res. 7312)

The above changes resulted in a 4.37 percent increase in appropriations to the Grants fund.

Capital Replacement:

- Decrease Finance Equipment Replacement appropriations by \$938,600. This is offset by an increase in Transfers Our appropriations to the General Fund for establishment of the stabilization reserve (Res. 7300).

At the end of each biennium, a budget vs actual analysis is done for each General Fund program. If a program has significantly underspent their budget, the department may allocate 25 percent of the remaining funds to the its equipment replacement program. These monies must be appropriated in the equipment replacement program before they can be spent. The following programs will have increases in appropriations:

- Planning IT Equipment Replacement: \$120,000
- Police Equipment Replacement: \$595,000
- Fire Emergency Services Equipment Replacement: \$125,000
- Library Equipment Replacement: \$130,000

The above changes resulted in a 16.87 percent increase in appropriations to the Capital Replacement fund. Since expenditures in the fund decreased by 0.52 percent, this does not trigger a public hearing.

Streets:

- Increase appropriations for the Street Capital & Restoration program by \$100,000 to reflect ODOT funding. Although Resolution 7341 was adopted by Council approving these funds, a scrivener's error decreased appropriations rather than increased them. Including this item in this supplemental budget will clarify the City's intent.

The above change resulted in a 0.26 percent increase in appropriations to the Streets fund.

Central Services:

- Decrease Contingency appropriations by \$30,000. This is offset by an increase in Mayor & Council appropriations by the same amount. This is driven by the unexpected increase in the cost of memberships at the League of Oregon Cities and the Council of Governments.

The net change in fund appropriations was zero percent.

JY

Attachment: Resolution



RESOLUTION NO. _____

A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR BIENNIUM 2023-2025.

WHEREAS, the Albany City Council adopted a budget for the 2023-2025 biennium on May 24, 2023; and

WHEREAS, there have been occurrences which were not anticipated at the time of the presentation of the budget for Biennium 2023-2025 which require a change in the City's financial planning; and

WHEREAS, there has occurred a pressing necessity which was not foreseen at the time of the preparation of the budget which requires prompt action as required by Oregon Local Budget Law (ORS 294).

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the budget appropriations shown below are hereby approved for the 2023-2025 biennium.

GENERAL FUND			
GENERAL FUND	Current Budget	Sup Bud Adj	Adj Budget
Administration	\$ 801,200	\$ 250,000	\$ 1,051,200
Municipal Court	2,672,200		2,672,200
Planning	3,446,000		3,446,000
Police	35,635,500	189,000	35,824,500
Public Safety Levy - Police	5,138,800		5,138,800
Public Safety Levy - Fire	5,138,800		5,138,800
Fire Emergency Services	36,684,000		36,684,000
Library	7,035,900	99,000	7,134,900
Abatement	184,400		184,400
Stabilization	-	975,000	975,000
Transfers Out	255,800	-	255,800
Contingency	4,004,900		4,004,900
Total GENERAL FUND	\$ 100,997,500	\$ 1,513,000	\$ 102,510,500

SPECIAL REVENUE FUNDS			
PARKS & RECREATON	Current Budget	Sup Bud Adj	Adj Budget
Park & Recreation Admin	\$ 4,683,300		\$ 4,683,300
Resource Dev Marketing Svc	551,900		551,900
Performance & Cultural Art	1,918,600		1,918,600
Family Recreation	837,800		837,800
Adult Recreation Services	1,009,500		1,009,500
Aquatic Services	2,638,600		2,638,600
Park Maintenance Services	8,452,300	-	8,452,300
Park SDC Projects	2,004,400		2,004,400
Senior Center Foundation	3,120,600		3,120,600
Parks Capital Imp Program	2,075,100	236,800	2,311,900
Total PARKS & RECREATION FUND	\$ 27,292,100	\$ 236,800	\$ 27,528,900

SPECIAL REVENUE FUNDS (CONTINUED)

	Current Budget	Sup Bud Adj	Adj Budget
GRANTS FUND			
Grants: Finance	\$ 2,825,000	\$ -	\$ 2,825,000
Grants: IT	-	40,000	40,000
Grants: Community Development	1,856,600	(105,000)	1,751,600
Grants: Police	713,700	-	713,700
Grants: Fire	2,888,900	500,000	3,388,900
Grants: Public Works	4,875,700	-	4,875,700
Grants: Parks & Recreation	355,300	-	355,300
Grants: Library	888,800	117,500	1,006,300
Transfers Out	629,000	105,000	734,000
Total GRANTS FUND	\$ 15,033,000	\$ 657,500	\$ 15,690,500
BUILDING			
Building Inspection	\$ 4,071,100	\$ -	\$ 4,071,100
Electrical Permit Program	499,600		499,600
Building Inspect IT Equip	38,500		38,500
Electrical Permit Program	4,000		4,000
Building Inspection Equip	54,900		54,900
Total BUILDING FUND Appropriations	4,668,100		4,668,100
Reserved for Future Expenditures	2,457,000		2,457,000
Total BUILDING FUND	\$ 7,125,100	\$ -	\$ 7,125,100
RISK MANAGEMENT			
Risk Management	\$ 3,820,000	\$ -	\$ 3,820,000
Total RISK MANAGEMENT FUND	\$ 3,820,000	\$ -	\$ 3,820,000
ECONOMIC DEVELOPMENT			
Economic Dev Activities	\$ 2,707,400	\$ -	\$ 2,707,400
Lochner Road Improvements	148,000		148,000
Economic Dev Opportunity	200		200
Economic Dev IT Equip	6,200		6,200
Albany Municipal Airport	350,200	-	350,200
Airport Capital Projects	424,000		424,000
Transfers Out	559,600	-	559,600
Total ECONOMIC DEV FUND Appropriations	4,195,600	-	4,195,600
Reserved for Future Expenditures	2,651,700	-	2,651,700
Total ECONOMIC DEVELOPMENT FUND	\$ 6,847,300	\$ -	\$ 6,847,300

SPECIAL REVENUE FUNDS (CONTINUED)

	Current Budget	Sup Bud Adj	Adj Budget
PUBLIC TRANSIT			
Albany Transit System	\$ 3,776,800	\$ -	\$ 3,776,800
Albany Transit System STIF	1,426,800		1,426,800
Linn-Benton Loop	3,093,500	-	3,093,500
Linn-Benton Loop STIF	1,606,000		1,606,000
Paratransit System	2,151,200		2,151,200
Paratransit System STIF	14,000		14,000
Albany Transit Capital	995,000		995,000
Albany Transit IT Equip	5,600		5,600
Linn-Benton Loop IT Equip	4,100		4,100
Paratransit Sys IT Equip	11,500		11,500
Albany Transit Sys Equip	314,000		314,000
Linn-Benton Loop Equip Rep	1,126,600		1,126,600
Paratransit System Equip	260,300		260,300
Total PUBLIC TRANSIT FUND	\$ 14,785,400	\$ -	\$ 14,785,400
PUBLIC SAFETY LEVY			
Transfers Out	\$ 10,277,600		\$ 10,277,600
Contingency	202,400		202,400
TOTAL PUBLIC SAFETY LEVY FUND	\$ 10,480,000	\$ -	\$ 10,480,000
CAPITAL REPLACEMENT			
Municipal Court IT Equip	\$ 111,000	\$ -	\$ 111,000
Finance Equip Replace	938,600	(938,600)	-
Employee City Parking Rent	262,100		262,100
IT Equipment Replacement	-		-
It Phone Equip Replace	312,600		312,600
Planning IT Equip Replace	125,400	120,000	245,400
Police IT Equip Replace	244,500		244,500
Police Bodycam System	55,200		55,200
Police Equip Replace	560,000	595,000	1,155,000
Police Levy Equip Replace	219,800		219,800
Fire & Life Safety IT Eq	-		-
Fire Emergency Svc IT Eq	42,600		42,600
Fire Emergency Svc Equip	755,400	125,000	880,400
Fire Build Maint Equip Rep	35,000		35,000
Pw Facilities Replacement	1,208,000		1,208,000
Parks & Rec Admin IT Equip	72,600		72,600
Parks & Rec Admin Equip	135,000		135,000
Adult Rec Equip Replace	83,900		83,900
Aquatic Services Equip	106,100		106,100
Park Maint Equip Replace	353,500		353,500
Facilities Maint Equip Rep	159,500		159,500
Library IT Equip Replace	84,000		84,000
Library Equip Replace	100,200	130,000	230,200
Transfers Out	-	975,000	975,000
Total CAPITAL REPLACEMENT FUND	\$ 5,965,000	\$ 1,006,400	\$ 6,971,400

SPECIAL REVENUE FUNDS (CONTINUED)

	Current Budget	Sup Bud Adj	Adj Budget
STREETS			
Street Administration	\$ 2,313,700	\$ -	\$ 2,313,700
Street Maintenance	4,897,000		4,897,000
Street Capital & Restoration	20,648,500	100,000	20,748,500
Transportation SDC Improv Fee	6,822,200		6,822,200
Transportation SDC Reimb Fee	1,529,800		1,529,800
Ada Capital Projects	537,400		537,400
Street Maint IT Equip Repl	16,700		16,700
Street Maint Equip Replace	874,500		874,500
Transfers Out	160,000		160,000
Contingencies	519,900		519,900
Total STREETS FUND	\$ 38,319,700	\$ 100,000	\$ 38,419,700
DEBT SERVICE FUNDS			
	Current Budget	Sup Bud Adj	Adj Budget
DEBT SERVICE			
2002 LTD Tax Pension Bonds	\$ 1,294,000	\$ -	\$ 1,294,000
Total DEBT SERVICE FUND	\$ 1,294,000	\$ -	\$ 1,294,000
GENERAL OBLIGATION DEBT SERVICE			
	Current Budget	Sup Bud Adj	Adj Budget
2015 Public Safety Facilities Bonds	\$ 2,836,500	\$ -	\$ 2,836,500
Total GENERAL OBLIGATION DEBT SERVICE FUND	\$ 2,836,500	\$ -	\$ 2,836,500
CAPITAL PROJECT FUND			
	Current Budget	Sup Bud Adj	Adj Budget
CAPITAL PROJECTS			
Data Integration Proj	\$ 100,000	\$ -	\$ 100,000
Lid Construction Projects	720,500		720,500
Transfers Out	526,200		526,200
Total CAPITAL PROJECTS FUND	\$ 1,346,700	\$ -	\$ 1,346,700
PERMANENT FUND			
	Current Budget	Sup Bud Adj	Adj Budget
LIBRARY TRUST			
V.O. Torney Trust	\$ 4,600	\$ -	\$ 4,600
Manela Trust	4,600	-	4,600
Total LIBRARY FUND Appropriations	9,200	-	9,200
Unappropriated Fund Balanance	79,500	-	79,500
Total LIBRARY TRUST FUND	\$ 88,700	\$ -	\$ 88,700

ENTERPRISE FUNDS

SEWER	Current Budget	Sup Bud Adj	Adj Budget
Wastewater Administration	\$ 9,713,000	\$ -	\$ 9,713,000
Wastewater Treatment Plant	6,400,200		6,400,200
Twg Wetlands	570,100		570,100
Water Reuse And Biosolids	1,119,900		1,119,900
Wastewater Collections	3,933,700		3,933,700
Industrial Pretreatment	1,208,500		1,208,500
Sewer System Capital Projects	36,626,100		36,626,100
Sewer SDC Improvement Fee	726,200		726,200
Sewer SDC Reimbursement Fee	738,800		738,800
Sewer Economic Development	520,900		520,900
Sewer Debt Service	14,139,200		14,139,200
Wastewater Admin IT Equip	4,200		4,200
Waste Treatment IT Equip	386,500		386,500
Twg Wetlands IT Equip Repl	3,700		3,700
Water Reuse & Bio IT Equip	9,300		9,300
Wastewater Coll IT Equip	13,400		13,400
Industrial Pret IT Equip	5,000		5,000
Wastewater Admin Equip Rep	39,000		39,000
Wastewater Tp Equip Rep	154,800		154,800
Twg Wetlands Equip Replace	67,000		67,000
Water Reuse & Bio Equip	275,100		275,100
Wastewater Collect Equip	589,300		589,300
Industrial Pretreat Equip	71,500		71,500
Transfers Out	3,753,600		3,753,600
Contingencies	1,581,600		1,581,600
Total SEWER FUND	\$ 82,650,600	\$ -	\$ 82,650,600

ENTERPRISE FUNDS (CONTINUED)

	Current	Sup Bud	Adj
WATER	Budget	Adj	Budget
Water Administration	\$ 7,890,700	\$ -	\$ 7,890,700
Albany-Millersburg Wtp	4,166,500		4,166,500
Vine St Water Treatment Plant	2,054,600		2,054,600
Water Distribution	4,897,800		4,897,800
Water Canal Maintenance	2,149,000		2,149,000
Water System Capital Projects	20,366,600		20,366,600
Water SDC Improvement Fee	34,500		34,500
Water SDC Reimbursement Fee	640,900		640,900
Water Economic Development	518,400		518,400
North Albany Water Capital	1,028,100		1,028,100
Water Debt Service	5,437,800		5,437,800
Water Admin IT Equip Repl	3,600		3,600
Alb-Millersburg Wtp IT Eq	370,500		370,500
Vine St Wtp IT Equip Repl	317,000		317,000
Water Distrib IT Equip	7,200		7,200
Canal Maint IT Equip Repl	4,400		4,400
Water Admin Equip Replace	3,900		3,900
Alb-Millersburg Wtp Eq	102,800		102,800
Vine St Wtp Equip Replace	40,000		40,000
Water Distribution Equip	705,900		705,900
Water Canal Maint Equip	237,800		237,800
Transfers Out	2,013,300		2,013,300
Contingencies	1,160,300		1,160,300
Total WATER FUND	\$ 54,151,600	\$ -	\$ 54,151,600

	Current	Sup Bud	Adj
STORMWATER	Budget	Adj	Budget
Stormwater Administration	\$ 2,668,200	\$ -	\$ 2,668,200
Stormwater Operations	2,086,500		2,086,500
Stormwater Capital Projects	5,866,800		5,866,800
Stormwater Admin IT Equip	3,100		3,100
Stormwater Op Equip Repl	409,400		409,400
Contingencies	251,900		251,900
Total STORMWATER FUND	\$ 11,285,900	\$ -	\$ 11,285,900

INTERNAL SERVICE FUNDS

CENTRAL SERVICES	Current Budget	Sup Bud Adj	Adj Budget
CS Administration	\$ 1,187,400	\$ -	\$ 1,187,400
Finance	3,654,400	-	3,654,400
Finance IT Equip Repl	35,200	-	35,200
Mayor & Council	350,700	30,000	380,700
City Manager'S Office	3,505,800	-	3,505,800
Code Enforcement	403,600	-	403,600
Emergency Mgmt/Safety	425,900	-	425,900
Mayor & Council IT Equip	47,400	-	47,400
City Manager'S IT Equip	27,400	-	27,400
Code Enforcement IT Equip	3,200	-	3,200
Emergency IT Equip	4,000	-	4,000
Code Enforcement Equip	26,600	-	26,600
Emergency M/S Equip Replace	4,000	-	4,000
Information Technology	3,924,300	-	3,924,300
Gis Services	835,800	-	835,800
Permit Tracking	262,900	-	262,900
Inormation Tech IT Equip	265,000	-	265,000
Gis Service IT Equip Repl	382,600	-	382,600
Permit Tracking IT Equip	10,800	-	10,800
IT Equipment Replacement	31,400	-	31,400
Human Resources	2,159,200	-	2,159,200
Labor Relations	128,700	-	128,700
Human Resources IT Equip	14,000	-	14,000
Facilities Maintenance	1,805,500	-	1,805,500
Gf Facilities Maintenance Proj	630,900	-	630,900
Facilities Maint IT Equip	16,700	-	16,700
Contingencies	450,000	(30,000)	420,000
Total Appropriations	\$ 20,593,400	\$ -	\$ 20,593,400

INTERNAL SERVICE FUNDS (CONTINUED)

PUBLIC WORKS CENTRAL SERVICES	Current Budget	Sup Bud Adj	Adj Budget
PW Administration	\$ 3,519,400	\$ -	\$ 3,519,400
PW Engineering Services	8,327,800	-	8,327,800
PW Customer Services	4,015,300	-	4,015,300
Operations Administration	1,364,300	-	1,364,300
Facilities & Maint Engineering	5,661,700	-	5,661,700
Water Quality Control Service	1,551,700	-	1,551,700
PW Admin IT Equip Replace	21,500	-	21,500
PW Engineering IT Equip	42,100	-	42,100
PW Customer Service IT Eq	353,200	-	353,200
Operations Admin IT Equip	15,900	-	15,900
Facilities & Mnt Eng IT Eq	39,000	-	39,000
Water Quality Ctrl IT Eq	8,000	-	8,000
PW Engineering Equip Rep	77,200	-	77,200
PW Customer Serv Equip Rep	59,900	-	59,900
Operations Admin Equip Rep	23,400	-	23,400
Facilities & Maint Eng Eq	225,500	-	225,500
Water Quality Ctrl Equip	59,700	-	59,700
Total Appropriations	\$ 25,365,600	\$ -	\$ 25,365,600

DATED AND EFFECTIVE THIS 7TH DAY OF AUGUST 2024

Mayor

ATTEST:

City Clerk



MEMO



TO: Albany city Council

VIA: Peter Troedsson, City Manager *PT 7/30*

FROM: Chris LaBelle, Fire Chief *CL*

DATE: July 26, 2024, for the August 7, 2024, City Council Meeting

SUBJECT: Award Contract for a Fire Training Tower

Action Requested:

Staff recommends that the City Council award a contract to In Line Commercial Construction, Inc, dba INLINE, of Beaverton, Oregon in the amount of \$617,256.00 to provide a fire training tower for the Albany Fire Department.

Discussion:

Project Description

For many years, Albany Fire Department has needed a fire training tower. A tower simulates many high-risk, low frequency responses that firefighters must train on to keep their skills up to date as well as mitigating risks for on-the-job injuries through repetition of vital fireground skills. Currently, Albany Fire must travel to a neighboring district to access a tower, leaving fewer personnel available for emergency response and increasing costs for overtime and personnel coverage.

In cities and departments of like size throughout the state, Albany has the only fire department without a fire training tower. Many smaller departments and districts in cities and towns throughout the state have training towers and/or multi-use training facilities. A tower in Albany could also be made available to partners including Albany Police, Linn County Sheriff for SWAT training individually or in tandem with fire crews.

The tower will be installed at Station 12, with site preparation, including the construction of a new foundation, being completed under a separate contract. Due to the long lead times required for fabrication, the timeline for the project's completion is set for December 2025.

Delivery Method & Award Recommendation

A competitive bid process was conducted by staff through an invitation to bid (ITB). The ITB was advertised on June 17, 2024, and bids were opened on July 9, 2024. The contract award was based on the evaluation of base-bid items and additional additive items at the City's discretion. Two responsive bids were received.

Upon review of the bids, staff recommends that the City Council award a contract to In Line Commercial Construction, Inc, dba INLINE, of Beaverton, Oregon in the amount of \$617,256.00 to provide a fire training tower for the Albany Fire Department.



Budget Impact:

This project will be funded from the Fire Department's Emergency Services Capital Equipment fund and the Capital Equipment GEMT fund.

Funding Source	Budget
AFD Emergency Services Capital Equipment (10025010-700000)	\$90,000.00
AFD Capital Equipment GEMT (20325807-700000)	\$527,256.00
Total Estimated Budget (Tower and Installation)	\$617,256.00


RB:dm:lr

c: Diane M. Murzynski, NIGP-CPP, CPPO, CPPB



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager  7/30

FROM: Kim Lyddane, Parks and Recreation Director

DATE: July 19, 2024, for August 5, 2024, Work Session and August 7, 2024, City Council Meeting

SUBJECT: Albany Community Pool Lease and Intergovernmental Agreement Renewal

Action Requested:

Approval of an intergovernmental agreement between the City of Albany Parks and Recreation Department and the Greater Albany Public Schools for continued operations and programming of the Albany Community Pool by renewing a five-year lease agreement.

Discussion:

Since 1996 the Parks and Recreation Department has overseen operations of the Albany Community Pool as part of a lease agreement with Greater Albany Public Schools. Both parties would like to renew for an additional five-year term. Albany Community Pool is vital for the community as it hosts school district activities (swim team, water polo, iSwim for Kids events, and Water Safety Awareness) but it also provides the public space for lap swim, swim lessons, exercise classes, recreational play, extracurricular swim and water polo teams, and lifeguard training. Additionally, engineering is underway for the installation of the Therapeutic Spa to be installed in early 2025 which will benefit local seniors, those who experience disability, athletes, and more.

Albany Community Pool, a 50-meter Olympic sized community pool, opened in 1979. The 45-year-old facility has been cared for, but it is starting to show its age. Many components have already been replaced (pumps, boilers, HVAC) but others are coming to the end of their time of use. Additionally, Albany Community Pool was built before the Americans with Disability Act was passed in 1990. As a result, many modifications were identified in the 2021 ADA Transition Plan. Needed improvements are outlined in Appendix C. Both parties acknowledge that funding all of the needed improvements will be a stretch, but for the first time have agreed to set aside additional funds annually, to work towards completion. Long term, discussions will need to take place regarding options for a new facility. New facilities are very costly and would require a successful bond measure. As such, both parties agree to make improvements and extend the life of the facility as long as possible as a replacement timeline is unknown.

Staff recommend Council to approve the 2024-2029 Albany Community Pool Lease so that essential and beloved community programs can continue.

Budget Impact:

Because of shared staffing and resources, all Aquatics programs are included in one budget (20250030). Programs and facilities include Albany Community Pool, COOL! Pool, and the Waverly Paddle Boats. Annually, the cost to run the entirety of the Aquatics program is between \$800,000- \$900,000.

KL:lr:sk:dm

Attachment(s): Resolution

Albanyoregon.gov





RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF ALBANY PARKS AND RECREATION DEPARTMENT (CITY) TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH GREATER ALBANY PUBLIC SCHOOLS (GAPS) FOR CONTINUED OPERATIONS AND PROGRAMMING OF THE ALBANY COMMUNITY POOL BY A LEASE AGREEMENT UNTIL JUNE 2029

WHEREAS, ORS 190.003 et. seq. provides for intergovernmental cooperation in the interest of furthering economy and efficiency of local units of government; and

WHEREAS, ORS 190.003 for purposes of such intergovernmental cooperation defines a unit of local government as including a county, city, district, or other public corporation, commission, authority, or entity organized and existing under statute or county or city charter; and

WHEREAS, ORS 190.010 provides that a unit of local government may enter into a written agreement with any other unit or units of local government for the performance of any or all functions and activities that any party to the agreement, its officers or agencies have authority to perform; and

WHEREAS, the Albany Community Pool (ACP) was built and opened by GAPS in 1979; and

WHEREAS, GAPS owns the facility and has primary responsibility for upkeep of the structure; and

WHEREAS, operation of the pool was transferred to the City in 1996; and

WHEREAS, the parties have a history of working together for mutual benefit; and

WHEREAS, the City operates and provides programming for the 45-year-old facility; and

WHEREAS, the parties agree to renew the lease agreement for five years, ending June 2029; and

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the parks and recreation director is authorized to sign an intergovernmental agreement, Attachment A, with Greater Albany Public Schools for continued operations and programming of the pool by a five-year lease agreement.

BE IT FURTHER RESOLVED, all previous ACP lease resolutions are hereby repealed.

DATED AND EFFECTIVE THIS 5TH DAY OF AUGUST 2024.

Mayor

ATTEST:

City Clerk

LEASE

Date: June 30, 2024

Between: Greater Albany Public School (GAPS) District 8J (“District”)

And: City of Albany, Oregon, a Municipal Corporation (“City”)

Section 1. Lease

District leases to City and City leases from District that public recreation facility commonly known as the Albany Community Pool (ACP), along with related facilities, more particularly described with reference to the diagram attached hereto as Exhibit “A” and by this reference incorporated herein. The property has street address of 3685 Columbus Street SE; Albany, OR 97322.

Section 2. Occupancy

2.1 Original Term. The term of this lease shall commence July 1, 2024, or the time of transfer as referenced in the Intergovernmental Agreement between the City and the District (whichever is later), and continue through June 30, 2029, unless sooner terminated as provided herein.

2.2 Renewal. While no renewal obligation is contained within the terms of this lease, the parties hereto express to one another their desire to enter into renewal discussions and agree that should either party seek renewal at the end of the original term, they will open discussions not later than January 1, 2029.

Section 3. Considerations

3.1 Original Term. As consideration for this lease, City has paid District \$100 as prepaid rent. The receipt of this sum, and adequacy of the consideration is acknowledged by District. As additional consideration, City agrees that during the time that the Albany Community Pool is being operated by City, it will provide up to 800 hours per year, of Albany Community Pool facilities for District educational programs which do not generate financial revenue from the use of the Albany Community Pool facilities. City will have exclusive control over the scheduling of such use but agrees to work cooperatively with District to coordinate community use of the leased facilities. The up to 800 hour per year commitment shall run from lease anniversary date, to lease anniversary date, and not on a calendar or fiscal year basis.

3.2 Lifeguards. Recently there was a change in Oregon Administrative Rule (OAR) 333-060-0207 and 333-060-0208. They now state that a lifeguard may not provide swim lessons or serve as a swim coach at the same time they are serving as a lifeguard for the pool. OAR 333-060-0208(2) states that the lifeguard shall supervise the pool with no other distracting activities. OAR 333-060-0208(2)(c) goes on to state that the lifeguard may teach lessons or coach swim teams during times when that is the only activity they are responsible for supervising. Serving as a lifeguard for the pool is an activity that cannot be combined with providing swim lessons or coaching a swim team. As a result, City must staff additional lifeguards in order to accommodate the District’s swim team and water polo activities.

City will always schedule enough lifeguards to accommodate forty (40) individuals in the water for practices. District shall notify ACP Coordinator at least two (2) weeks in advance of any practices that will exceed forty (40) swimmers so that appropriate staffing adjustments can be made. Should programs grow over the year, the District will offset additional lifeguard costs.

By July 1 of each year, City will provide the District with their lifeguard fee estimates for the upcoming year based on the previous year's actuals and updated compensation rates. District will be billed monthly for the staffing costs. The current fully burdened rate for a lifeguard is \$23 per hour.

Section 4. Use of the Premises

Permitted Use. City may use the Premises for any lawful activity related to or incidental to City's recreation activities conducted through City's Parks and Recreation Department. City shall be entitled to all revenue generated from use of the Premises.

Section 5. Repairs and Maintenance

Obligations. City will be responsibility for the ordinary and routine operating costs to utilize the Albany Community Pool and its related facilities. These obligations will include utility expenses, chemical expenses, staffing expenses, and routine internal maintenance and cleaning. District shall be responsible for repairs and maintenance of the roof, gutters, exterior walls, bearing walls, structural members, floor slabs, and foundation. District shall maintain the driveways, curbs, parking areas, and areas used in common by City and District. District shall maintain water, sewage, gas, and electrical services up to the point of entry to the leased Premises and shall be responsible for any repairs of the heating and air conditioning systems other than ordinary maintenance.

Section 6. Extraordinary Expenses

In the event that the leased facilities require extraordinary expenses outside the ordinary maintenance and repair obligations described in Section 5 (over approximately \$1,000), the parties agree to immediately communicate with one another concerning the nature of the problem and the extent of anticipated repairs and to thereafter work cooperatively to determine if agreement can be reached concerning an equitable division of the expenses of repair. Upon notification by City to District that an extraordinary repair is required, City may suspend operation of the Albany Community Pool.

Areas that may need attention in the next three (3) years, in accordance with extraordinary expenses, are included in Exhibit B. To assist in accomplishing these projects, parties will both agree to contribute \$25,000 towards a deferred maintenance fund annually beginning 2025-2026 fiscal year as able, as substantial work will be needed in the upcoming lease timeframe.

The District's 2025-2029 Five Year Capital Improvement Plan is provided as Exhibit C and Exhibit D includes a list of areas that may require future maintenance.

If the parties cannot agree on an equitable division of the expenses of extraordinary repair, either party may exercise their rights under the termination clause hereinafter provided.

Section 7. Insurance

Before the Agreement is executed and work begins, District must furnish City a Certificate of Insurance for the coverage and limits set out below which is to be in force and applicable to

the project for the duration of the contract. The issuing insurance companies must have a minimum current A.M. Best rating of A- VII or approved by City. The Certificate must state that any insurance coverage shown cannot be suspended, voided, canceled by either party, or reduced in coverage or limits without 30 days' prior written notice given to City. Required insurance coverage(s) must continue in effect throughout the term of the contract, or until final acceptance of the entire project, or through the products-completed operations required period.

7.1 Minimum Scope of Insurance.

Coverage must be at least as broad as:

Commercial General Liability: Insurance Services Office (ISO) form CG 0001 with an edition date of 10-2001 or later, providing Commercial General Liability – Occurrence Form. With CG 25 03 (Amendment Aggregate Limits of Insurance per Project) or equivalent attached.

Automobile Liability: Insurance Services Office form CA 0001, providing Business Automobile Coverage on owned, non-owned and hired vehicles.

Workers' Compensation: Insurance as required by Oregon Revised Statutes and including Employers Liability Insurance.

7.2 Minimum Limits of Insurance.

District must maintain limits no less than:

Commercial General Liability	\$2,000,000 Each Occurrence
	\$2,000,000 Personal Injury
	\$3,000,000 General Aggregate
	\$3,000,000 Products/Completed Operations Aggregate

The General Aggregate and Products/Completed Operations Aggregate must apply separately on a “per project basis”. A combination of primary and Excess Liability or an Umbrella Insurance policy may be used to meet the required limits of insurance.

If Sexual Abuse and Molestation coverage is excluded under the Commercial General Liability policy, evidence of separate Sexual Abuse and Molestation coverage of not less than \$1,000,000 per claim, incident, or occurrence and \$2,000,000 in the aggregate must be provided.

Automobile Liability: \$2,000,000 Per Occurrence

Employers Liability: \$1,000,000 Each Accident
\$1,000,000 Disease Aggregate
\$1,000,000 Disease Each Employee

7.3 Insurance Requirements for Subcontractors and Volunteers.

Should District subcontract any part of the Contract, District will require those subcontractors or affiliates, if not covered under District’s insurance, to obtain and keep in force for the duration of the Contract, insurance equal to the minimum values indicated above. Should District use volunteers for any part of the Contract, District should include volunteer under District’s insurance policy and shall require volunteers or volunteer’s legal guardian, when applicable, to sign a waiver of liability.

7.4 Deductibles and Self-Insured Retentions (SIR).

Any deductible or self-insured retention must be declared to and approved by City. At the option of City, either: the insurer will reduce or eliminate such deductible or self-insured retention as respects City, its officers, employees and agents; or District will procure a letter of credit or surety bond guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

7.5 Other Insurance Provisions.

The policies are to contain, or be endorsed to contain, the following provisions:

Additional Insured Clause - The Commercial General Liability insurance coverage required for performance of this contract must be endorsed to name City of Albany and its officers, agents and employees as Additional Insured on any insurance policies required herein with respect to District's or any subcontractor's activities being performed under the Agreement. The Certificate of Insurance must include the additional insured endorsement. Coverage must be primary and non-contributory with any other insurance and self-insurance.

Any failure to comply with reporting provisions of the policies must not affect coverage provided to City, its officers, employees, or agents.

Workers' Compensation and Employers Liability Coverage – The insurer must agree to waive by endorsement all rights of subrogation against the City of Albany, its officers, employees, and agents for losses arising from work performed by District for City.

7.6 Excess or an Umbrella Insurance Policy.

A combination of primary and Excess Liability or an Umbrella Insurance policy may be used to meet the required limits of insurance. Indication of use must be provided either on the certificate of insurance or within the endorsements.

Section 8. Indemnification

City shall indemnify and defend District from, and reimburse District for, any cost, claim, loss, or liability suffered directly or from a third-party claim arising out of or related to any activity of City on the Premises or any condition of the Premises in the possession or under the control of City including parking areas and sidewalks used to access the Premises except for such cost, claim, loss, or liability that may be caused primarily by District's own negligence. The District shall indemnify and defend City from, and reimburse City for, any cost, claim, loss, or liability suffered directly or from a third-party claim caused primarily by District's own negligence involving the Premises.

Section 9. Liens

9.1 Except with respect to activities for which District is responsible, City shall pay as due all claims for work done on and for services rendered or material furnished to the Premises, and shall keep the Premises free from any liens. If City fails to pay any such claims or to discharge any lien, District may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of 12% per annum from the date expended by District and shall be payable on demand. Such action by District shall not constitute a waiver of any right or remedy which District may have on account of the City's default.

9.2 City may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, as long as District's property interests are not jeopardized. If a lien is filed as a result of nonpayment, City shall, within 10 days after knowledge of the filing, secure the discharge of the lien or deposit with District cash or their surety satisfactory to District in an amount sufficient to discharge the lien plus any costs, attorney fees, and other charges that could accrue as a result of a foreclosure or sale under the lien.

Section 10. Fire Insurance

10.1 Insurance Required. District shall keep the Premises insured at District's expense against fire and other risks covered by a standard fire insurance policy with an endorsement for extended coverage. The City shall bear the expense of any similar insurance insuring the property of the City on the Premises against such risks but shall not be required to insure.

10.2 Waiver of Subrogation. Neither party shall be liable to the other (or to the other's successors or assigns) for any loss or damage caused by fire or any of the risks enumerated in a standard fire insurance policy with an extended coverage endorsement, and in the event of insured loss, neither party's insurance company shall have a subrogated claim against the other. This waiver shall be valid only if the insurance policy in question expressly permits waiver of subrogation or if the insurance company agrees in writing that such a waiver will not affect coverage under the policies. Each party agrees to use best efforts to obtain such an agreement from its insurer if the policy does not expressly permit a waiver of subrogation.

Section 11. Taxes

11.1 Property Taxes. In the event that District, City, or either parties' assigns are somehow required to pay taxes and assessments regarding the premises, such taxes and assessments shall be paid by City. City shall pay as due all taxes on its personal property located on the Premises. City shall pay as due all real property taxes and special assessments levied against the Premises. As used herein, real property taxes include any fee or charge relating to the ownership, use, or rental of the Premises, other than taxes on the net income of District or City.

11.2 Contest of Taxes. City shall be permitted to contest the amount of any tax or assessment as long as such contest is conducted in a manner that does not cause any risk that District's interest in the Premises will be foreclosed for nonpayment. District shall cooperate in any reasonable manner with such contest by City.

11.3 Proration of Taxes. City's share of real property taxes and assessments for the years in which this lease commences or terminates shall be prorated based on the portion of the tax year that this lease is in effect.

11.4 New Charges or Fees. If a new charge or fee relating to the ownership or use of the Premises or the receipt of rental therefrom or in lieu of property taxes is assessed or imposed, then, to the extent permitted by law, City shall pay such charge or fee. City, however, shall have no obligation to pay any income, profits, or franchise tax levied on the net income derived by District from this lease.

Section 12. Utility Metering Reading

City shall pay when due all charges for services and utilities incurred in connection with the use, occupancy, operation, and maintenance of the Premises, including (but not limited to) charges for

fuel, water, gas, electricity, sewage disposal, power, refrigeration, air conditioning, telephone, and janitorial services.

Section 13. Parking

The leased Premises shall include not less than 16 dedicated parking spaces in the location shown on Exhibit "A". Should students park in the dedicated parking spaces, license plates will be forwarded to the South Albany High School Vice Principal. South Albany High School staff will support by speaking to students and follow building procedures on progressive discipline which may include the loss of privileges and/or towing. GAPS may consider installation of a camera in the parking lot to assist should issues continue.

Section 14. Eminent Domain

All proceeds of condemnation whatsoever, whether partial or total, shall go to District. City shall not have recourse against District for compensation.

Section 15. City's Right to Install Signage and Make External Modifications

Notwithstanding any other provisions of this agreement, City shall have the right to install signs and paint portions of the exterior of the Albany Community Pool building as City may deem necessary or desirable to enhance community usage and identify the facility as one being operated under City control. Such signage and painting will be undertaken at City expense. District will be consulted concerning the design and location of any such signage.

At the end of the lease term, upon demand of the District, City shall remove any signage or painting installed by City which is deemed by District to be incompatible with facilities future use.

Section 16. Disputes, Arbitration, Court

If any dispute arises between the parties involving this agreement either party may request final and binding arbitration. Only one arbitrator shall be utilized. That arbitrator shall be decided upon mutual consent of the parties. If the parties cannot agree, then the Linn County Circuit Court shall decide the arbitrator.

Section 17. Assignment and Subletting

No part of the Premises may be assigned, mortgaged, or subleased, nor may a right of use of any portion of the property be conferred on any third person by any other means, without the prior written consent of District; such consent may be unreasonably withheld.

Section 18. Termination

18.1 Either party may terminate this agreement for reason listed in Section 6 above by giving the other party written notice in which event, both parties shall be relieved of any requirements of this agreement and the District may retake possession of the leased premises. If there is a suspension of pool operations under Section 6, the District may terminate this agreement and both parties shall be relieved of any requirements of the agreement.

18.2 Except as provided in Sections 6 and 18.1 above, either party may terminate this Agreement, without cause, by giving six (6) months notice, in writing, to the other party.

IN WITNESS WHEREOF, the parties hereto have executed this Lease the date and year first above written.

Greater Albany School District:

By: _____

Title: _____

Date: _____

City of Albany, Oregon:

By: _____

Title: _____

Date: _____

EXHIBIT A

36th Avenue

SOUTH ALBANY HIGH SCHOOL

16 parking spaces
(included in lease)

LEASE AREA

South Albany High School
Community Pool

EXHIBIT A

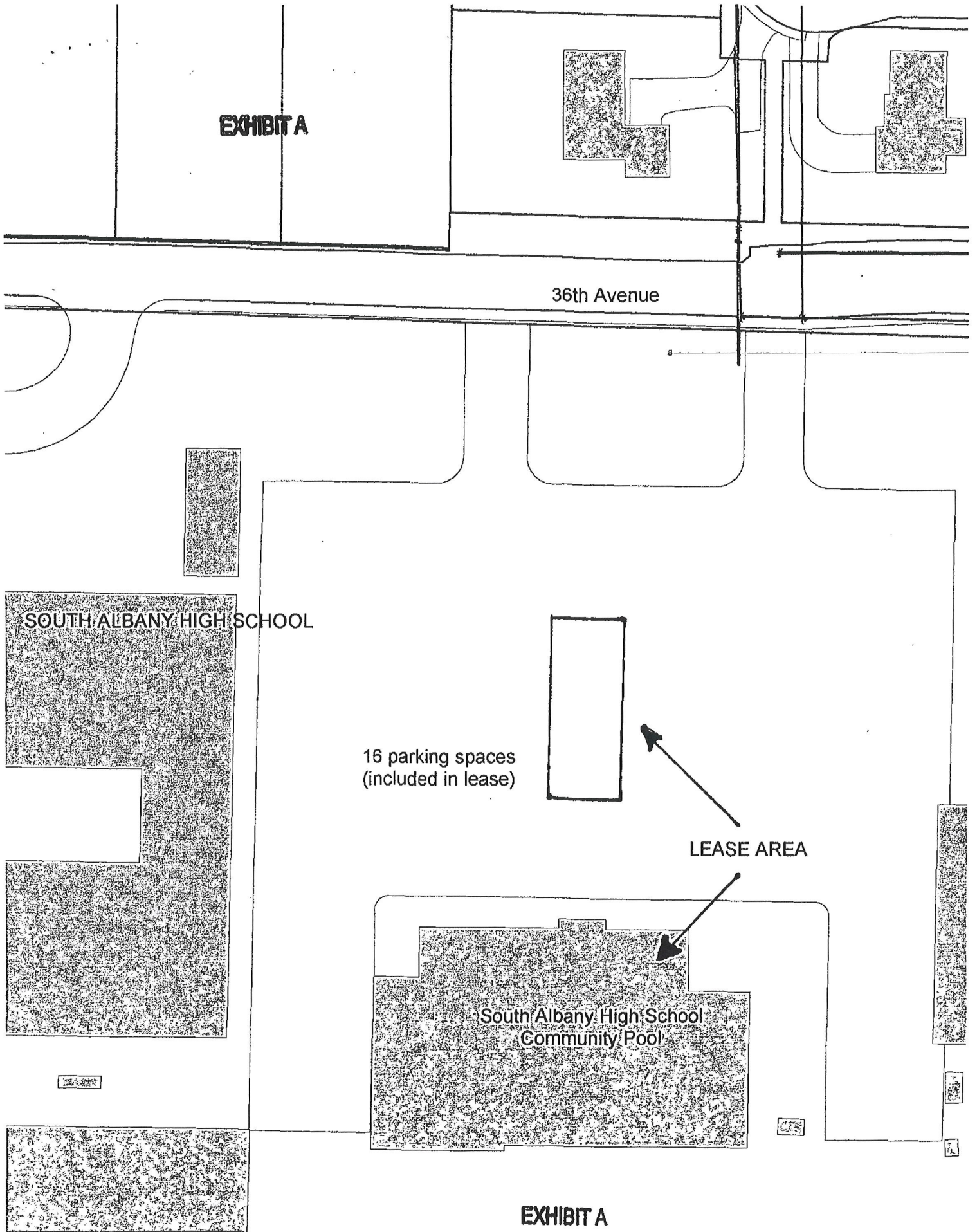


Exhibit B

Albany Community Pool Maintenance Contact Sheet				
Issue	Contact	Company	Phone	Email
Alarm Systems				
Electrical				
Emergency Lights				
HVAC				
Internet				
Phone System				
Plumbing				
Pumps				

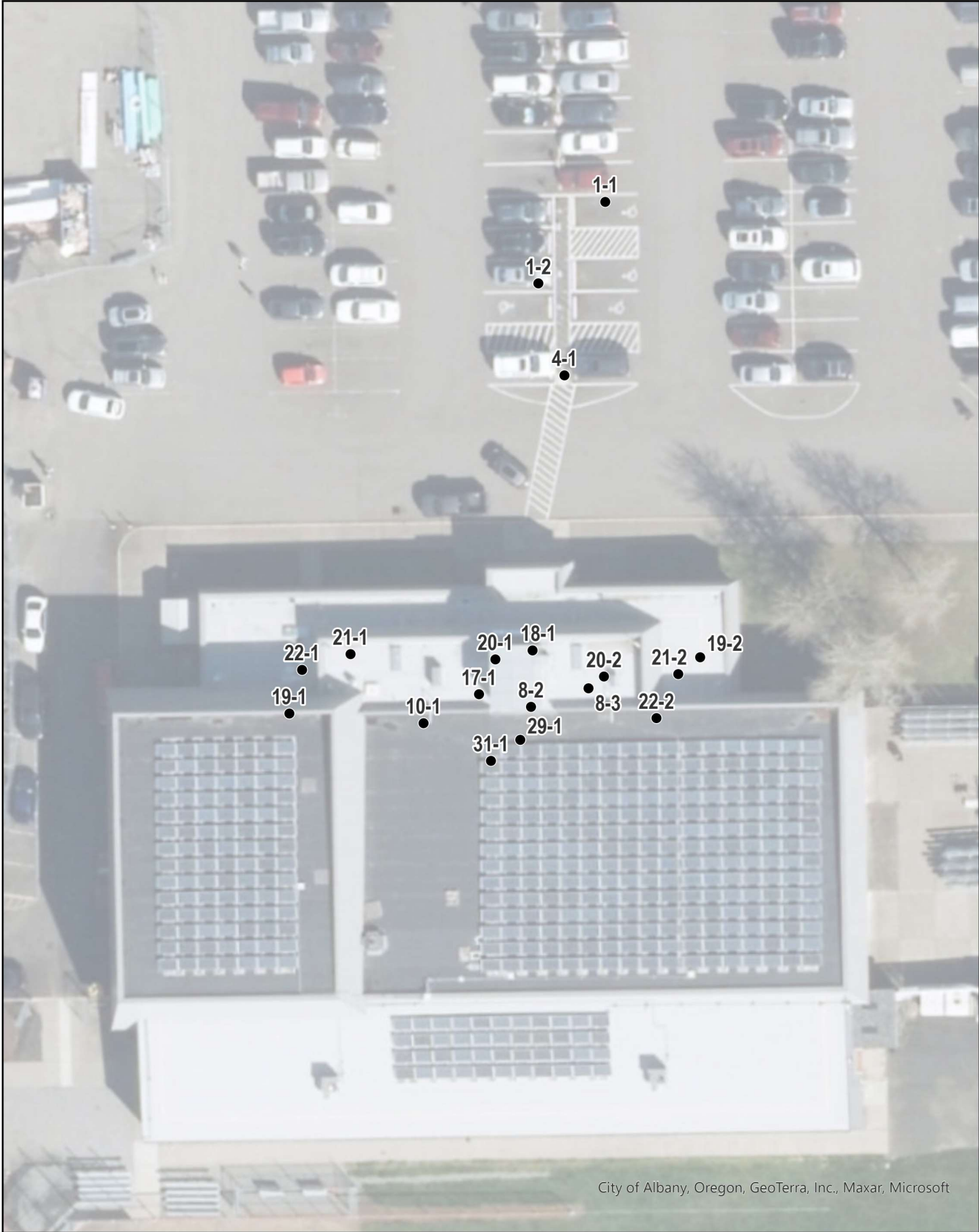
Exhibit C

5 Year Capital Improvement Plan					
Improvement	Estimate	Priority Level			Notes
		High (2025-2026)	Medium (2026-2028)	Low (2028-2029)	
Acoustic Tile Replacement	\$25,000.00			X	
Additional lights in the pool area (two)	TBD	X			
Bench Replacement	\$10,000.00		X		
Boiler A Replacement	\$50,000.00	X			
Boiler B Replacement	\$50,000.00		X		
Bulkhead Replacement	\$200,000.00		X		
Deep Stair Replacement	\$6,000.00	X			
Dryer Fans	TBD		X		
Emergency Light Replacement	TBD	X			
Exhaust Fan Upgrades	TBD	X			
Florescent to LED Light Transition	\$25,000.00	X			
Improvement list per ADA Transition Plan	\$90,740.00	X	X	X	See Exhibit D.
Pit Work	\$10,000.00	X			September Closure
Replastering of Pool	\$320,000.00	X			
Scoreboard Replacement	\$25,000.00			X	
Shallow Stair Replacement	\$5,500.00	X			
Total:	\$817,240.00				

ALBANY COMMUNITY POOL



Map not to scale.



City of Albany, Oregon, GeoTerra, Inc., Maxar, Microsoft

Albany Parks/Citywide

Albany Community Pool (leased)

Building	
8 - 1	Door/Gate
	Category: 1
Regrade surface	\$3,250
Notes: Slope of the pull side door landing is 2.5% (2.0% max).	
Slope in front of the push button is 2.8% (2.0% max). A trophy case is located in the clear floor space of the push button inside.	
ADA: 404.2.4.4	
Other: -	
Provide or modify door kick plate	\$290
Notes: A smooth and uninterrupted kick plate surface is not provided. The kickplate provided is 9" (10" min).	
ADA: 404.2.10	
Other: -	
Attach loose mat to the floor surface	\$160
Notes: Door mat is not securely attached to ground surface.	
ADA: 302.2	
Other: -	

Albany Parks/Citywide

Albany Community Pool (leased)

Building	
8 - 2	Door/Gate Category: 1
Adjust door closer	\$160
Notes: Door opening force is 10 lbs (5 lbs max).	
Door closer sweep time is less than the five second minimum from 90 degrees to 12 degrees. Door closing time is 2.5 seconds.	
ADA: 404.2.8.1, 404.2.9	
Other: OSSC 1102.1.2.5	
Replace door hardware	\$550
Notes: Door handle requires grasping and twisting to operate.	
ADA: 309.4	
Other: -	
Provide or modify door kick plate	\$290
Notes: A smooth and uninterrupted kick plate surface is not provided. The kickplate provided is 9" (10" min).	
ADA: 404.2.10	
Other: -	
Provide strike edge clearance	\$3,250
Notes: The plane of the doorway is offset 8 inches or more and has a 12-1/2" strike-edge clearance (18" min).	
Box projects into push-clearance 7-1/2".	
ADA: 404.2.4.3	
Other: -	

Albany Parks/Citywide

Albany Community Pool (leased)

Building	
8 - 3	Door/Gate Category: 1
Adjust door closer	\$160
Notes: Door opening force is 9 lbs (5 lbs max).	
Door closer sweep time is less than the five second minimum from 90 degrees to 12 degrees. Door closing time is 2.4 seconds.	
ADA: 404.2.8.1, 404.2.9	
Other: OSSC 1102.1.2.5	
Replace door hardware	\$550
Notes: Door handle requires grasping and twisting to operate.	
ADA: 309.4	
Other: -	
Provide or modify door kick plate	\$290
Notes: A smooth and uninterrupted kick plate surface is not provided. The kickplate provided is 9" (10" min).	
ADA: 404.2.10	
Other: -	
Provide strike edge clearance	\$3,250
Notes: The plane of the doorway is offset 8 inches or more and has a 12-1/2" strike-edge clearance (18" min).	
ADA: 404.2.4.3	
Other: -	
Raise or lower existing hardware	\$160
Notes: Center of door hardware is 58-1/2" AFF (34" min to 48" max).	
ADA: 404.2.7	
Other: -	
9 - 1	Sign Category: 2
Relocate existing sign	\$160
Notes: Base of the sign is 67" AFF ("60 max).	
ADA: 703.5.6	
Other: -	
Install or modify permanent room sign	\$330
Notes: No braille is provided on the room sign.	
ADA: 703.3, 703.3.1	
Other: -	

Albany Parks/Citywide

Albany Community Pool (leased)

Building		
9 - 2	Sign	Category: 2
Relocate existing sign		\$160
Notes: Base of the sign is 67" AFF (60" max).		
ADA: 703.5.6		
Other: -		
Install or modify permanent room sign		\$330
Notes: No braille is provided on the room sign.		
ADA: 703.3, 703.3.1		
Other: -		
10 - 1	Drinking Fountain	Category: 3
Replace or adjust water controls		\$160
Notes: Operating effort of control is 6 lbs (5 lbs max). Height of the water flow is 3" (4" min).		
ADA: 309.1		
Other: -		
Install an additional high or low fountain		\$3,900
Notes: A higher standing person fountain is not provided.		
ADA: 211.2		
Other: -		
17 - 1	Corridor / Aisle	Category: 2
Reposition controls and outlets		\$260
Notes: Light switch controls are 50-1/2" AFF (48" max).		
ADA: 308.2, 308.2.1		
Other: -		
18 - 1	Room	Category: 2
Reposition controls and outlets		\$260
Notes: The electrical outlet is located 12" AFF (15" min to 48" max).		
The light switch is 50" AFF.		
ADA: 308.2, 308.2.1		
Other: -		

Albany Parks/Citywide

Albany Community Pool (leased)

Building	
19 - 1	Multiple User Restroom Category: 2
Install restroom sign	\$330
Notes: A tactile and braille restroom sign is not provided.	
ADA: 216.2, 216.8	
Other: -	
Replace or reposition dispenser	\$160
Notes: Height to operating mechanism of the soap dispenser is 52" AFF (48" max).	
ADA: 308.1	
Other: -	
Modify lavatory or counter clearances	\$1,950
Notes: Knee space measured at 8" deep from the centerline of the lavatory is 25-1/2" AFF (27" min).	
ADA: 306.3.1, 306.3.3, 306.3.5	
Other: -	
Reposition controls and outlets	\$260
Notes: Height of the outlet is 49-1/2" AFF (48" max).	
ADA: 308.2.1	
Other: -	
Reposition controls and outlets	\$260
Notes: Height of the light switch is 50-3/4" AFF (48" max).	
ADA: 308.2.1	
Other: -	
Provide clear floor or turning space	\$3,900
Notes: Clear space in front of the urinal is 42" deep (48" min).	
ADA: 305.5	
Other: -	
Regrade surface	\$3,900
Notes: Slope of the floor in front of the wheelchair compartment is 9.5% (2.0% max).	
ADA: 404.2.4.4	
Other: -	
Provide or replace compartment door hardware	\$230
Notes: Water closet compartment door does not have interior handles.	
ADA: 604.8.1.2	
Other: -	

Albany Parks/Citywide

Albany Community Pool (leased)

Building	
19 - 1	Multiple User Restroom Category: 2
Reposition clothing hooks	\$160
Notes: Height of coat hook in the wheelchair user compartment is 52" AFF (48" max).	
ADA: 308.1	
Other: -	
Modify stall partitions	\$650
Notes: Compartment door width is 30-1/4" (32" min).	
Compartment is 38" wide (35" to 37" max) and 55-1/2" deep (60" min).	
ADA: 404.2.3, 604.8.2	
Other: -	
Replace or modify grab bars	\$780
Notes: Neither a vertical grab bar or rear grab bar are provided for the wheelchair compartment.	
ADA: 604.5.1, 604.5.2	
Other: -	
Replace toilet or adjust toilet seat height	\$3,900
Notes: Water closet seat height is 20-1/4" AFF (17" min to 19" max).	
ADA: 604.4	
Other: -	
Replace or reposition dispenser	\$160
Notes: The centerline of the toilet paper in front of the water closet is 5" (7" min and 9" max).	
ADA: 604.7	
Other: -	
Replace or modify grab bars	\$390
Notes: Side grab bar is 52-1/4" long from the rear wall (54" min) for the wheelchair compartment.	
ADA: 604.5.1	
Other: -	

Albany Parks/Citywide

Albany Community Pool (leased)

Building	
19 - 2	Multiple User Restroom Category: 2
Install restroom sign	\$330
Notes: A tactile and braille restroom sign is not provided.	
ADA: 216.2, 216.8	
Other: -	
Replace or reposition dispenser	\$160
Notes: Height to operating mechanism of the soap dispenser is 48-1/2" AFF (48" max).	
ADA: 308.1	
Other: -	
Reposition controls and outlets	\$260
Notes: Height of the light switch is 50-3/4" AFF (48" max).	
ADA: 308.2.1	
Other: -	
Provide or replace compartment door hardware	\$230
Notes: Water closet compartment door does not have interior handles.	
ADA: 604.8.1.2	
Other: -	
Reposition clothing hooks	\$160
Notes: Height of coat hook in the wheelchair user compartment is 52" AFF (48" max).	
ADA: 308.1	
Other: -	
Modify stall partitions	\$650
Notes: Compartment is 39" wide (35" to 37" max) and 58-1/2" deep (60" min).	
ADA: 604.8.2	
Other: -	
Replace or modify grab bars	\$780
Notes: Neither a vertical grab bar or rear grab bar are provided.	
ADA: 604.5.1, 604.5.2	
Other: -	
Replace toilet or adjust toilet seat height	\$3,900
Notes: Water closet seat height is 20-1/2" AFF (17" min to 19" max).	
ADA: 604.4	
Other: -	

Albany Parks/Citywide

Albany Community Pool (leased)

Building	
19 - 2 Multiple User Restroom	Category: 2
Replace or reposition dispenser	\$160
Notes: The centerline of the toilet paper in front of the water closet is 5-1/2" (7" min and 9" max).	
Toilet paper dispenser is located above the grab bar (12" min clearance).	
ADA: 604.7	
Other: -	
Replace or modify grab bars	\$390
Notes: Side grab bar is 52-3/4" long from the rear wall (54" min).	
ADA: 604.5.1	
Other: -	
Modify operating mechanism	\$330
Notes: Tampon dispenser requires twisting and grasping to operate.	
ADA: 309.4	
Other: -	

Albany Parks/Citywide

Albany Community Pool (leased)

Building	
20 - 1	Single User Restroom
Category: 2	
Reposition controls and outlets	\$260
Notes: The light switch is located 51" AFF (15" to 48" max).	
ADA: 308.2.1	
Other: -	
Remove overhanging or protruding object	\$160
Notes: Object protrudes 4-1/2" from wall at 47-1/2" AFF (protrusion more than 4" must be mounted below 27" or above 80").	
ADA: 204.1, 307.2	
Other: -	
Replace or reposition fixtures	\$1,630
Notes: The water closet centerline is 19-1/4" from the wall (16" min to 18" max).	
ADA: 604.2	
Other: -	
Modify lavatory or counter clearances	\$1,950
Notes: Knee space measured at 8" deep from the centerline of the lavatory is 25" AFF (27" min).	
ADA: 306.3.1, 306.3.3	
Other: -	
Increase water closet clear width or depth	\$650
Notes: Clear width at water closet is 48" (60" min) to the side wall.	
ADA: 604.3.1, 604.8.1	
Other: -	
Replace or modify grab bars	\$390
Notes: Side grab bar is 52-3/4" long (42" min, starts 12" max from wall and extends 54" from the rear wall).	
Rear grab bar is 43" AFF (33" min to 36" max).	
Height of the vertical grab bar is 35-3/4" AFF (39" min).	
Toilet paper dispenser is located 1/2" below the side grab bar (1-1/2" min clear space below the bar).	
ADA: 604.5.1, 604.5.2, 609.3	
Other: ANSI 604.5.1	
Install restroom sign	\$330
Notes: A tactile and braille restroom sign is not provided. Men's Restroom	
ADA: 216.8	
Other: -	

Albany Parks/Citywide

Albany Community Pool (leased)

Building	
20 - 2	Single User Restroom Category: 2
Reposition controls and outlets	\$260
Notes: The light switch is located 51" AFF (15" to 48" max).	
ADA: 308.2.1	
Other: -	
Replace or reposition fixtures	\$1,630
Notes: The water closet centerline is 18-1/4" from the wall (16" min to 18" max).	
ADA: 604.2	
Other: -	
Modify lavatory or counter clearances	\$1,950
Notes: Knee space measured at 8" deep from the centerline of the lavatory is 26" AFF (27" min).	
ADA: 306.3.1, 306.3.3	
Other: -	
Increase water closet clear width or depth	\$650
Notes: Clear width at water closet is 47-1/4" (60" min) to the side wall.	
ADA: 604.3.1, 604.8.1	
Other: -	
Replace or modify grab bars	\$390
Notes: Side grab bar is 52-1/2" long (42" min, starts 12" max from wall and extends 54" from the rear wall).	
Height of the vertical grab bar is 35-1/2" AFF (39" min).	
A rear grab bar is not provided.	
Toilet paper dispenser is located 1/2" below the side grab bar (1-1/2" min clear space below the bar).	
ADA: 604.5.1, 604.5.2, 609.3	
Other: ANSI 604.5.1	
Install restroom sign	\$330
Notes: Restroom sign is located on the door (next to latch is required). Women's restroom.	
Bottom of sign text is 60-1/4" AFF (48" - 60" max).	
ADA: 216.8	
Other: -	

Albany Parks/Citywide

Albany Community Pool (leased)

Building	
20 - 2	Single User Restroom Category: 2
Adjust shelving, storage, or work space	\$160
Notes: Door opening force is 14 lbs (5 lbs max).	
Door closing speed is five seconds minimum. Closing time is 2.1 seconds.	
ADA: 603.4	
Other: OSSC 1109.9	
Replace or reposition dispenser	\$160
Notes: Clear floor space is not provided for the seat cover dispenser.	
ADA: 308.1	
Other: -	

Albany Parks/Citywide

Albany Community Pool (leased)

Building	
21 - 1	Dressing, Fitting, Locker Room, or Sauna Category: 2
Reposition clothing hooks	\$160
Notes: Men's Locker Room	
Height of the light switch is 51" AFF	
ADA: 222.2, 803.5	
Other: -	
Provide an accessible locker	\$1,300
Notes: No accessible half-sized locker is provided out of 18 lockers (at least one, or 5% min).	
ADA: 222.1	
Other: -	
Replace or reposition shelves	\$160
Notes: Reach to hair dryer button is 68-1/2" AFF, projects 10" (48" max).	
ADA: 222.2, 803.5	
Other: -	
Reposition clothing hooks	\$160
Notes: Clothing hooks are 67" AFF (48" max).	
ADA: 222.2, 803.5	
Other: -	
Provide accessible fixed bench	\$2,600
Notes: Depth of the bench is 9-1/2" and is 3-1/2" from seat to back support (20" min and a 2-1/2" max gap from the seat to back support).	
ADA: 903.3	
Other: -	
Provide accessible locker hardware	\$330
Notes: Lockers require twisting and grasping.	
ADA: 309.1	
Other: -	

Albany Parks/Citywide

Albany Community Pool (leased)

Building	
21 - 2	Dressing, Fitting, Locker Room, or Sauna Category: 2
Reposition clothing hooks	\$160
Notes: Men's Locker Room	
Height of the light switch is 51" AFF	
ADA: 222.2, 803.5	
Other: -	
Provide an accessible locker	\$1,300
Notes: No accessible half-sized locker is provided out of 8 lockers (at least one, or 5% min).	
ADA: 222.1	
Other: -	
Provide an accessible steam or sauna room	\$0
Notes: Reach to hair dryer button is 68-1/2" AFF, projects 10" (48" max).	
ADA: -	
Other: -	
Reposition clothing hooks	\$160
Notes: Clothing hooks are 49" AFF (48" max).	
ADA: 222.2, 803.5	
Other: -	
Provide accessible fixed bench	\$2,600
Notes: An accessible bench or changing compartment is not provided.	
ADA: 903.3	
Other: -	
Provide accessible locker hardware	\$330
Notes: Lockers require twisting and grasping.	
ADA: 309.1	
Other: -	

Albany Parks/Citywide

Albany Community Pool (leased)

Building	
22 - 1 Bathing Facility	Category: 2
Modify an accessible shower seat	\$160
Notes: Top of shower seat is 19-1/8" AFF (17" AFF min to 19" AFF max).	
Clearance from the seat to the side wall surface is 3-1/2" (1-1/2" max).	
ADA: 610.3, 610.3.1, 610.3.2	
Other: -	
Provide an accessible shower seat	\$650
Notes: The "L" shaped seat is installed backwards.	
ADA: 610.3.1, 610.3.2	
Other: -	
Replace water controls	\$650
Notes: Controls are located 51-3/4" AFF (38" AFF min to 48" AFF max).	
Water control requires 15 lbs to operate (5 lbs max).	
ADA: 608.5.1, 608.6	
Other: -	
Install new grab bars	\$460
Notes: Height of the grab bar is 38-1/2" AFF (36" max).	
Grab bar behind the seat needs to be removed.	
A grab bar is not installed opposite of the seat.	
ADA: 607.4.1, 607.4.1.1, 607.4.2, 609.4	
Other: -	

Albany Parks/Citywide

Albany Community Pool (leased)

Building	
22 - 2 Bathing Facility	Category: 2
Modify an accessible shower seat	\$160
Notes: Top of shower seat is 19-1/4" AFF (17" AFF min to 19" AFF max).	
Clearance from the seat to the side wall surface is 3-1/4" (1-1/2" max).	
ADA: 610.3, 610.3.1, 610.3.2	
Other: -	
Provide an accessible shower seat	\$650
Notes: The "L" shaped seat is installed backwards.	
ADA: 610.3.1, 610.3.2	
Other: -	
Replace water controls	\$650
Notes: Water control requires 12 lbs to operate (5 lbs max).	
ADA: 608.6	
Other: -	
Install new grab bars	\$460
Notes: Height of the grab bar is 38-1/2" AFF (36" max).	
Grab bar behind the seat needs to be removed.	
A grab bar is not installed opposite of the seat.	
The rear grab bar is 13" from the adjacent wall (6" max).	
ADA: 607.4.1, 607.4.1.1, 607.4.2, 608.3.2, 609.4	
Other: -	
Increase or provide maneuvering or clear floor area	\$3,900
Notes: Trench drain is located in the shower clear floor space.	
ADA: 608.2.2.1	
Other: -	
Provide an accessible shower	\$13,000
Notes: Shower compartment is 51" long and 40-1/2" wide (30 x 60" min).	
ADA: 608.2.3	
Other: -	
29 - 1 Game and Sports Area	Category: 2
Provide wheelchair seating	\$1,820
Notes: Approximately 167 fixed seats are provided, 336 mobile seats	
ADA: 221.2.1.4	
Other: -	

Albany Parks/Citywide

Albany Community Pool (leased)

Building	
31 - 1	Swimming Pool / Wading Pools / Spas (int. or ext. Category: 2
Provide a level landing	\$390
Notes: Slope in front of the chair lift is 2.6% (2.0% max).	
ADA: 1009.3.1	
Other: -	
Modify swimming pool lift	\$1,300
Notes: Remote was not operational at the time of assessment	
ADA: 1009.2.7	
Other: -	
Modify transfer system	\$1,300
Notes: Chair lift depth into water is 10" (18" min).	
ADA: 1009.5.4	
Other: -	
Modify operating mechanism	\$1,300
Notes: The force to operate the suit spinner is 22 lbs (5 lbs max).	
ADA: 309.4	
Other: -	
35 - 1	Other Category: 3
Reposition controls	\$260
Notes: Top row of vending machine buttons is 56-1/2" above the ground (15" min to 48" max).	
ADA: 308.2, 308.2.1	
Other: -	

Albany Parks/Citywide


Albany Community Pool (leased)




Exterior	
1 - 1	Parking Area Category: 1
Prevent obstruction of accessible route	\$210
Notes: Clear width of accessible route can be obstructed by parked cars. Route narrows to 28" wide with car overhang (36" min required).	
ADA: 502.7	
Other: -	
Provide adequate striping	\$130
Notes: The words "No Parking" are not painted in the access aisle.	
ADA: -	
Other: OSSC 1106.7	
Provide a pavement stencil	\$270
Notes: International symbol of accessibility pavement stencil is not provided. (28" high min, 24" wide min, painted with a 3" min stroke width of retroreflective white paint on an optional blue retroreflective background).	
Paint is faded and stencil does not have a blue background.	
ADA: -	
Other: OSSC 1106.7	
4 - 1	Walk Category: 1
Grind or patch vertical change of grade	\$330
Notes: Detectable warning surface is not securely adhered to pavement; peeled edge poses a tripping hazard greater than 1/4" vertical.	
ADA: 303.2, 303.3	
Other: -	



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager 

FROM: Matthew Ruettgers, Community Development Director 
Sophie Adams, Economic Development Manager 
Staci Belcastro, City Engineer 

DATE: July 23, 2024, for the August 7, 2024, City Council Meeting

SUBJECT: Pacific Power Conversion Agreement
Relates to Strategic Plan theme: Great Neighborhoods, Healthy Economy

Action Requested:

Approve, via motion, attached Conversion Agreement between Pacific Power and City of Albany.

Discussion:

The attached Conversion Agreement was prepared by Pacific Power to address the conversion of overhead power lines and associated equipment to underground along Water Avenue between Washington and Ellsworth Streets (see attached map). This work was initiated as part of the Albany Waterfront Project.

As with any development occurring within the City, the Albany Development Code (ADC) 12.390 requires that all utility lines, cables, or wires constructed upon, adjacent to, or within land subdivided or prepared for development must be placed underground. Placing franchise utilities underground keeps above ground pedestals, transformers, and wires outside the pedestrian zone and results in a safer and more accessible sidewalk.

During the design development of the Water Avenue Corridor, it was determined that undergrounding franchise utilities would be necessary within the Plaza Street section to construct an accessible, pedestrian and event-centric street consistent with the design goals of the Waterfront Project. Key economic development benefits also result; critically, this removes major barriers to the development of private property south of Water Avenue.

Pacific Corp's franchise agreement incorporated in Chapter 3.04 of the Albany Municipal Code states that the expense of underground conversion shall be paid by the grantee, Pacific Corp, but that the grantee may recover some or all its costs from customers. The attached agreement complies with the terms outlined in Pacific Corp's franchise agreement.

Budget Impact:

As a Pacific Power customer itself, the City will incur costs commensurate to other rate payers across the city as determined by Pacific Power.

SA:SB:MR:km

Attachment (1): Conversion Agreement

c: Chris Bailey, Public Works Director

albanyoregon.gov



CONVERSION AGREEMENT

THIS CONVERSION AGREEMENT (this “Agreement”) is entered into by and between the CITY OF ALBANY, OREGON, an Oregon municipal corporation (the “City”), and PACIFICORP dba Pacific Power, an Oregon corporation (“PacifiCorp”) (each individually referred to herein as a “Party” and collectively referred to herein as the “Parties”).

RECITALS

A. The City is a municipal corporation organized under the laws of the State of Oregon and located in Linn and Benton Counties, Oregon.

B. PacifiCorp is an investor-owned public utility company providing electric utility service to customers residing within the municipal boundaries of the City.

C. PacifiCorp owns, operates, and maintains overhead electric distribution facilities within the City along public rights of way pursuant to a non-exclusive franchise granted by the City.

D. As part of an urban renewal project, the City’s development code Article 12.390 requires that PacifiCorp convert PacifiCorp’s existing overhead lines on NE Water Avenue between SW Washington and SW Ellsworth St in the City to underground facilities, as more particularly described in Exhibit A to this Agreement (the “Conversion”).

E. The Parties recognize that the Conversion represents a forced conversion governed by Oregon Administrative Rule 860-022-046, -PacifiCorp’s Oregon Tariff Rule 13.VI.C, and as required in the PacifiCorp’s franchise agreement codified in Albany Municipal Code 3.04 (referred to herein collectively as the “Applicable Regulations”).

F. Subject to approval by the Public Utility Commission of Oregon (the “Commission”), the Parties enter into this Agreement as provided for in the franchise agreement, which allows PacifiCorp the option to ~~recover~~ its Conversion Costs (as defined below) from ratepayers located within the City pursuant to the terms of this Agreement and the Applicable Regulations.

AGREEMENT

NOW THEREFORE, the City and PacifiCorp agree as follows:

1. Forced Conversion. The Conversion is a forced conversion as set forth in the Applicable Regulations.

2. Conversion Costs. In accordance with the Applicable Regulations, PacifiCorp may recover the difference in cost between constructing the new underground facilities per the Conversion and retaining the existing overhead facilities (the “Conversion Costs”). The Conversion Costs shall include, to the extent applicable, the cost of road crossings, raceways, ducts, vaults, transformer pads, other devices peculiar to underground service, plus the original cost, less depreciation, less salvage value, plus removal costs of the exhibit overhead facilities no longer used or useful by reason of the Conversion.
3. Estimated Conversion Costs. The Conversion Costs are estimated to be TWO MILLION THREE-HUNDRED-SEVENTY-NINE-THOUSAND FOUR-HUNDRED-SIXTY-EIGHT DOLLARS (\$2,379,468) (the “Estimated Conversion Costs”) as more particularly described in Exhibit B, attached hereto and incorporated herein.
4. Actual Conversion Costs. PacifiCorp shall accumulate all Conversion Costs actually incurred by PacifiCorp in a separate account in PacifiCorp’s books (the “Actual Conversion Costs”).
5. Interest. The Actual Conversion Costs shall accrue interest as of the date incurred. The rate of interest shall be equal to 5.1% (the “Interest Rate”), which is equal to the effective cost of the most recent senior security issue by PacifiCorp.
6. Recovery from Ratepayers. Under the provisions of PacifiCorp’s franchise agreement, PacificCorp has elected to recover its Actual Conversion Costs from all ratepayers within the City of Albany (the “City Ratepayers”).
7. Terms of Recovery.
 - a. Pay-Back Period. The Actual Conversion Costs, plus interest, shall be collected from City Ratepayers within a two-year period (the “Pay-Back Period”). The Parties hereby agree and acknowledge that the Pay-Back Period is a reasonable period for recovery of the Actual Conversion Costs, plus interest, by PacifiCorp.
 - b. Commencement. The Pay-Back Period shall commence in calendar year 2024, subject to Commission approval.
 - c. Ratepayer Exaction. The Actual Conversion Costs plus accrued interest shall be collected by PacifiCorp from each Ratepayer during the Pay-Back Period in the form of a municipal exaction. The municipal exaction shall be a uniform percentage of each Ratepayer’s monthly service bill shown as a separate item. The exact percentage of the exaction shall be determined once the Actual Conversion Costs have been established.

8. Commission Approval. Upon establishment of the Actual Conversion Costs, PacifiCorp shall file a modified version of PacifiCorp’s existing Oregon Tariff Schedule 101 for approval with the Commission. The modified version of Schedule 101 shall set forth the municipal exaction described in Section 7.c for the City of Albany and the Payback Period. The City hereby agrees to support any request by PacifiCorp for Commission approval of such a modification to Oregon Tariff Schedule 101.

9. Trenching. The City shall provide and be responsible for all trenching, excavating and backfill required for the Conversion in accordance with PacifiCorp’s standards at the City’s sole cost.

10. Rights of Way. The City shall secure and record all right of way easements necessary to provide for the construction, installation, operation and maintenance of the Conversion. The cost of any such rights of way shall be included in the Conversion Costs, and such rights of way shall be granted on PacifiCorp-provided standard forms, subject to revisions acceptable to PacifiCorp.

11. Term. This Agreement shall be effective upon the date this Agreement is fully executed by both Parties and shall remain in effect until the end of the Pay-back Period approved by the Commission.

12. Notices. All notices except as otherwise provided in this Conversion Agreement shall be in writing, shall be addressed to the recipient designed below or otherwise as provided herein and shall be considered delivered if delivered in person or when deposited in the U.S. Mail, postage prepaid by certified or registered mail and return receipt requested.

If to City: City of Albany Attn: City Engineer, Staci
 Belcastro 333 Broadalbin Street SW
 Albany, OR 97321 Phone: (541) 917-7645

If to PacifiCorp: PacifiCorp
 Attn: Director, Pricing and Tariff Policy
 825 NE Multnomah St, Suite 2000
 Portland, OR 97232
 Phone: (503) 813-5017

A Party may change its designated recipient for notices from time to time by sending a notice to the other Party in the manner specified by this Section 12.

13. No Relationship Between Parties. Nothing herein shall be construed to create an agency relationship, association, joint venture, trust, or partnership, or impose a

trust or partnership covenant, obligation, or liability on or between PacifiCorp and City. Each Party shall be individually responsible for its own covenants, obligations, and liabilities under this Agreement.

14. Severability. If any provision of this Conversion Agreement is held invalid or unenforceable for any reason by a court or governmental agency of competent jurisdiction, then the objectionable portions of the provision shall be stricken, and all other provisions of Agreement shall remain unaffected and in force.
15. Attorneys' Fees. If a suit, action, or other proceeding of any nature whatsoever (including without limitation any administrative proceeding and any proceeding under the U.S. Bankruptcy Code) is instituted in connection with any controversy arising out of this Agreement or to interpret or enforce any rights or obligations hereunder, the prevailing party shall be entitled to recover attorney fees and all other fees, costs, and expenses actually incurred in connection therewith, at any hearing, at trial, on any appeal or any petition for review, in addition to all other amounts provided by law. Any litigation involving the terms of this Agreement shall be held in the circuit court in and for Linn County, Oregon.
16. Authorization. Each of the persons signing below represents and warrants that they have the authority to execute this Agreement on behalf of their respective entity and to bind such entity to the terms and conditions contained herein.

IN WITNESS WHEREOF, the Parties executed this Agreement as of the dates set forth below.

THE CITY OF ALBANY, OREGON

PACIFICORP

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

Exhibit A

Description/Drawings of Conversion Work

[Separate file.]

Exhibit B

Estimated Conversion Costs

DESCRIPTION:

REMOVE:

1300' OF 3#2/0-CU,N#4/0 PRIMARY OH CONDUCTOR.
12 40-65' 3PHS PRIMARY POLES
125' OF #1/0-AL PRIMARY UG CABLE

INSTALL:

1600' OF (3)#1000-AL PRIMARY UG CABLE
1900' OF (3)#4/0-AL PRIMARY UG CABLE
1000' OF (3)#1/0-AL PRIMARY UG CABLE
1800' OF (1)#1/0-AL PRIMARY UG CABLE
640' OF #350-TX UG CABLE
660' OF #4-DX OH SVC
(2) PME CABINETS
(5) 3-PHS SECTIONALIZING CABINETS
(3) 600A SVC DISCONNECTS WITH 6" PRIMARY RISERS
(2) PULL VAULT ASSY
INSTALL:
(3) 50' 3PHS DEADEND POLES
(1) 65' 3PHS DEADEND POLE
(3) 35' SECONDARY POLES

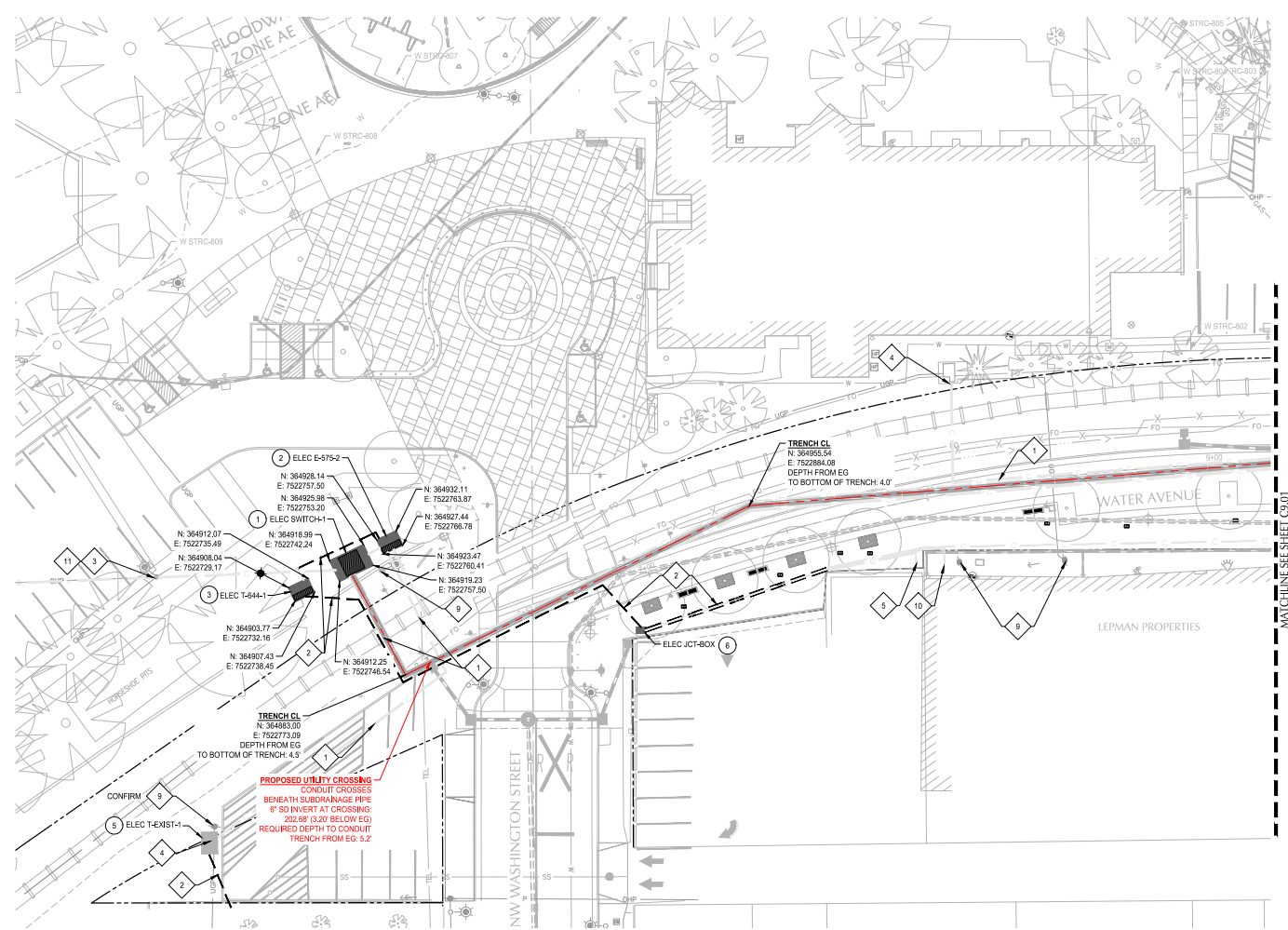
PURPOSE AND NECESSITY:

CITY OF ALBANY IS REQUESTING EXISTING OVERHEAD FACILITIES TO BE LOCATED UNDERGROUND. THIS REQUIRES REMOVING 1300' OF 3-PHASE OVERHEAD FACILITIES AND REPLACING IT WITH APPROPRIATE UNDERGROUND EQUIPMENT. CITY IS CHOSING TO HAVE PACIFIC POWER PERFORM CIVIL AND ELECTRICAL WORK. FINALIZED BILLINGS ON ACTUALS WILL BE PAID.

TOTAL JOB COST _____ \$2,569,420
GENERAL EXCLUSIONS PER TARIFF _____ \$ 185,953
BALANCE TO CUSTOMER _____ \$2,379,468
-

GENERAL EXCLUSIONS PER RULE 13 PP PAYS FOR CABLE, XFMRs, SECONDARY SERVICE, AND METERS.

File: D:\CAD-TEMP\Acpublish_13368\0193-09-FRANCHISE-UTIL-GMP2.dwg TAB: C9.00
Printed: 3/26/24 at 10:28am By: Mbruno



SHEET NOTES

- LOCATIONS OF EASEMENTS, CONDUIT AND VAULTS FOR SERVICE LATERALS SERVING PRIVATE LOTS TO BE COORDINATED WITH PROPERTY OWNER.
- EASEMENTS, CONDUITS AND VAULTS FOR PUBLIC UTILITY DISTRIBUTION TO BE LOCATED IN PUBLIC RIGHT-OF-WAY.
- STATION/OFFSETS AND VAULT ELEVATIONS SHOWN FOR REFERENCE ONLY. CONTRACTOR TO COORDINATE FINAL HORIZONTAL PLACEMENT OF VAULTS WITH UTILITY COMPANIES.
- VAULTS PLACED IN PEDESTRIAN SIDEWALKS TO MATCH CROSS SLOPE AND MEET ADA REQUIREMENTS.
- UTILITIES TO COMPLY WITH ALBANY CITY CODE FOR UNDERGROUND UTILITIES.
- CONDUIT AND PIPES TO HAVE SEPARATION REQUIRED BY FRANCHISE UTILITIES.
- REFERENCE FINAL PACIFIC POWER DISTRIBUTION PLAN.

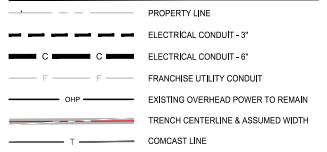
KEY NOTES

- | # | DESCRIPTION |
|---|---|
| 1 | SWTCH - 7'-11" x 8' D VAULT WITH 7' x 7' x 41" TALL ENCLOSURE |
| 2 | E-575 - 3-PHASE SECTIONALIZING VAULT & ENCLOSURE. 5.5' x 7.5' VAULT WITH 2' x 7' x 33" TALL ENCLOSURE |
| 3 | T-644 - SINGLE PHASE TRANSFORMER VAULT & ENCLOSURE. 4'-8" x 6'-0" VAULT WITH X' x X' TALL ENCLOSURE |
| 4 | PL#12 - PULL VAULT. NO ENCLOSURE. 7' x 12' |
| 5 | T-EXIST - EXISTING TRANSFORMER TO BE FED FROM NEW SOURCE |
| 6 | JUNCTION BOX |
| 7 | COMCAST VAULT - 17' x 30" VAULT U.O.D. |

KEY NOTES

- | # | DESCRIPTION |
|----|---|
| 1 | 6" CONDUIT, TYP. |
| 2 | 3" CONDUITS |
| 3 | EXISTING POLE TO REMAIN |
| 4 | RECONNECT AT EXISTING POWER TRANSFORMER |
| 5 | POWER STUB FOR FUTURE DEVELOPMENT |
| 6 | NEW POLE AND ANCHOR WITH UPFEED RISER TO REFEED OVERHEAD PRIMARY GANG SWITCH REQUIRED |
| 7 | CITY METERED SERVICE |
| 8 | STUB FOR FUTURE POWER UNDERGROUNDING |
| 9 | EXISTING POWER POLE TO BE REMOVED |
| 10 | RECONNECT SERVICE AT BUILDING |
| 11 | RECONNECT VIA UPFEED AT EXISTING POWER POLE |

SHEET LEGEND

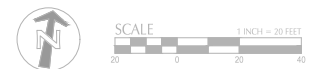


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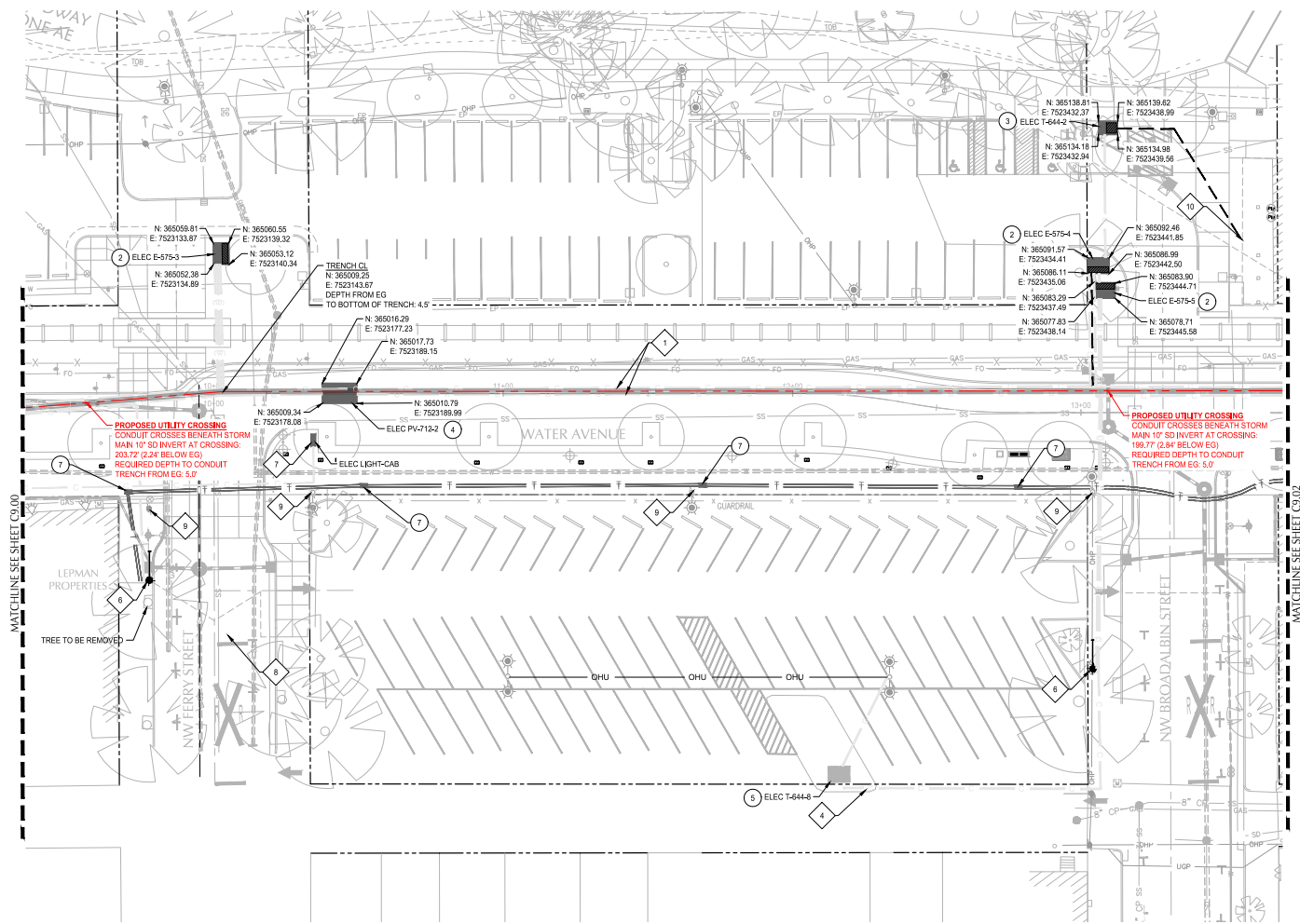


ALBANY WATERFRONT PROJECT
 WATER AVE ROW IMPROVEMENTS - IFC SET
 FRANCHISE UTILITY PLAN
 STA 6+57 TO STA 14+50

SHEET NO.
C9.00



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 Plotted: 3/26/24 at 10:30am By: Mburino



SHEET NOTES

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- REFERENCE FINAL PACIFIC POWER DISTRIBUTION PLAN.

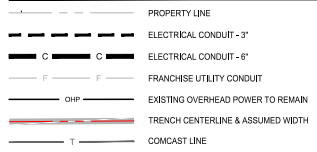
(X) KEY NOTES

- | # | DESCRIPTION |
|---|---|
| 1 | SMITH - 7'-11" x 13' x 8' D VAULT WITH 7' x 7' x 4'-11" TALL ENCLOSURE |
| 2 | E-575 - 3-PHASE SECTIONALIZING VAULT & ENCLOSURE. 5.5' x 7.5' VAULT WITH 2' x 7' x 33" TALL ENCLOSURE |
| 3 | T-644 - SINGLE PHASE TRANSFORMER VAULT & ENCLOSURE. 4'-8" x 6'-0" VAULT WITH X' x X' TALL ENCLOSURE |
| 4 | PW-12 - PULL VAULT. NO ENCLOSURE. 7' x 12' |
| 5 | T-EXIST - EXISTING TRANSFORMER TO BE FED FROM NEW SOURCE |
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| 10 | RECONNECT SERVICE AT BUILDING |
| 11 | RECONNECT VIA UPFEED AT EXISTING POWER POLE |

SHEET LEGEND



NO.	DESCRIPTION	DATE

DESIGNED BY CJ/AM/TK	DRAWN BY JRC/KY	CHECKED BY FM/AM/CV	DATE APP'D.
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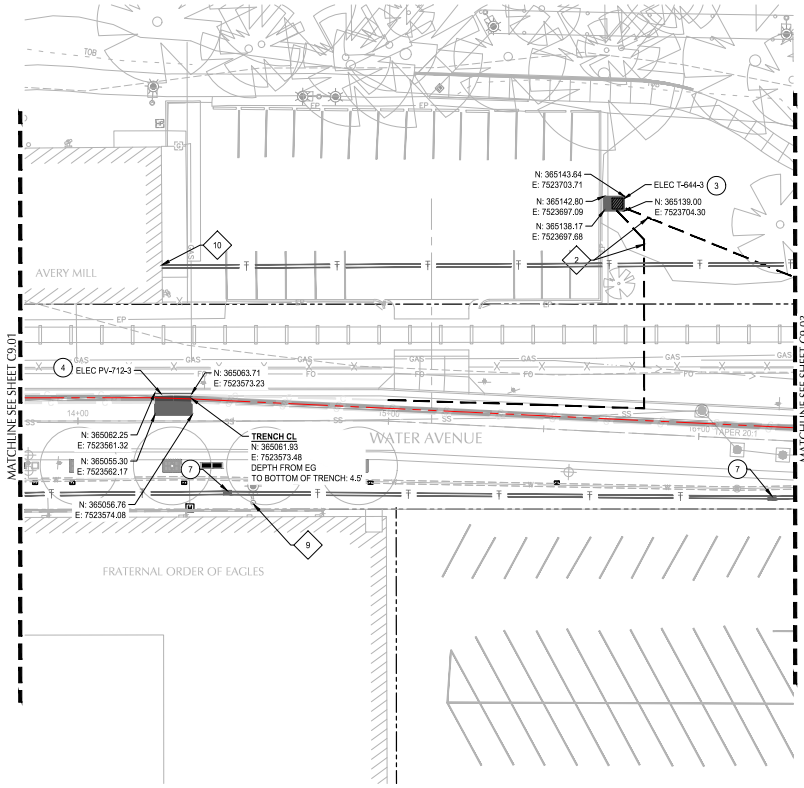
PREPARED DATE: 02/02/23

ALBANY WATERFRONT PROJECT
 WATER AVE ROW IMPROVEMENTS - IFC SET
 FRANCHISE UTILITY PLAN
 STA 6+57 TO STA 14+50

SHEET NO.
62.01



IFC SET - 05/12/2023



SHEET NOTES

- LOCATIONS OF EASEMENTS, CONDUIT AND VAULTS FOR SERVICE LATERALS SERVING PRIVATE LOTS TO BE COORDINATED WITH PROPERTY OWNER.
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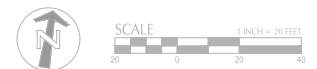
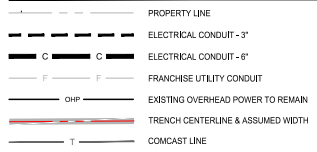
(X) KEY NOTES

#	DESCRIPTION
1	SWTCH - 7'-11" x 13" x 8" D VAULT WITH 7' x 7' x 41" TALL ENCLOSURE
2	E-675 - 3-PHASE SECTIONALIZING VAULT & ENCLOSURE. 5.5' x 7.5' VAULT WITH 2' x 7' x 33" TALL ENCLOSURE
3	T-644 - SINGLE PHASE TRANSFORMER VAULT & ENCLOSURE. 4'-8" x 6'-0" VAULT WITH X' x X' TALL ENCLOSURE
4	PL-712 - PULL VAULT. NO ENCLOSURE. 7' x 12'
5	T-EXIST - EXISTING TRANSFORMER TO BE FED FROM NEW SOURCE
6	JUNCTION BOX
7	COMCAST VAULT - 17' X 30" VAULT U.N.O.

(X) KEY NOTES

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2	3" CONDUITS
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6	NEW POLE AND ANCHOR WITH UPFEED RISER TO REFEED OVERHEAD PRIMARY GANG SWITCH REQUIRED
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8	STUB FOR FUTURE POWER UNDERGROUNDING
9	EXISTING POWER POLE TO BE REMOVED
10	RECONNECT SERVICE AT BUILDING
11	RECONNECT VIA UPFEED AT EXISTING POWER POLE

SHEET LEGEND



DESIGNED BY	DRAWN BY	CHECKED BY	DATE	APP'D.	REVISION	DESCRIPTION

kpff

800 Wilmette Street, Suite 400
 Eugene, OR 97401
 P: 541-684-4902
 F: 541-684-4909
 www.kpff.com

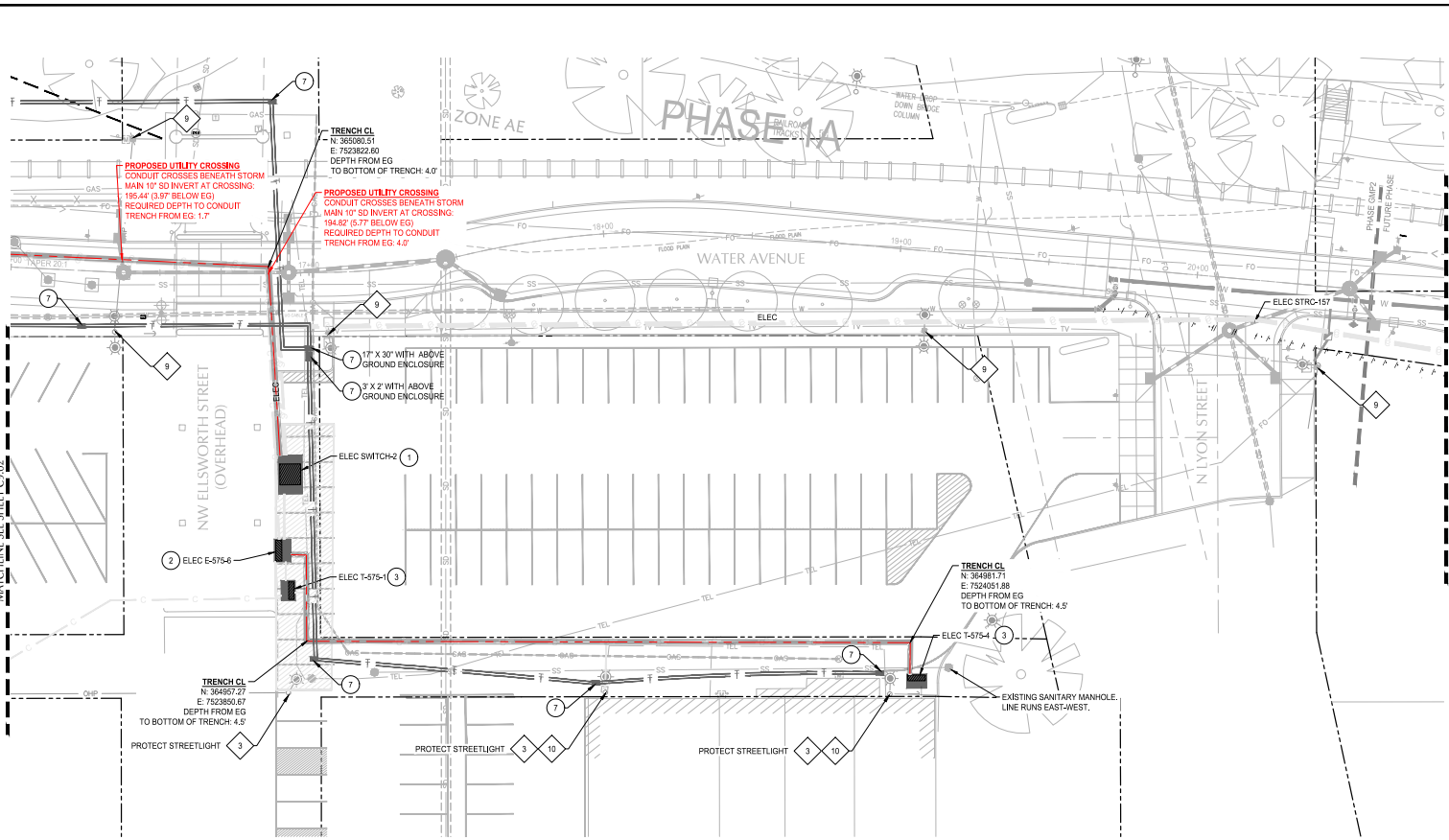
WALKER | MACY

REGISTERED PROFESSIONAL ENGINEER
 STATE OF OREGON
 LICENSE NO. 12345

REGISTERED PROFESSIONAL ENGINEER
 STATE OF OREGON
 LICENSE NO. 12345

ALBANY WATERFRONT PROJECT
WATER AVE ROW IMPROVEMENTS - IFC SET
 FRANCHISE UTILITY PLAN
 STA 6+57 TO STA 14+50

SHEET NO.
63.02



SHEET NOTES

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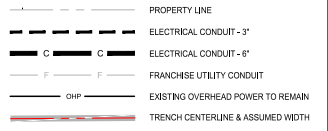
KEY NOTES

- | # | DESCRIPTION |
|---|---|
| 1 | SWITCH- 7'-11" x 13' x 8' D VAULT WITH 7' x 7' x 41" TALL ENCLOSURE |
| 2 | E-575- 3-PHASE SECTIONALIZING VAULT & ENCLOSURE. |
| 3 | 5.5' x 7.5' VAULT WITH 2' x 7' x 33" TALL ENCLOSURE |
| 4 | T-644- SINGLE PHASE TRANSFORMER VAULT & ENCLOSURE. |
| 5 | 4'-8" x 6'-8" VAULT WITH 8' x 8' x 33" TALL ENCLOSURE |
| 6 | PW-712- PULL VAULT. NO ENCLOSURE. 7' x 12' |
| 7 | T-EX151- EXISTING TRANSFORMER TO BE FED FROM NEW SOURCE |
| 8 | JUNCTION BOX |
| 9 | COMCAST VAULT - 17' x 30' VAULT U.N.O. |

KEY NOTES

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| 9 | EXISTING POWER POLE TO BE REMOVED |
| 10 | RECONNECT SERVICE AT BUILDING |
| 11 | RECONNECT VIA UPFEED AT EXISTING POWER POLE |

SHEET LEGEND



MATCHLINE SEE SHEET C9.02

MATCHLINE SEE BELOW

MATCHLINE SEE ABOVE

DESCRIPTION	DATE	REVISION

DESIGNED BY: CK/MM/TK
 DRAWN BY: JRC/KY
 CHECKED BY: PM/ML/CV
 DATE APPD:

kpff
 800 Wilmette Street, Suite 400
 Eugene, OR 97401
 O: 541-684-4902
 F: 541-684-4909
 www.kpff.com

WALKER | MACY
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF OREGON
 LICENSE NO. 12345

REGISTERED PROFESSIONAL ENGINEER
 STATE OF OREGON
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ALBANY WATERFRONT PROJECT
 WATER AVE ROW IMPROVEMENTS - IFC SET
 FRANCHISE UTILITY PLAN
 STA 6+57 TO STA 14+50

SHEET NO.
C9.03
64





MINUTES

Wednesday, July 10, 2024
Meeting
Council Chambers, City Hall

Approved: **DRAFT**

Call to Order and Pledge of Allegiance

Mayor Alex Johnson II called the meeting to order at 6:00 p.m. The mayor led the pledge of allegiance.

Roll Call

Councilors present: Mayor Alex Johnson II and Councilors Steph Newton Azorr, Ray Kopczynski, Jackie Montague, Marilyn Smith, and Ramycia McGhee (virtual)

Councilors absent: Councilor Matilda Novak was excused.

Police Chief Marcia Harnden introduced Captain Buck Pearce, who will take retired Captain Brad Liles' position in rotation as Sergeant-at-Arms for council meetings.

Special Presentation

6:02 p.m.

Cumberland Church, National Register of Historic Places

Liz Rapp, an advocate of the Cumberland Church, Emma Eaton, president, and Joel Orton, vice president of the Cumberland Community Event Center, showed slides* and spoke about the building's progress and work left to do.

Public Hearing

6:13 p.m.

Water Master Plan Adoption

OPEN: Mayor Alex Johnson II opened the public hearing at 6:13 p.m.

Civil Engineer III Ryan Beathe described the plan and explained its purpose as a guide to planning for the future.

No one wished to speak

CLOSE: Johnson II closed the public hearing at 6:18 p.m.

MOTION: Councilor Ray Kopczynski moved to adopt the plan. Councilor Jackie Montague seconded the motion, which passed 5-0. The motion was designated Resolution No. 7347.

Business from the Public

6:21 p.m.

Rosa Plascencia, representing the Linn-Benton Hispanic Advisory Committee (HAC), spoke in response to comments made on stage by Lee Greenwood during his concert on July 4. She said HAC proposes that the City develop a code of conduct for community events and contracts.

John Robinson* spoke about the lack of maintenance of landscaping on Waverly, and about people asking for money from drivers.

Susan Leonard said she was representing the Linn-Benton chapter of the NAACP. They are dismayed at Greenwood's statements about immigrants. His comments do not represent the views of the City but The NAACP thinks a City apology would be appropriate.

Lise Grato, executive director of the Albany Downtown Association, gave an update on activities downtown.

Christian Galvez said he is the co-chair of the HAC. He is a musician and manages a band. He asked the City to review its process and require performers to adhere to anti-harassment policies.

Nancy Greenman said she is also a HAC member. She said we should not let statements like Greenwood's made in our presence go unchallenged.

Second reading of ordinance

6:39 p.m.

Legislative Article 6 Floodplain Amendments

This ordinance had its first reading at the council meeting on June 26, 2024, but a motion for a second reading at that meeting failed 4-1. It takes a unanimous vote in favor to have an ordinance read a second time in the same meeting.

MOTION: Kopczynski moved to have the ordinance read a second time in title only. Councilor Steph Newton Azorr seconded the motion.

Kidd read the ordinance in title only.

MOTION: Councilor Marilyn Smith moved to adopt the ordinance. Kopczynski seconded the motion and it passed 5-0. The ordinance was designated Ordinance No. 6045.

Award of Contract

6:40 p.m.

Award contract for AR-24-22 contingent upon grant submission and acceptance

Transportation Manager Robb Romeo said staff recommends awarding the contract for airport lighting to Kunert Electric, of Roseburg. The award will also authorize submission of a grant application for much of the work. The Federal Aviation Administration requires a project to be bid first before they will award a grant. The City's share of the project will be \$117,629, most of which will be covered by a grant already received.

MOTION: Montague moved to award the contract. Councilor Ramycia McGhee seconded the motion, which passed 5-0 and was designated Resolution No. 7348.

Adoption of Consent Agenda

6:44 p.m.

Adoption of consent agenda

- a. Appointments
 - 1) Accepting Gar Burroughs' resignation from the Airport Commission
 - 2) Accepting Sandra Alma's resignation from the Arts Commission
 - 3) Accepting Miriam Cummins' resignation from the Human Relations Commission
- b. Approval of minutes

- 1) June 12, 2024, city council meeting
- 2) June 26, 2024, city council meeting
- c. Recommendations to OLCC
 - 1) Approve limited on-premises liquor license application for Coin Jam Jr LLC, dba Coin Jam JR
 - 2) Annual liquor license renewals
- d. Approval of resolutions
 - 1) Updating City Managers Pro Tem

RES NO. 7349

MOTION: Kopczynski moved to adopt the consent agenda with "removal" in item a.3) changed to "resignation." Smith seconded the motion, which passed 5-0.

Staff Report

6:44 p.m.

Low-Income Assistance Program Update

Public Works Director Chris Bailey gave a brief history and description of the program.

Smith said currently 147 households use the program. Bailey said that's a very small percentage of households in Albany. She would like to hear ideas for outreach.

McGhee asked if there is a way to reach people via the utility billing portal. Montague suggested a printed statement added to past-due bills. Bailey said she will check on these options.

Kopczynski asked if the program is available to renters. Bailey said it is, if the bill is in the renter's name.

Business from the Council

6:55

Kopczynski asked if the City will try to address the issues raised by Greenwood's comments in contracts going forward. City Manager Peter Troedsson said we have stated that views and comments of artists and others don't necessarily reflect the mission and values of the City.

Parks and Recreation Director Kim Lyddane said that when acts are booked, staff stipulates that events are family friendly. She said they can work with the city attorney for additional language that doesn't infringe on First-Amendment rights.

Newton Azorr asked about the status of CARA now that the waterfront project is done. Troedsson said CARA has to stay in existence until the debt is paid off.

Newton Azorr asked if any action was taken at the concert after Greenwood's comments, and if the City will make a statement or issue an apology. Johnson II said he is drafting a response for the Democrat-Herald.

McGhee suggested considering hiring local talent for River Rhythms. Lyddane said River Rhythms has built its reputation on national acts. The Summer Sounds series uses more local groups.

Smith said she observed four hours of illegal fireworks in her neighborhood July 4. Four cities in Oregon now prohibit all fireworks.

Smith also said a constituent and their neighbors are bothered by residents of apartments nearby smoking near a public sidewalk. The smoke gets in the neighbors' yards and homes. The Oregon Clean Air Act

does not apply to sidewalks. Smith asked if the council would like to start a discussion of a ban on outdoor smoking.

Smith said the landscaping on Waverly Drive sounds like an ideal HOOT project. She will talk to the HOOT volunteers about it.

City Manager Report

7:20 p.m.

Troedsson said the City will host an ICMA fellow from the Army for a week later in July. The deputy city manager will start July 27.

Break

The council recessed for a break at 7:26 p.m.

Recess

7:34 p.m.

The council recessed into executive session to discuss evaluation of the employment related performance of the chief executive officer, employee, or staff member in accordance with ORS 192.660 (2)(i).

Reconvene

8:01 p.m.

The council reconvened into regular session.

MOTION: Kopczynski moved to increase City Manager Peter Troedsson's deferred compensation benefit from 8% to 10%. The motion was seconded and passed 5-0.

Next Meeting Dates

Monday, July 22, 2024; 4:00 p.m. work session
Wednesday, July 24, 2024; 6:00 p.m. meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:01 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse
City Clerk

Peter Troedsson
City Manager

**Documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing cityclerk@albanyoregon.org.*



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT 7/30*

FROM: Rochelle James, Administrative Assistant, Albany Police Department

DATE: August 7, 2024, City Council Meeting

SUBJECT: Annual Liquor License Renewals

Action Requested:

Council approval for these annual liquor license renewals.

Discussion:

The following is a list of businesses that have applied for liquor license renewal. These businesses have paid their fees:

Osaka Sushi and Ramen Restaurant	Osaka Sushi and Ramen Restaurant	2195 14 th Ave SE, Suite 102
Grocery Outlet Albany	42LINE2 LLC	1950 14 th Ave SE

Budget Impact:

Revenue of \$70.00





MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager *8/30*

FROM: Marcia Harnden, Police Chief *MH*

DATE: July 23, 2024, for the August 7, 2024, City Council Meeting

SUBJECT: Oregon Department of Transportation – Transportation Safety Office (TSO) Grant

Relates to Strategic Plan theme: A Safe City

Action Requested:

Staff recommends Council approve applying for an Oregon Department of Transportation – TSO Grant to hire a dedicated Driving Under the Influence of Intoxicants (DUII) Police Officer for the Albany Police Department (APD) traffic team.

Discussion:

The Oregon Department of Transportation – TSO grant is an open solicitation that provides funding opportunities for traffic safety-related projects and programs. APD is seeking approval to submit an application to provide sustained DUII enforcement, which would allow staff to hire a DUII police officer for the traffic team. Having a dedicated DUII police officer will enhance patrol efforts to identify and apprehend impaired drivers. Removing impaired drivers from the road will result in fewer serious injury and fatal crashes in the community.

Since 2020, Albany police officers have responded to 1,396 collisions. The most common collision occurring was an angled or “T-bone” collision, which occurred in 494 crashes. Of the total collisions, 175 were conclusively due to impairment, resulting in 48 injuries and two fatalities. During this same period, Albany police officers made 682 DUII-related arrests in our community. Analysis of DUII data for the City of Albany, Linn and Benton counties, revealed that DUII offenses mirror the demographics of our population and impact all genders, races, and ages. Individuals from all driving ages, ethnicities, genders, socioeconomic backgrounds, etc., are equally likely to be involved in a DUII crash as the impaired driver and/or as the wrong place/wrong time victim who was innocently going about their business when the impaired driver crashed into them.

The Oregon Department of Transportation – TSO grant will cover 100% of eligible expenses in the first year, 75% of eligible expenses in the second year, and 50% of eligible expenses in the third year.

Budget Impact:

If awarded, the city match will be met through the Police Department’s operating budget.

MH:de
Attachment





RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO APPLY FOR GRANT FUNDS TO HIRE A DUII POLICE OFFICER THROUGH THE OREGON DEPARTMENT OF TRANSPORTATION – TRANSPORTATION SAFETY OFFICE (TSO) GRANT.

WHEREAS, the Oregon Department of Transportation – TSO Grant provides funding for traffic safety-related programs; and

WHEREAS, this grant will allow the Police Department to add a specific DUII Police Officer position to the traffic team; and

WHEREAS, removing impaired drivers from the road will result in fewer serious injury and fatal crashes in the community; and

WHEREAS, Albany police officers have made 682 DUII-related arrests and responded to 175 DUII-related vehicle crashes since 2020; and

WHEREAS, the grant will fund 100 percent of eligible expenses in the first year, 75 percent of eligible expenses in the second year, and 50 percent eligible expenses in the third year; and

WHEREAS, the Program requires a 25 percent City match and continued funding for a period of 12 months after the grant period ends.

NOW, THEREFORE, BE IT RESOLVED the Albany City Council authorizes the Police Department to apply for the funding of one DUII police officer position from the Oregon Department of Transportation – TSO grant program.

DATED AND EFFECTIVE THIS 7TH DAY OF AUGUST 2024.

Mayor

ATTEST:

City Clerk



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *7/30*

FROM: Chris Bailey, Public Works Director *CB*
Chuck Perino, Emergency Manager/Safety Officer

DATE: July 23, 2024, for the August 7, 2024, City Council Meeting

SUBJECT: Intergovernmental Agreement for Emergency Water Purification Trailer
Relates to Strategic Plan theme: Safe City

Action Requested:

Staff recommends City Council approve an Intergovernmental Agreement (IGA) with Linn County for the maintenance and storage of a regional emergency water purification trailer.

Discussion:

In 2019, Albany, through Linn County, applied for and received funding to purchase an emergency water purification trailer. This grant program required cities of less than 100,000 population to apply through their county to the state Department of Emergency Management. This trailer is intended to be used for emergency water supply within the county and is housed at Albany Public Works.

Unfortunately, the trailer was damaged in the ice storm last year. Repairs to the trailer are eligible for reimbursement from FEMA as part of the disaster declaration. However, the trailer is listed with the state as a county asset and, therefore, the reimbursement would go to the county. The attached IGA with Linn County would allow them to pass through the reimbursement funds from FEMA to the City.

Staff requests the council approve the attached IGA, so that the reimbursement funds can be received by the City and to formalize the arrangement for the housing and maintenance of the trailer.

Budget Impact:

If approved, FEMA funds in the amount of \$33,129 will be received into the Grant Fund (20340801) as reimbursement for the repairs to the trailer.

CB:kc
Attachment

**INTERGOVERNMENTAL AGREEMENT
LINN COUNTY AND CITY OF ALBANY
FOR STORAGE AND MAINTENANCE OF WATER PURIFICATION TRAILER**

PARTIES

Linn County, a municipal corporation of the State of Oregon, 300 4th Avenue SW, Albany, OR 97321, hereinafter referred to as "COUNTY", and the CITY OF ALBANY, a municipal corporation of the State of Oregon, 333 Broadalbin Street SW, Albany, Oregon 97321, hereinafter referred to as "ALBANY", and jointly referred to as "PARTIES", or individually as a "PARTY".

RECITALS

1. WHEREAS, ORS 190.007 et seq. provides for intergovernmental cooperation in the interest of furthering economy and efficiency of local government; and
2. WHEREAS, ORS 190.003 for purposes of such intergovernmental cooperation defines a unit of local government as including a county, city, district, or other public corporation, commission, authority, entity organized and existing under statute or city charter; and
3. WHEREAS, ORS 190.010 provides that a unity of local government may enter into a written agreement with any other unit or units of local government for the performance of any or all functions and activities that a party to the Agreement, its officers or agencies, have authority to perform; and
4. WHEREAS, in an effort to further economy and efficiency, the Parties hereto wish to cooperatively support the sharing of equipment during times of need, and
5. WHEREAS, the parties wish to establish this collaborative agreement to ensure continued consideration of opportunities for cooperation which may arise.

NOW, THEREFORE, IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS:

AGREEMENTS

Article 1: Scope of Services

1.1 Shared Equipment

Linn County has applied for and received a water purification trailer utilizing state funding under grant agreement 19-062, which allows the City of Albany Public Works Department to have a water purification trailer on hand for city emergency needs and for mutual aid. This grant was developed to provide usable equipment around the state for emergency response to catastrophic disaster. Linn County makes no representations or warranties as to the safety or suitability of the equipment, and the City of Albany Public Works Department (or governments using the trailer under mutual aid) shares the use of the water purification trailer at its sole risk. The parties believe that the City of Albany Public Works Department may, at the City of Albany Public Works Department's sole risk,

transport, utilize, maintain, and operate the trailer acquired by Linn County for emergencies within the City of Albany or have it utilized by other Oregon jurisdictions in need of purified drinking water.

1.2 Permissible Places of Operation

Linn County agrees to permit the City of Albany Public Works Department to operate the equipment within City limits and Urban Growth Area. Should the equipment be needed to support an emergency in another community, Linn County will coordinate the transportation, maintenance and operation of the equipment for the duration of its deployment.

Article 2: Term/Time of Performance

The terms of this Agreement shall become effective upon the final signature of the parties and shall remain in effect until it is terminated by mutual agreement of the parties. This Agreement shall be reviewed annually.

Article 3: Compensation

None of the parties are responsible to compensate or provide any other benefit to the other for the performance of the terms of this Agreement.

Article 4: Change or Modification

This Agreement contains the entire agreement between the parties hereto and supersedes any and all prior express and/or implied statements, negotiations and/or agreements between the parties, either oral or written. Any party to this Agreement may from time-to-time request changes in the scope of the agreement as set forth herein. No change, modification, or waiver of any provision in this Agreement shall be valid or binding upon the parties except upon written amendment executed by all of the parties.

Article 5: Transfer of Interest

No party to this Agreement shall assign or transfer any interest in or duty under this Agreement without the written consent of the other parties, and no assignment shall be of any force or effect whatsoever unless and until the other parties shall have so consented in writing.

Article 6: Indemnity

Each aforementioned party agrees to defend, hold harmless, and indemnify the other parties, their officers, employees, board members, and agents from any and all liability, damages, costs, expenses, and attorney fees arising out of the parties' negligence while engaged in the activities arising out of this Agreement.

Subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 et seq., and Article XI, Section 10 of the Oregon Constitution, each party to this agreement shall be solely responsible for its own actions and/or failure to act and shall indemnify and hold the other party harmless from any liability, cost or damage arising there from. Provided, however, that neither party shall be required to indemnify the others for any claim, loss or liability arising solely out of

the wrongful act of the other's officers, employees, or agents. The provisions of this paragraph shall survive the expiration or sooner termination of this agreement.

Article 7: Insurance/Release

Each party agrees to provide and be responsible for their employees' workers' compensation insurance. Additionally, each party shall be responsible for any and all liability arising out of its use of the equipment by its respective officers, employees, board members, agents, or volunteers. Each party further agrees to be responsible for and make repairs or replacements required due to any physical damage to the equipment while it is in the custody of that party or being used, stored, or parked by that party. Linn County makes no warranties, express or implied, as to the condition of the water purification trailer or any equipment contained therein. The City of Albany Public Works Department acknowledges that its representatives have examined and been trained on the use of the Trailer, and Linn County has made no warranties to its condition or suitability for use.

Article 8: Severability

Invalidation of any term or provision herein by judgment or court order shall not affect any other provisions that remain in full force and effect.

Article 9: Termination/Withdrawal

Any party may request termination/withdrawal of this Agreement for any reason with 30 days written notice to the other party. Each party shall continue to carry out the provisions of this Agreement during the period after the giving of notice to the effective date of termination/withdrawal.

Article 10: Operations of Agreement

In any decisions regarding the operation of this Agreement, it is the intent of both parties hereto that the specific provisions of this Intergovernmental Agreement shall govern. Decisions necessary to implement this Agreement that are not covered by the specific provisions of this Agreement shall require the agreement of both parties. Such agreement shall be provided through their designated representatives. In the event that the parties do not reach an agreement on a decision or a particular course of action, the matter will be referred to the nonelected chief executive officers of the respective parties to this Agreement for resolution. Those officers will meet and make a decision regarding this matter. In the event that the chief executive officers are unable to agree, then the issue will be processed in accordance with Article 11.

Article 11: Disagreement/Arbitration

In the event the parties to this Agreement are unable to agree, as specified in Article 10, either party may apply to the presiding judge of Linn County requesting the appointment of a neutral arbitrator. The arbitrator thus selected shall establish the procedures for arbitration of the dispute and his/her decision shall be final. The parties shall share equally in all arbitration fees and costs.

Article 12: Attorneys' Fees

In the event a suit or action is commenced to enforce the terms of this Agreement, the prevailing party shall recover and the losing party shall pay the prevailing party court costs and reasonable

attorney fees incurred in the suit or action. This provision specifically includes any court costs and attorneys' fees incurred by the party prevailing on appeal.

IN WITNESS WHEREOF, the parties have herewith executed their signatures.

LINN COUNTY, OREGON

CITY OF ALBANY, OREGON

Michelle Duncan, Sheriff

Peter Troedsson, City Manager

Date

Date

Approved as to Form:

Phillip Van Leuven, County Counsel

M. Sean Kidd, City Attorney

Date

Date



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager

FROM: Mary Dibble, Central Administrative Officer

DATE: July 30, 2024, for the August 7, 2024, City Council Meeting

SUBJECT: November and December 2024 City Council Meeting Dates

Action Requested:

Council’s approval of the proposed changes in the city council meeting schedule for November and December 2024.

Discussion:

City of Albany council meeting schedules coincide with holidays that are recognized by the federal government. Staff recommends the following meeting schedule:

November 2024

Monday, November 4	Work session, 4:00 p.m.
Wednesday, November 6	Council meeting, 6:00 p.m.
<i>November 11</i>	<i>City offices closed</i>
Monday, November 18	Work Session, 4:00 p.m.
Wednesday, November 20	Council meeting, 6:00 p.m.
<i>November 28-29</i>	<i>City offices closed</i>

December 2024

Monday, December 9	Work session, 4:00 p.m.
Wednesday, December 11	Council meeting, 6:00 p.m.
Monday, December 23	Council meeting, 6:00 p.m.
<i>December 25</i>	<i>City offices closed</i>

MD

Nov 2024						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Dec 2024						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				





MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *7/30*
Chris Bailey, Public Works Director

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

DATE: July 26, 2024, for the August 7, 2024, City Council Meeting

SUBJECT: Oregon Community Paths Grant Pre-Application
Relates to Strategic Plan theme: Great Neighborhoods

Action Requested:

Staff recommends council authorize submittal of Oregon Community Paths grant pre-applications for the following projects and studies:

1. South Waterfront Trail Construction
2. Lyon Street Bridge Multiuse Path Construction
3. Pacific Boulevard-Queen Avenue Intersection & Path Project Refinement
4. Geary Street-Queen Avenue Intersection & Path Project Refinement

Discussion:

The pre-application period is open for the Oregon Department of Transportation (ODOT) 2024 Oregon Community Paths (OCP) grant program. The OCP grant program is intended to fund the construction of improvements to help communities create and maintain connections through multiuse paths, with the goal of complementing and expanding existing active transportation programs. The application process for the OCP grant requires applicants submit pre-applications to determine a project’s eligibility between August 1 and September 16, 2024. ODOT will notify applicants on September 30, 2024, if a project is eligible to submit a final application. Staff will report back to council prior to submitting final applications should ODOT determine if any, or all, of the projects submitted in the pre-application phase are eligible.

The OCP grant provides funding for two project types, Construction and Project Refinement. Staff identified two projects that appear to align well with the criteria of the Construction Grant: the South Waterfront Trail and the Lyon Street Bridge Multiuse Path; and two projects that align well with the criteria of the Project Refinement Grant: Pacific Boulevard-Queen Avenue Intersection and Geary Street-Queen Avenue Intersection. Project Refinement Grants provide funds to complete design refinement needed to prepare projects so they are ready for a Construction Grant in the next OCP cycle in 2026. To be eligible for the grant funds, applicants must commit to provide 10.27% matching funds upon award.

Project Descriptions

South Waterfront Trail (Attachment 1). The proposed project would construct a concrete multi-use path along the south bank of the Willamette River from Bowman Park to Talking Water Gardens. The project would border and serve an older established neighborhood; complete a gap in an existing riverfront trail system that connects downtown Albany with several regional parks, as well as commercial and employment opportunities near WinCo and Costco; and is already an identified project in both the Transportation System Plan (TSP) and the Parks Master Plan (PMP). The route the path would utilize is over land which the City already either owns



or has acquired an easement for. The total estimated project cost is \$3,600,000, with a corresponding required local match of \$369,720.

Lyon Street Bridge Multiuse Path (Attachment 2). The Albany US 20 Corridor Study presented to a joint Council and Transportation Advisory Committee meeting was completed to evaluate traffic in and through downtown Albany, particularly on US 20 over the Ellsworth Street and Lyon Street Bridges. The Lyon Street Bridge currently provides limited facilities and protection for bicycles and pedestrians, and the Study's implementation plan identifies a project to construct protected pedestrian and bicycle improvements with the existing footprint of the Lyon Street Bridge that align well with the OCP grant criteria. The proposed project would reconfigure the Lyon Street bridge to include a 10-foot-wide multiuse path that would continue up Springhill Drive to Hickory Street. The total estimated project cost is \$3,250,000, with a corresponding required local match of \$333,775.

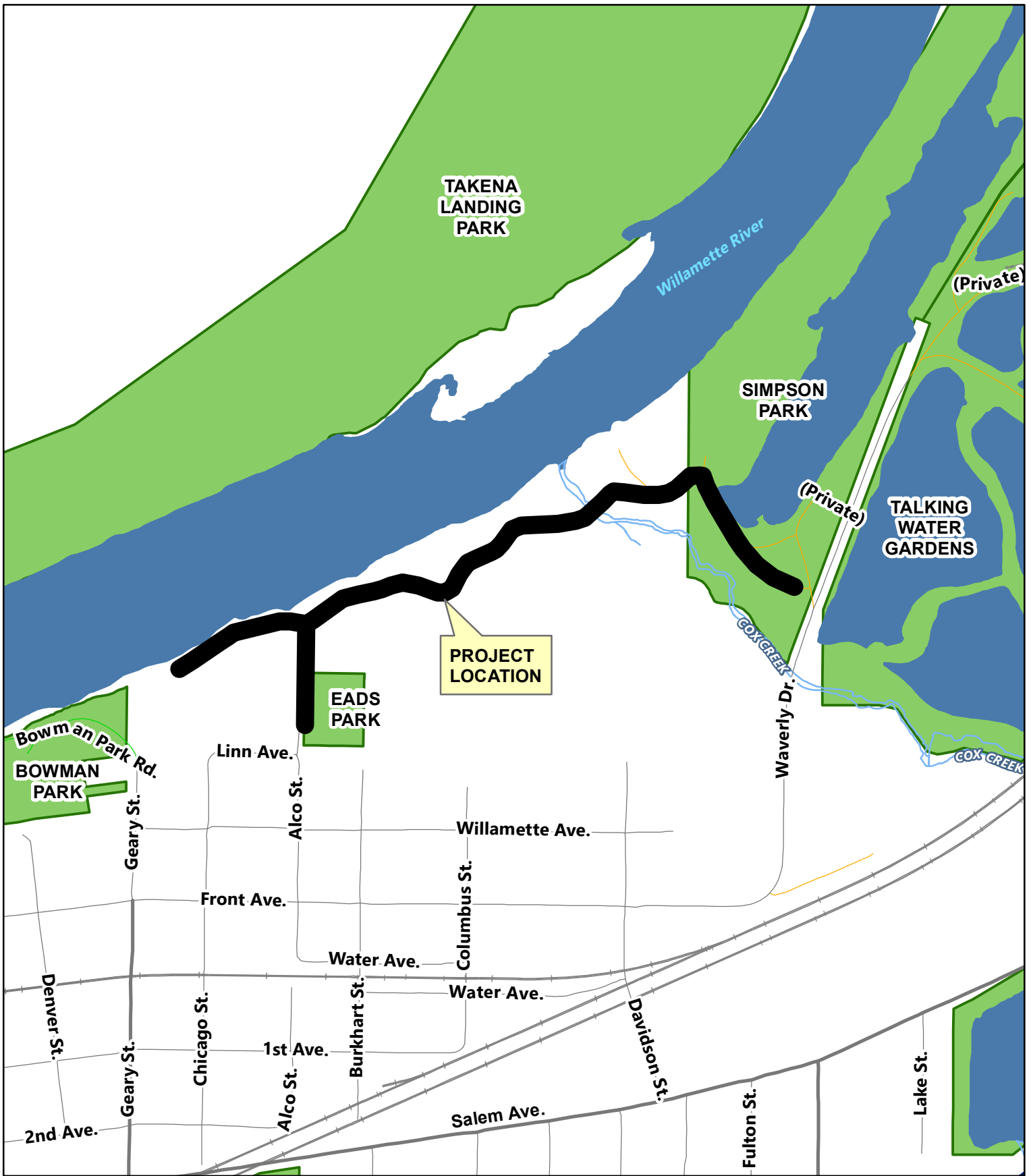
Geary Street-Queen Avenue Project Refinement (Attachment 3). The proposed project includes evaluating the intersection to determine improvements required to safely accommodate the Periwinkle Creek Bike Path across the intersection, walking and biking connections to schools, shopping, and other essential destinations. Construction of improvements to the Geary and Queen intersection is identified in the Transportation System Plan (TSP). The study would develop a preliminary design to identify the project footprint, and any right-of-way requirements, and an estimated total project cost. The total estimated study cost is \$120,000, with a corresponding required local match of \$12,324.

Highway 99E-Queen Avenue Project Refinement (Attachment 4). The proposed project includes evaluating the intersection to determine improvements required to safely accommodate walking and biking connections to schools, shopping, and other essential destinations. Construction of improvements to the Highway 99E and Queen intersection is identified in the Transportation System Plan (TSP). The study would develop a preliminary design to identify the project footprint, and any right-of-way requirements, and an estimated total project cost. The total estimated study cost is \$120,000, with a corresponding required local match of \$12,324.

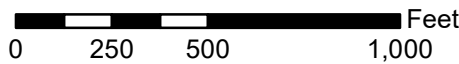
Budget Impact:

Sufficient funds are available in the Transportation Systems Development Charges (SDC) accounts to fund the required 10.27 percent local match required if the proposed projects receive funding through the OCP Grant Program.

SLB:ss
Attachments (4)

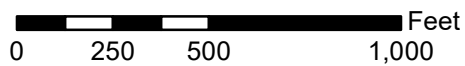


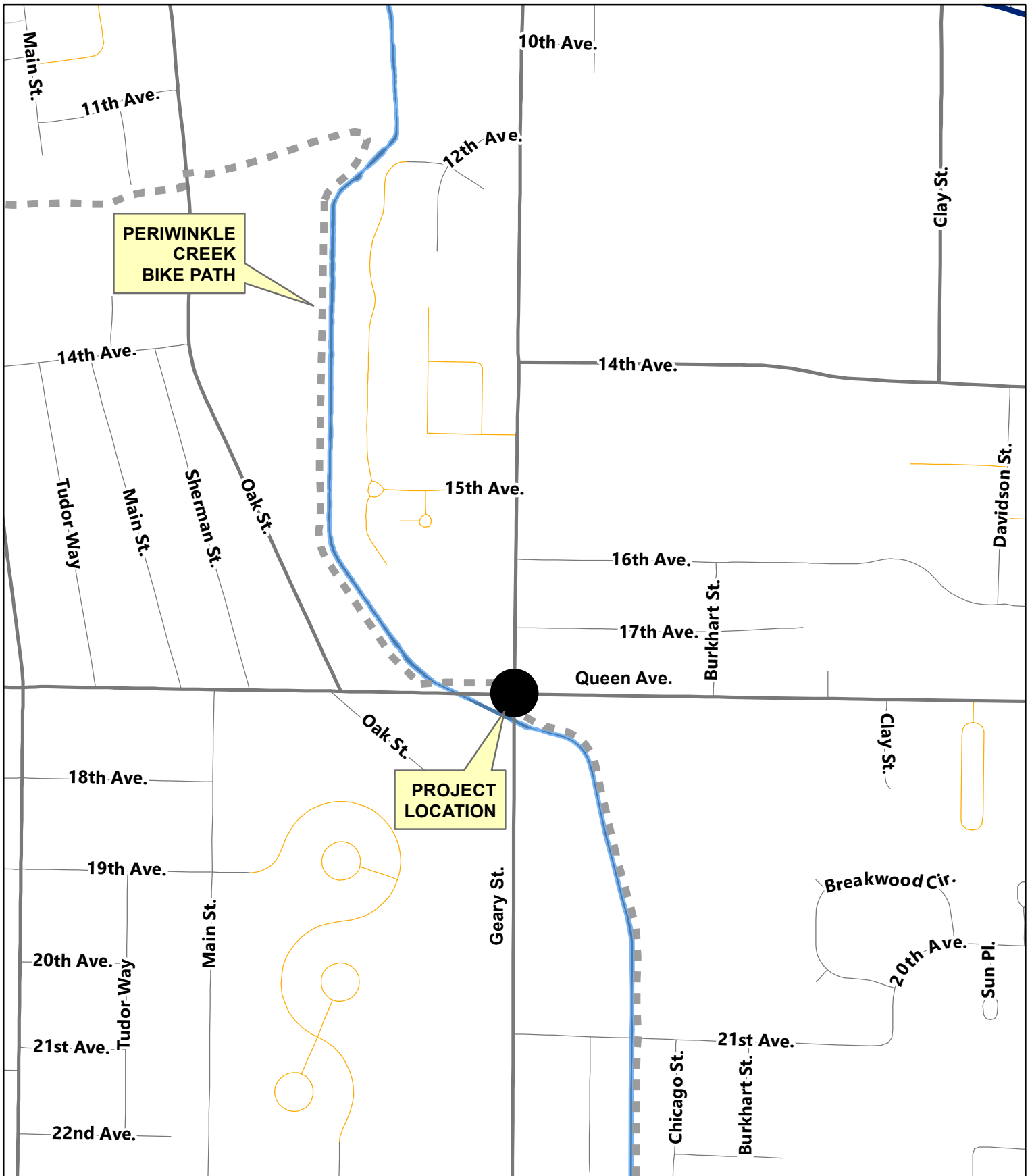
ATTACHMENT 1 SOUTH WATERFRONT TRAIL VICINITY MAP



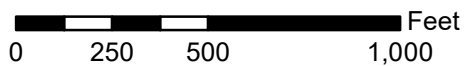


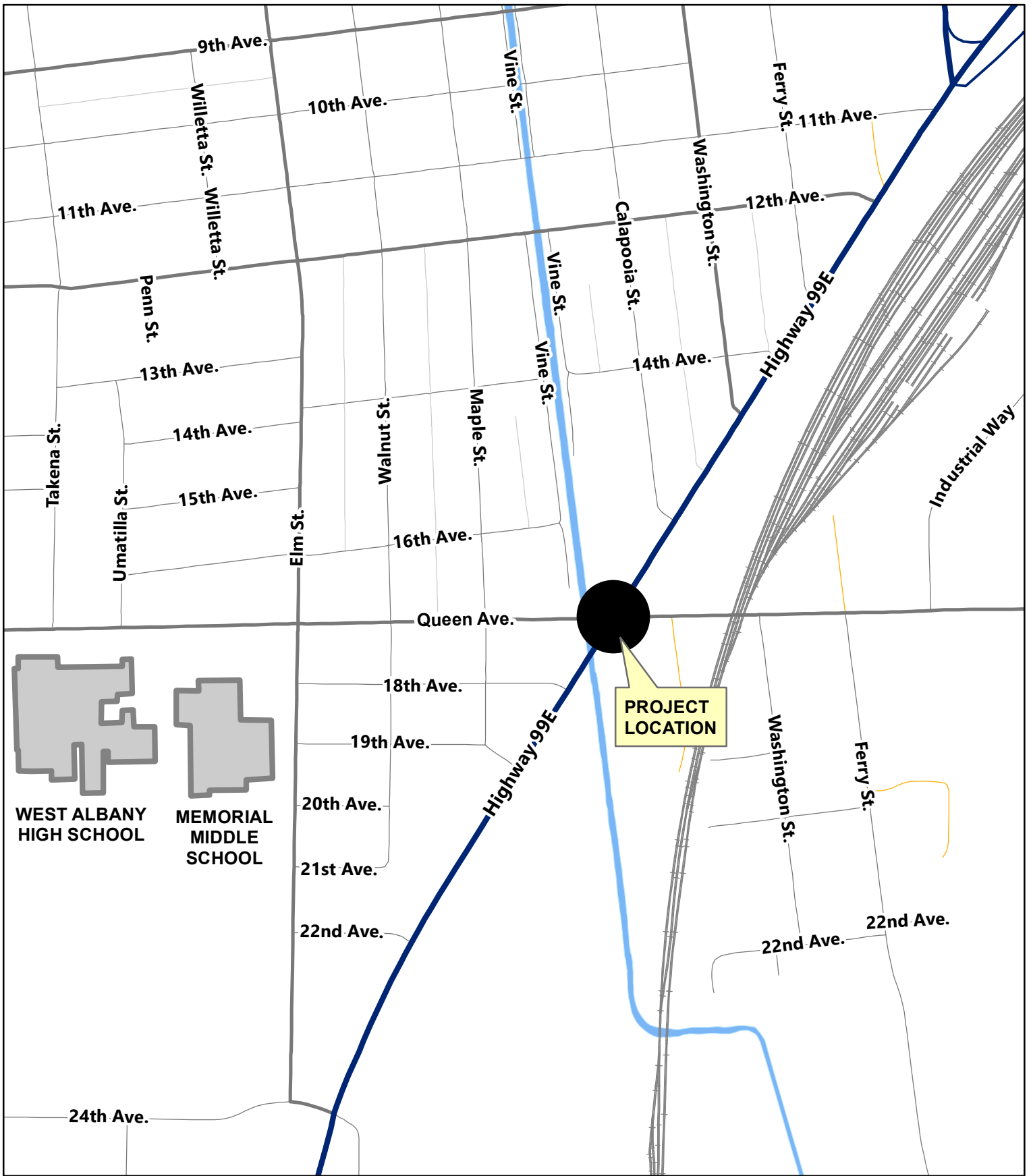
**ATTACHMENT 2
LYON STREET BRIDGE MULTI-USE PATH VICINITY MAP**



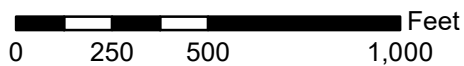


**ATTACHMENT 3
GEARY STREET-QUEEN AVENUE
PROJECT REFINEMENT VICINITY MAP**





**ATTACHMENT 4
HIGHWAY 99E-QUEEN AVENUE
PROJECT REFINEMENT VICINITY MAP**





MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager
Chris Bailey, Public Works Director

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

DATE: July 26, 2024, for the August 7, 2024, City Council Meeting

SB 7/30

SB

SUBJECT: Street Maintenance Funding

Relates to Strategic Plan theme: Great Neighborhoods, Effective Government

Action Requested:

Staff recommends Council review, deliberate, and take the following action:

1. Adopt ordinance (Attachment 1) amending the Albany Municipal Code to create a street maintenance fee; and
2. Provide direction on seeking additional funding through a local fuel tax; and
3. Provide direction on seeking additional funding through a general obligation bond.

Discussion:

Background

Albany's Strategic Plan includes a goal to "Provide an efficient transportation system with safe streets and alternative modes of transportation." Two objectives under this goal are to improve the condition of Albany's streets and address the need for additional funding for street maintenance. At the August 7, 2023, council work session, Public Works Director Chris Bailey discussed a proposed schedule and outline to kick off a series of presentations with council and the Transportation Advisory Committee on street conditions and the financial need to maintain the city's street system.

The series of presentations staff has provided over the last year was done with the goal of making progress towards these objectives. Staff memos and presentations that have taken place over the past year can be found on the city's website at: <https://www.albanyoregon.gov/streets>. Lack of adequate funding to maintain streets is not unique to Albany. Rising costs, and a lack of funding for street maintenance is impacting almost all public agencies in Oregon on the city, county and state level.

History and Current Conditions

Efforts in Albany to find funding to maintain streets to an adequate level can be found going back to at least 1982. Three attempts at a local street utility have failed (2001, 2003, 2018), three attempts at a local fuel tax have failed (1982, 1991, and 2017), and two out of three General Obligation Bonds have also failed (1995-failed, 1998-passed, 2000-failed). This is a difficult problem to address. However, choosing not to address the issue will result in the ongoing deterioration of city streets that will only be more expensive to repair in the future.

A Mayor's Task force on Street Maintenance was formed in 1995 after the failed bond attempt of that year. The key findings and recommendations contained in their June 1996 The Roads Ahead Report (Attachment 2) to Albany's City Council are consistent with information staff has discussed with council during the past year.

cityofalbany.net



The June 1996 report identified an annual funding gap of \$1.7 million to maintain city streets; today that annual funding gap has grown to \$12.8 million. The Report also noted only 3.25% of local streets required reconstruction. Today 36.5% of local streets require reconstruction. The lack of sustained funding for street maintenance over the decades has resulted in more streets requiring reconstruction at costs that are orders of magnitude higher.

The condition of Albany's streets, especially local streets, has not gone unnoticed by our citizens. As the council heard at the July 22, 2024, Work Session, transportation system concerns ranked second only to homelessness as an area of concern with the public. Additionally, in a metric that reflects terribly on the city, 55% of those polled felt the city was doing a poor job on street condition; no other city service scored worse than 28%. The need to do something about our streets is clear.

Past and current councils have provided direction to focus the use of available funding for street maintenance on maintaining arterial and collector streets, which carry the most traffic, rather than local streets. The result of this strategy today is approximately 98% of arterial and 87% of collector streets are in fair to good condition, while almost 40% of local streets are in poor or failed condition. If no additional funding is identified, staff expects the condition of the majority of arterial and collector streets to remain in fair condition or better, but local streets currently in fair condition will all shift to poor condition, further exacerbating the problem of our local streets.

The Path Forward

Finding a solution to address the growing funding gap for street maintenance is a difficult decision. Similarly to the June 1996 Mayor's Task Force Report, council received detailed information on options to generate additional funding to maintain city streets at the December 11, 2023, council work session (Attachment 3). The June 1996 Report's recommended strategy was to generate funding using a series of General Obligation bonds, and to develop and implement a street maintenance fee. Council has expressed interest in these two options as well as a local fuel tax. Below is a summary of highlights for each of these three funding options:

Street Maintenance Fee

- Ongoing funding source
- Option for low-income assistance program
- Established by Ordinance; Fee Structure and Rate set by Resolution
- 1996 Mayor's Task Force for Street Maintenance recommended establishment of a SMF
- Requires significant community outreach and education effort
- Common approach to local street funding; 27 cities in Oregon have a street maintenance fee with a monthly residential fee ranging from \$3.92 to \$16.81
- All properties benefit from the street system; all properties pay a SMF

Local Fuel Tax

- Ongoing funding source
- No option for low-income assistance
- Requires voter approval
- Revenue generated from all vehicles that purchase fuel in Albany
- Assumes State solves issue with declining revenue due to increasing fuel efficiency and electric vehicles
- Requires significant community outreach and education effort

- Common approach to local street funding; 32 cities in Oregon have a Local Fuel Tax with a per gallon tax rate ranging from \$0.01 to \$0.10 (most cities have a \$0.03 per gallon tax).

General Obligation Bond

- One-time source of funding
- No option for low-income assistance
- Requires voter approval
- Includes interest and financing costs
- Assessed as property tax; exempt properties don't pay
- 1996 Mayor's Task Force for Street Maintenance recommended the use of bond packages to fund street maintenance improvements
- Requires significant community outreach and education effort
- Commonly used for arterial and collector streets; less common option for local streets

Another possible source of revenue for street maintenance is redistribution of existing General Fund resources. Council could identify services the city is providing through General Fund revenues to eliminate or reduce, and use resulting savings to help fund street maintenance. This option would require council direction to identify the services that they would like to consider cutting. While the General Fund did provide funding for the street maintenance program many decades ago, growth in General Fund-funded services has outpaced growth of General Fund revenues. The result of this funding deficit is that today there are no General Fund resources for street maintenance, and the city also felt the need to implement the City Services Fee in 2021 simply to maintain that level of General Fund-funded programs. In summary, any transfer of General Fund revenue to the street program would require equal cuts to General Fund-funded programs.

It is important to note that none of these funding options will realistically solve the ongoing and ever-increasing need for funding for street maintenance by itself.

- A local fuel tax is predicted to bring in at most \$400,000 per penny per year. A three-cent fuel tax (the most common fuel tax rate in the state) would generate at most \$1.2 million per year. This is not even enough to bridge the gap needed to address our arterial and collector streets.
- Revenue from a SMF is harder to precisely estimate because there are many details that must be considered in its structure. However, a rough estimate predicts that a single dwelling residential rate of \$16.00 per month, which would be among the highest in the state, would generate \$6 million per year. This is a significant amount, but not enough to fill the annual gap even when added to the local fuel tax.
- A bond measure is not appropriate to consider for ongoing maintenance funding. A package of street projects needing a one-time investment for full reconstruction would be appropriate for a bond. Yet we could not reasonably expect to issue bonds to pay for the entire backlog of failed streets. One estimate is that the city would need to issue over \$65 million in bonds just to reconstruct 20% of our failed local streets (10.2 miles). Successful bond measures are typically \$20 million or less.

The result is that the city finds itself today almost exactly where the 1996 Mayor's Task Force Report ended; we recognize that to effectively manage our street conditions now and into the future, we need both a large infusion of capital funding from bonds or some other one-time source in combination with a sustainable, reliable source of ongoing maintenance funding.

While we recognize the best path forward is to build a funding strategy with multiple sources, they cannot all be implemented simultaneously. Staff is recommending a phased approach with time to provide outreach and

take input from the public, and with the development of a Street Maintenance Plan that will describe the intended use of funds, require an annual report on the use of funds, and create opportunities for the public to provide feedback. It is clear from the public opinion research that the best chance to gain public support now and in the future is to be completely open and transparent about the need for and use of these funds, publicize results and impacts, and provide ongoing outreach, education, and public input opportunities.

Staff requests council discuss and deliberate on the following staff recommendations:

1. Adopt the ordinance to establish the legal authority to implement a street maintenance fee. Adoption of the ordinance does not result in the implementation of new fees for street maintenance. If council ultimately decides to implement a street maintenance fee, that fee would be adopted by council resolution at a later date. Development of a new fee is a detailed and time-consuming process; the Public Works Department does not have staff capacity to manage this work if there is no clear direction from council that it wants to consider a SMF. If the council votes to adopt the attached ordinance, staff will develop a schedule with our consultants and begin work on the SMF. This includes time to discuss and seek council guidance on rate structure considerations, outreach strategy, and implementation schedule. While no decisions have been made, staff currently believes phasing in a SMF over several years, with progress reports and pavement project updates provided to the council and the public annually will provide the best possible initial outcomes.
2. Provide direction on Local Fuel Tax Funding option. If council directs staff to pursue a Local Fuel Tax, staff will develop a schedule to discuss and seek council guidance on a per gallon fuel tax and outreach strategy prior to placement on the ballot. Staff will also research successful fuel tax efforts in Oregon and discuss with council a strategy for timing of placing the tax on the ballot.
3. Provide direction on General Obligation Bond. If council directs staff to pursue a General Obligation Bond, staff will develop a schedule, identify a list of projects to consider, work with a financial consultant to structure the bond, and develop an outreach strategy prior to placement on the ballot. Similar to the local fuel tax, staff will research the outcome of votes on street bonds in Oregon, including several on the ballot this November, and discuss with council the size, structure, and timing of a bond vote based in part on that research.

Finally, if the council provides positive direction on an ongoing local funding source for street maintenance, staff will begin work on a comprehensive Street Maintenance Plan. There are several examples of this type of plan that have been developed for other cities in Oregon on which the city can build. As mentioned above, staff believes a well thought out plan that includes priorities for local funding, a plan to begin to address failed local streets, shows the intended use of local funds, and presents the results of those funds will be a powerful tool in gaining and maintaining public support for this new program.

Budget Impact:

None at this time.

SB:ss

Attachments (3)



ORDINANCE NO. _____

AN ORDINANCE CREATING ALBANY MUNICIPAL CODE (AMC) CHAPTER 14.30, STREET MAINTENANCE FEE

WHEREAS, the City of Albany is responsible for the maintenance, operation, and construction of improvements on streets under its jurisdiction; and

WHEREAS, regular maintenance of streets is cost-effective for the city and for its citizens because deteriorated streets are increasingly expensive to repair and maintain, cause increased wear on vehicles, and pose increased safety hazards to the public; and

WHEREAS, the condition of the City of Albany's street network has been declining as demonstrated by engineering analysis to calculate the pavement condition index (PCI) conducted in 2016 and updated in 2021; and

WHEREAS, the City's physical growth and development will continue to increase the number of miles of streets, sidewalks, bicycle facilities, and associated assets under its jurisdiction at the same time that the condition of the street network declines; and

WHEREAS, a well-maintained street network enhances the livability, property values, and economic vitality of the community; and

WHEREAS, funding to perform street maintenance and improvement projects has not kept pace with the demand for those projects and current funding is not adequate to properly maintain the City of Albany's street network; and

WHEREAS, the Albany City Council finds that in order to properly maintain the City's transportation system, it must be funded in a manner enabling on-going maintenance, operation, and improvement of the system; and

WHEREAS, the city council has reviewed options for generating revenue to maintain the City's transportation system at a level the community expects; and

WHEREAS, the Street Maintenance Fee will be used to generate revenue for use in improving the condition of streets under the City's jurisdiction and ancillary transportation improvements.

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

Section 1: Albany Municipal Code (AMC) Chapter 14.30, Street Maintenance Fee, is hereby created as follows:

14.30.01, Title and Purpose

This chapter shall be known and may be cited as the "Street Maintenance Fee Code of the City of Albany." The purpose of this chapter is to establish a fee to fund the maintenance, operation, repair, preservation, reconstruction, administration, safety enhancements, and capital alteration of the City's transportation system for all users, including vehicle lanes for all street classifications, pedestrian, bicycle, and other modes of travel.

14.30.05, Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "City" means the City of Albany, a municipal corporation of the State of Oregon.
- (2) "City Manager" means the person chosen by the Albany City Council to meet the requirements of Section 22 of the Albany Charter or such person as may be designated by the City Manager to act in his/her name and capacity.

- (3) “Director” means the person designated by the City Manager to supervise the Public Works Department and who is charged with certain duties and responsibilities by this title, or the duly appointed representative.
- (4) “Developed property” means a lot or parcel, or portion thereof, of land within the corporate limits of the city of Albany on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to, buildings, parking lots, outside storage, and other uses that connect to or impact the transportation system.
- (5) “Dwelling unit” means one or more habitable rooms that are occupied or intended or designed to be occupied by residents with housekeeping facilities for living, sleeping, cooking, and eating...
- (6) “Gross square footage” means the calculation of the area of all structures located on a site, measured along the exterior walls of such structures, and including, but not limited to, enclosed courtyards and stairwells, but not including fences and parking areas which are not enclosed within a building.
- (7) “Multi-unit” means more than one dwelling unit served by one water meter.
- (8) “Multi-dwelling unit” means residential property consisting of two or more separate dwelling units.
- (9) “Non-residential property” means property classified as non-residential property in the City’s utility billing system, including property with any use other than a residential use, including without limitation all commercial, industrial, mixed-use, school, hotel/motel, or other tourist accommodation uses, and properties with both residential and non-residential uses.
- (10) “Residential property” means property with one or more dwelling units, classified as residential in the City’s utility billing system, including accessory uses permitted under the Albany Development Code, and including single and multi-dwelling unit residential property but not including hotels, motels, and assisted living facilities.
- (11) “Responsible party” means the person or entity responsible for the utility bill or other person who has notified the City of their intent to be responsible for the Street Maintenance Fee for a property, and who is responsible for payment of charges.
- (12) “Single unit” means one dwelling unit served by one water meter.
- (13) “Trip generation” means the average number of vehicle trips, as determined by reference to the manual entitled, Trip Generation, published by the Institute of Transportation Engineers.

14.30.010, Administration and rulemaking

The Director shall administer and enforce the provisions of this chapter, have the authority to render written and oral interpretations, conduct audits, and to adopt administrative rules and procedures governing the administration, enforcement, and collection of the Street Maintenance Fee.

14.30.015, Fee established

A Street Maintenance Fee is hereby created and imposed on the owner, tenant, agent, or other responsible party of developed property in amounts set forth by City Council resolution. The fee shall be based on the developed property’s direct and indirect use of, or benefit derived from the use of, the City’s transportation system and is reasonably related to the cost of providing these services; it is not a property tax; and it is not subject to the limitation of Article XI, Section 11 of the Oregon constitution. The obligation to pay a Street Maintenance Fee arises when a person receives the direct or indirect benefit of the transportation system. The fee imposed under this chapter shall become due and payable from and after the effective date of this chapter and for property developed after the effective date of this chapter, from and after the date the property becomes developed. All monies received from the Street Maintenance Fee shall be deposited into the Street Fund.

14.30.020, Fee amount and annual adjustments

(1) The rate for the Street Maintenance Fee shall be established by City Council resolution and shall be applied to utility customer accounts by classification.

(2) Customer account classification shall be determined by the Director or the duly authorized representative. Any appeal of the Director’s determination shall be made in writing to the Director in

accordance with City policy. Any requests for review of the Director's appeal determination shall be made in writing to the City Manager. The City Manager's determination shall be final.

(3) The rate of the Street Maintenance Fee shall be adjusted annually for inflation as determined by the City Council.

(4) The rate, other charges, or any adjustments to the Transportation Fee shall be set by resolution of the City Council.

14.30.025, Revenue

(1) Revenue collected under this chapter shall be deposited into the City's Street Fund and must be used consistent with the purposes of that fund and this chapter.

(2) Street Maintenance Fee revenue may be used for any operations, administration, and maintenance work contracted for or performed by the City on the City's transportation system, consistent with the provisions of this chapter. The primary use of the funds shall be to perform maintenance of the city transportation system through pavement preservation and street reconstruction activities. Funding is also approved for ancillary improvements including bicycle and pedestrian improvements, striping, sidewalk and curb ramps meeting the requirements of the Americans with Disability Act (ADA).

(3) It is not necessary that the expenditures of the Street Maintenance Fee revenues specifically relate to the parcel or property from which the fees are collected.

14.30.030, Billing, due date, and delinquency

(1) The Street Maintenance Fee shall be billed to and collected from the responsible party, owner, tenant, agent, or other authorized representative responsible for a developed property as defined within this chapter.

(2) The Street Maintenance Fee shall be included and separately identified in a utility billing statement for a developed property account and shall be due and payable on the same schedule as that set forth in the statement. Payments for a Street Maintenance Fee through the utility billing statement shall be applied in a priority as established by the Director.

(3) Unless another person has agreed in writing to pay all or a portion of the Street Maintenance Fee, and a copy of that writing is filed with the Director, the responsible party shall pay the Street Maintenance Fee and all other applicable charges, including any administrative fees.

(4) Delinquent accounts shall be subject to the provisions for delinquency as established by City Council resolution. No lien will attach to the property in the event of nonpayment of the Street Maintenance Fee. The City may proceed to collect delinquent charges in any other manner provided by law.

14.30.035, Adjustments, back-billing, credits, and refunds

The City may make adjustments, back-bill, pay refunds, or waive fees and charges in accordance with City Council policy. If no Council policy exists, the City may make adjustments where it is deemed necessary on a case-by-case basis as determined by the Director for the proper conduct of the administration of the Street Maintenance Fee. A full explanation of the reason for the adjustment or refund must be filed for the record and, subject to Oregon public records law, will be made available upon request. Refunds are to be made to the party that made the payment.

14.30.040, Exemptions and discounts

Single dwelling unit residential customers who have been approved through the City's Low Income Assistance Program shall pay a discounted Street Maintenance Fee in accordance with the effective City Council low-income assistance program resolution.

14.30.045, Falsification

No person shall knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter.

14.30.050, Civil penalties

Any person who is found to have violated an order of the Director, or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, and regulations issued hereunder, shall forfeit and pay not more than \$1,000.00 for each offense as determined by the Hearings Officer. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offence.

14.30.055, Violations

Violation of any provision of this chapter, in addition to any civil penalties, shall be an infraction.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk

1.

The Roads Ahead

*A Report to the
Albany City Council*



Prepared By:
Mayor's Task Force on Street Maintenance
June 1996

Mayor's Task Force on Street Maintenance

SUMMARY OF FINDINGS

Since November 1995, the Mayor's Street Maintenance Funding Task Force has been working to develop a strategy for restoring and maintaining Albany's streets. The Task Force's key finding is that it costs four times more to rebuild a street that has failed than to prevent a street from failing. The Task Force's recommendations are based on the premise that Albany should spend one dollar now on preventive maintenance and overlays to avoid spending four dollars later rebuilding streets.

Albany's streets have been neglected:

- More than 10 miles of Albany's streets need to be rebuilt today and, without additional maintenance, every year an additional 3 miles of streets will need to be rebuilt. Many of the streets in Albany were built a long time ago and were not designed for today's traffic loading, increasing miles driven by each person, and an increasing number of heavy vehicles.

Albany should spend one dollar now on preventive maintenance and overlays to avoid spending four dollars later rebuilding streets.

- The amount Albany has been spending on our streets is not keeping our streets in good condition. Funding for the street system comes from a number of sources, but State gasoline taxes have been the only dependable source of revenue. Gas taxes have been frozen for many years, increasing vehicle fuel economy has limited the growth of gas tax revenues, and inflation has eroded the purchasing power of these funds.

- Albany has tried three times, unsuccessfully, to increase funding in the last 14 years. In 1982 and 1991, Albany tried to create a local gasoline tax. In 1995, Albany voters narrowly rejected a \$10.8 million General Obligation Bond.

The street maintenance problem has two parts:

- **Neglected streets.** Albany needs to spend an estimated \$36.3 million, more than \$1,000 per person in Albany, to repair the streets that have been neglected. Without major changes in the level of maintenance performed on Albany's streets, the cost to repair neglected streets in Albany will grow to \$77 million by the year 2001.
- **Annual funding gap.** Albany is \$1.7 million short of the amount of money that is needed each year to properly maintain the streets in order to avoid street failure. This annual funding gap means that streets are not being repaired on time, resulting in a fourfold increase in the long-term costs.

Mayor's Task Force on Street Maintenance

The recommended solution has two parts: The Task Force examined over a dozen solutions to the street maintenance problem and recommends two of those options:

- **General Obligation Bonds.** To begin to restore the neglected streets, the Task Force recommends that the City Council submit a series of General Obligation Bonds to the voters. General Obligation Bonds provide funding for the reconstruction and overlay projects that are needed to restore our streets. The Task Force recommends that the Council present a \$10 million bond measure to voters in March 1997, and a second \$10 million measure in March 2001.
- **Street System Utility.** To close a portion of the annual funding gap, the Task Force recommends that the City Council ask the voters to approve a Street System Utility Fee. A Street Utility is similar to a water or electric utility - a system that charges users a fee based on their use of the city streets. The Task Force recommends that the approximate monthly fee

Without major changes in the level of maintenance performed on Albany's streets, the cost to repair neglected streets in Albany will grow to \$77 million by the year 2001.

for single family homes be \$3.00, with commensurate fees for commercial and industrial uses. The Task Force recognizes that a business registration program will need to be established to implement the Street System Utility.

The Task Force realizes that the recommended additional funds will not completely restore Albany's streets or prevent future street failures. This proposed program, however, should help Albany narrow the gap of street needs and slow the number of streets that fail.

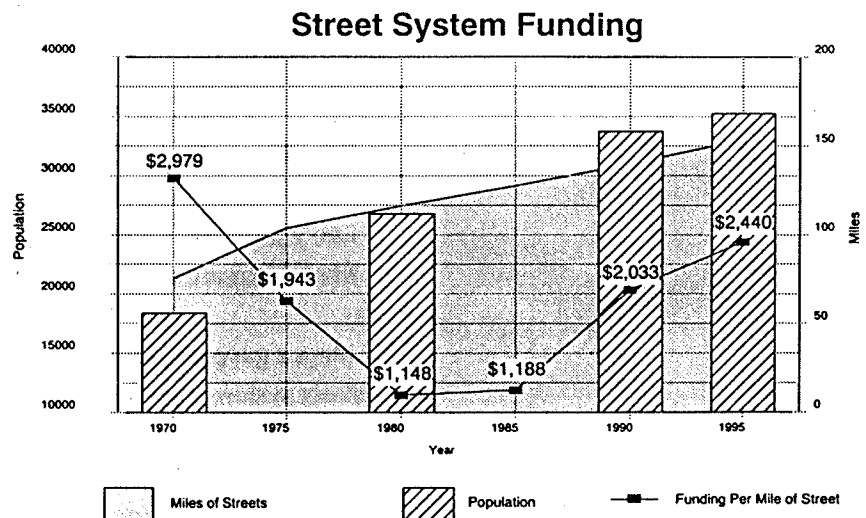
Community understanding is vital: The Task Force recommends that the Council engage the community in a discussion about the high costs of neglecting streets. There must be greater community awareness of the fact that it costs four times more to rebuild a failed street than to prevent a street from failing.

REPORT MAYOR'S TASK FORCE ON STREET MAINTENANCE

INTRODUCTION

A shortfall of revenues and increasing street miles have resulted in a serious backlog of street maintenance needs in Albany, and that backlog is growing dramatically. Since 1970, Albany's population has grown by nearly 60% and, during that time, the miles of streets in Albany more than doubled.

Motor fuel taxes (gas taxes) are the principal source of revenue for maintaining Albany's street system. After adjusting for inflation, gas taxes per mile of street are less today than what Albany received in 1970. While inflation and growth of the street system have eroded the purchasing power of gas tax dollars, the cost to perform capital maintenance (contracted street overlay and reconstruction work) has increased significantly since 1970.



The current backlog of street maintenance needs in Albany is estimated to be \$36.3 million. The amount of money received every year to operate and maintain the street system is \$1.7 million short of the amount that is needed to properly maintain the streets. That annual funding gap means that streets are not being repaired when they should, and deferring that maintenance increases the long-term costs substantially.

Albany has tried three times, unsuccessfully, in the last 14 years to increase funding for street system maintenance. Twice efforts were made to increase gas taxes (1982 and 1991), and one General Obligation Bond was presented to the Albany voters in 1995. Without major changes in the level of capital maintenance performed on Albany's streets, the backlog of overlays and reconstruction projects will grow to more than \$77 million by 2001.

MAYOR'S TASK FORCE

Albany Mayor Chuck McLaran appointed the Street Maintenance Task Force in November 1995 to look into the street maintenance problem. The Task Force consists of 14 members representing a broad cross-section of the community. The Task Force includes representatives from industry, home builders, senior citizens, neighborhood watch, trucking, gasoline interests, school district, and realtors.

The Task Force members are as follows:

Chuck McLaran, Albany Mayor
Ron Albers, GAPS/Transportation
Jack Byrne, AMEDC/Industry
Greg Conser, Home Builders
Bill Holton, Senior Citizens
Mike Huycke, Chamber of Commerce/Industry
Howard Jenks, Board of Realtors
Doug Killin, Citizen-at-Large/Planning Commission
Rick Mikesell, Trucking/Gasoline Interests
Dan Sullivan, Neighborhood Watch

Ex Officio Members are:

Dala Rouse, Budget Committee
Ralph Reid, Jr., City Council
Larry Johnson, County Commission
Mark Volmert, COG

The Mayor gave the work group the following tasks: review the status of the street system; focus on maintenance and preservation needs only; discuss alternative maintenance service levels; review alternatives for funding street maintenance; and recommend a street maintenance strategy to the City Council. This report to the City Council and the community is a summary of their findings and recommendations.

ALBANY'S STREET SYSTEM

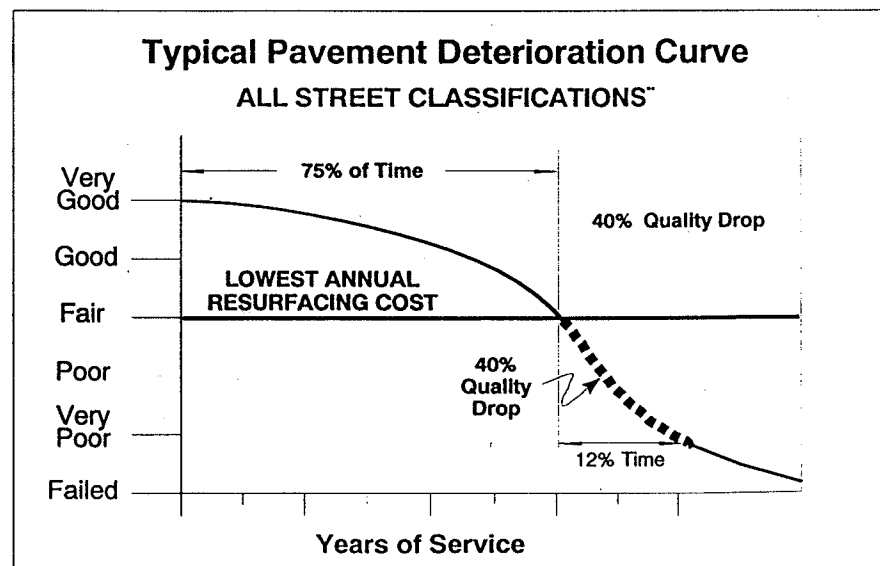
Albany's street system consists of more than 150 miles of streets. The majority of those streets (76%) are neighborhood streets (approximately 117 miles), while the major streets (arterial and collector streets) make up 24% of the system and represent 36 miles of streets. Examples of major streets include Waverly Drive, Queen Avenue, Washington Street, and Geary Street.

Nearly 25% of Albany's streets are unimproved, meaning they do not have curbs, drainage systems, or sidewalks, and nearly 6% of the streets are gravel. Albany had approximately 75 miles of streets in 1970. That means that half of the street system is more than 25 years old.

Miles of Streets				
Classification	Improved	Unimproved	Gravel	Total
Major	22.9	13.3	0.0	36.2
Neighborhood	<u>92.6</u>	<u>16.0</u>	<u>8.9</u>	<u>117.5</u>
Totals	115.5	29.3	8.9	153.7

How long should streets last?

Street useful life is dependent on many factors, including the initial design and construction, the amount and type of traffic, the preventive maintenance program, and the weather. Major streets, properly designed and constructed, should last up to 60 years before needing to be reconstructed, provided they are overlayed every 15 to 20 years. Neighborhood streets should last up to 90 years, provided they are overlayed every 25 to 30 years.



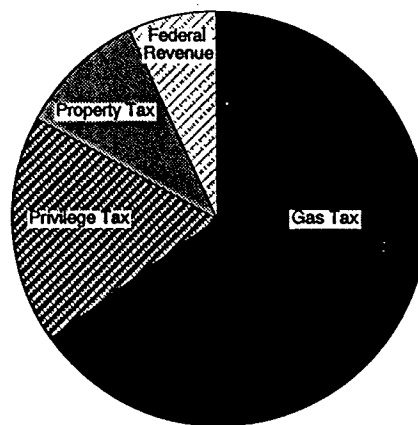
Timely overlays are critical to the cost-effective maintenance of a street system. Once a street has failed and it can no longer be overlaid, the costs rise dramatically. It cost at least four times as much to reconstruct a street that has failed than it does to overlay a street before it reaches failure. Overlaying the street extends its life another 15-20 years. To make them last, streets need to be properly designed and constructed when they are first built, and adequate resources must be available to properly maintain them during their useful life.

Maintenance/Reconstruction Costs		
	<i>Neighborhood Streets</i>	<i>Major Streets</i>
Overlay	\$450,000 per mile	\$800,000 per mile
Reconstruction	\$1,800,000 per mile	\$3,200,000 per mile

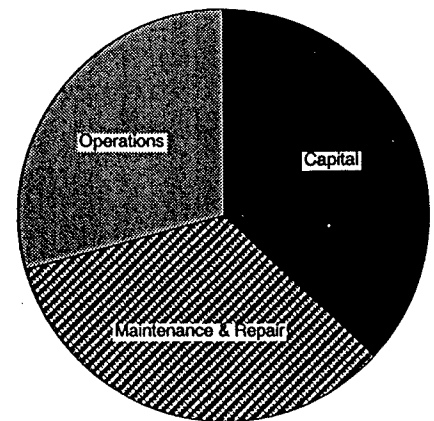
Operation and Maintenance of Albany's Streets

There are three major categories of work required to operate and maintain the Albany street system. Operational items (representing 29% of the 1994-95 street system expenditures) include traffic signals, street lights, street sweeping, signs and pavement markings, and traffic engineering (sight distance problems, accident investigation, etc.). Maintenance and repair work done by Albany crews includes crack sealing, base repairs, pothole patching, ditch and storm drain maintenance, sanding, vegetation management, and gravel street maintenance. These activities represent 34% of the street system expenditures. Contracted capital maintenance includes overlay and reconstruction projects completed by private contractors through the public bidding process, and this represents 37% of the street system expenditures.

1994-95 Street System Funding



Revenues



Expenditures

Street Maintenance Funding

Funding for street system operation and maintenance comes from a number of sources. Gas taxes are the only dependable source of revenue for the street system. These revenues are not increasing significantly because tax rates have been frozen for several years, and fuel efficiency is reducing fuel tax productivity. In 1994-95, gas taxes provided 65% of all revenues for street system activities in Albany. After adjusting for inflation, gas taxes per mile of street today are 82% of what Albany received in 1970. During the early and mid 1980's, a period of very high inflation, Albany was receiving gas tax revenues that were less than 40% of what was received in 1970 (per mile, adjusted for inflation).

Other sources of revenue include property taxes to offset the cost of street lights and partially fund the Urban Forestry Program, and privilege taxes on electric, natural gas, and telephone utilities to partially fund capital maintenance projects. These revenue sources have been directed to the street system by the Albany City Council to help close the gap in street system funding. As revenues decrease for general fund activities, such as Police, Fire, and Library, the City Council may find it increasingly difficult to dedicate these revenues to streets.

Federal funds also provide revenue to the street system. Cutbacks in federal spending on transportation activities of all types are adding to the gap between the demand for improvements and available resources. Albany has also received revenue from Linn County in the past through two programs that are no longer in existence. In March 1992, Albany entered into an agreement with Linn County to share timber receipts with all cities in the County. That agreement expired in September 1995. In 1990, Albany received a one-time transfer of funds in exchange for accepting ownership and lifetime maintenance responsibility for all Linn County road segments within the city limits at that time, approximately 14 miles, most of which were unimproved.

Albany's preventive maintenance program is focussed on preventing streets from failing. The community cannot afford to let streets fail and pay four times the cost to repair them. It is clear, however, that a substantial portion of the cost to run the street system is dedicated to things that are not going toward fixing potholes or overlaying streets (signs, traffic signals, street lights, street sweeping, etc.).

**Current Street Conditions
in Albany**

Many of the streets in Albany were built a long time ago. When those streets were built, it was not envisioned that the traffic loadings would be as great as they are today. The amount of miles people are driving today continues to rise, and there are many more heavy vehicles using the street system. These factors are combining to cause the street system to wear out quickly. Forty-four percent (44%) of Albany's major streets are in need of either reconstructing or overlays, and 17% of the neighborhood streets need similar work. Overall 22% of the Albany street system needs to be reconstructed or overlaid.

Status of Street System

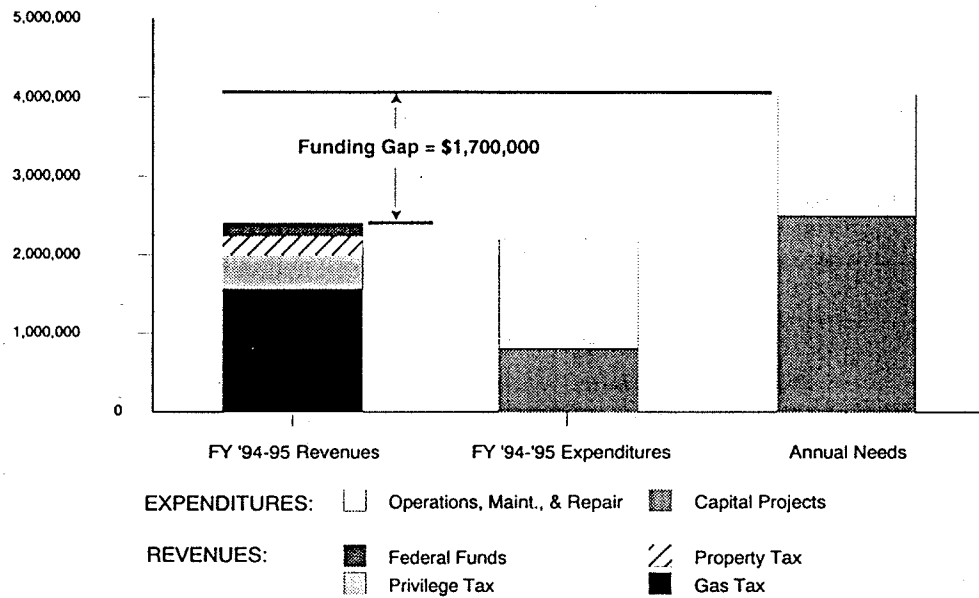
<i>Work Needed</i>	Miles of Streets		
	<i>Major</i>	<i>Neighborhood</i>	<i>Total</i>
Reconstruction	6.92	3.25	10.17
Overlay	<u>2.98</u>	<u>12.23</u>	<u>15.21</u>
Totals	9.9 (44%)	15.48 (17%)	25.38 (22%)

**Cost Estimate for Capital
Maintenance**

<i>Work Needed</i>	Current Backlog		
	<i>Major</i>	<i>Neighborhood</i>	<i>Total</i>
Reconstruction	\$20,800,000	\$7,600,000	\$28,400,000
Overlay	<u>\$1,800,000</u>	<u>\$6,100,000</u>	<u>\$7,900,000</u>
Totals	\$22,600,000	\$13,700,000	\$36,300,000

REVENUE NEEDS

There are two areas of the street system that need attention. First, there is an increasing backlog of street needs. That backlog is currently \$36.3 million. Second, there is an annual funding gap that is caused by insufficient revenues on a yearly basis. The Task Force explored what it would take to maintain the existing street system on an annual basis if all the improved streets were in good to fair condition. The annual funding gap, based on 1994-95 revenues and expenditures, is estimated to be \$1.7 million.



This report does not attempt to estimate the needs or costs associated with the increasing demands placed on the street system. There is a separate transportation planning process that is projecting transportation system needs in Albany to address current capacity and safety problems. In addition, that process is examining what system improvements are necessary to accommodate future growth in Albany.

STREET SYSTEM MAINTENANCE ALTERNATIVES

The Task Force looked at alternatives for improving street maintenance in Albany. Their review process focussed on three areas: reducing costs of street maintenance activities, reducing street system standards, and increasing revenues to fund street maintenance activities.

Reducing Street Maintenance Costs

A report was presented to the Task Force comparing Albany's street maintenance services to four other similarly-sized communities. With some minor differences, Albany provides services similar in scope to those communities. Some highlights are that Albany uses contract service providers more aggressively than those communities, and Albany's street crew size had the fewest number of employees compared to those other communities. Albany is also using intergovernmental service agreements frequently to take advantage of services provided more cost-effectively by other agencies, such as the counties or the State. The Task Force did not see any opportunity for major cost savings by modifying the present street maintenance activities performed by Albany employees.

Reducing Street System Standards

The Task Force had brief discussions regarding the impact that reducing street system standards would have on the cost to maintain the street system. They briefly examined reducing the overlay frequency to lower the annual revenue needs, and they looked at the concept of not maintaining the neighborhood street system. It was concluded that both of these concepts were not acceptable.

Increasing Revenues

The Task Force examined several alternatives for increasing revenues to fund street maintenance activities. Their approach was twofold. First, there is a need to fund the existing and projected backlog of street capital maintenance projects (overlays and reconstructions). Second, there is a need to reduce the annual funding gap that exists to allow the existing street system to be properly maintained to reduce the rate at which the future backlog of street maintenance needs is growing. The Task Force looked at the following revenue sources:

Additional State Highway Trust Fund Revenues

State Highway Trust Fund revenues come from several different sources including fuel taxes, registration fees, weight/mile taxes, etc. These fees or taxes are generally enacted by the State Legislature, collected by the State, and distributed back to local operating agencies.

Recent State Legislative sessions have not approved any increases in funding for highways. Areas that have been examined for increased revenues include increasing the statewide motor fuels tax, imposing fees on the sale of new tires and batteries, a fee on the sale of studded tires, an access fee on motor vehicles titled for the first time in Oregon, raising the vehicle registration fee, and increasing the weight/mile tax.

The prospect for increased funding from the Highway Trust Fund is unclear. The Task Force had presentations and updates from representatives on the Governor's Transportation Initiative process during their work. The Task Force concluded that there did not appear to be any immediate additional revenue sources coming forth from the Governor's process or from the Highway Trust Fund.

Federal Revenue Sources

Enactment of the Intermodal Surface Transportation Efficiency Act (ISTEA) has increased the flexibility of Federal revenues for highway programs, leaving discretion to the State and local agencies to set priorities for transportation-related programs. There is an alphabet soup of programs under ISTEA, including the STP, HBRR, CMAQ, and Enhancement programs.

Albany currently receives federal money through the Surface Transportation Program (STP) that can be used for road maintenance. To eliminate the federal paperwork required for projects, Albany exercises an option through the State that allows Albany to receive \$0.94 on the dollar, no strings attached, for paving projects. The exchange program delivers \$167,000 per year based on our population. Albany is also receiving money (\$661,000) to replace two bridges through the HBRR program, and applications for another \$500,000 to replace two more have been submitted. Albany has also applied for Enhancement program dollars to fund multi-modal projects (bike lanes, pedestrian facilities, etc.). Besides the STP program, there are no other funds available for street capital maintenance projects.

The federal government also provides forest revenues to some counties earmarked for road purposes. Albany has received money in the past from Linn County through a timber receipts sharing agreement with other cities in the County.

*Franchise Fees on Water and
Sewer Utilities*

The City of Albany currently charges a franchise fee (privilege tax) on electric, natural gas, telephone, garbage, and cable TV services provided within the city of Albany. The fee is intended to offset some of the costs incurred in allowing these utilities to use the public right-of-way for their facilities. With the exception of some of the electric and natural gas revenues (see below), all franchise fee revenues go to the General Fund to support services like Police, Fire, and Library.

Albany currently levies a 5% fee on electric and natural gas services in the city and, of those revenues, currently 30% of the electric and 40% of the natural gas franchise fees are dedicated to street capital maintenance projects. No money is transferred to streets from the telephone, garbage, or cable franchise fees.

The City does not currently charge the water and sewer utilities a franchise fee to operate in the city. Imposing a fee on the water and sewer utilities would involve either increasing rates to offset revenues transferred to the street fund, reducing expenditures in the water and sewer utilities to offset the revenue transferred, or a combination of increasing rates and reducing expenditures. A 5% fee on the water and sewer utilities would generate approximately \$428,000 annually.

General Obligation Bonds

Using General Obligation Bonds to pay for street capital maintenance projects involves borrowing money (selling bonds), and using property taxes to repay the debt over a specified period (usually 10 to 20 years). In March 1995, a General Obligation Bond measure was put before Albany voters proposing to fund \$10.8 million of street capital maintenance projects (five key street sections). That measure was defeated by a narrow margin. The current backlog of street maintenance projects is now \$36.3 million.

The Task Force had a presentation from the City of Salem regarding their program of a series of General Obligation Bonds to make major improvements to the street system. The Task Force concluded that this might be an effective method to catch up on the current backlog of street maintenance needs, but it did not seem viable as a source of annual operating revenue.

Local/Regional Fuels Tax

Twice before (1982 and 1991) in Albany efforts have been made, unsuccessfully, to secure an increase in annual street maintenance funding through a local fuel tax. While there have been discussions with other regional agencies, there have not been any previous attempts in our region to adopt a regional fuel tax. Money that is collected by the State, through the current motor fuel tax program, is divided among the State, County, and City agencies. Cities get 16% of the revenue collected. With a local fuel tax, Albany would receive 100% of the revenues collected.

Street Light Utility

Currently, the street fund spends approximately \$190,000 per year for street lights. Albany contracts with Pacific Power for the operation and maintenance of the street light system. Over the last ten years, there have been times when the cost to operate the street lights was paid by property taxes through the City's General Fund, and there have been times when the bill was paid using gas tax revenue. In 1990-91, \$100,000 was transferred from the General Fund to the Street Fund to help offset street light costs. From 1991-92 through 1993-94, no money was transferred to support street lights. Then in 1994-95, the General Fund again began to pay for street lights (\$189,000), and it is also scheduled to offset those costs in 1995-96.

A street light utility would be a fee or property-tax-based system that would pay for the cost of street lights. Property tax revenues generated in this manner would be included under the \$10 cap on local taxes imposed by Ballot Measure 5 in 1990.

*Street System Levy
(Operating/Capital)*

Similar to the Parks Levy, an operating and capital levy could be proposed to the citizens of Albany for maintaining the street system. In that process, a levy for a certain dollar amount, or for a specified tax rate per \$1,000 assessed value, would have to be approved in a general election. This has not been tried before in Albany, and it also would be included under the \$10 cap on local taxes imposed by Ballot Measure 5 in 1990.

Street System Utility Fee

In adopting a street system utility fee, roads are treated as a public utility, and developed properties are charged a fee for service in much the same way they are charged for water, sewer, garbage collection, and other services. Street system utility fees are imposed on a citywide basis and generate continuing revenue on an annual basis to fund ongoing maintenance. The fees are designed to be reasonably related to the use of the public facilities through an estimate of the number of vehicle trips generated by an identified land use. For example, single-family residences generate one level of trips, and a convenience store or shopping mall generate a different, usually greater, number of trips.

There are a number of different jurisdictions throughout the nation that have implemented street system utility fees. A street system utility fee is administratively complex to develop and administer because it is tied to land use, and a detailed survey of properties would need to be completed. In addition, a mechanism, such as a business registration program, would also be necessary to identify when land uses change to ensure the street utility is adjusted according to land use.

The Task Force heard a presentation from the City of Medford regarding their street utility fee. Their fee has been in place since March 1992. Medford is currently charging \$2.20 per month for residential customers, and they are generating approximately \$1.4 million per year through the fee.

Systems Development Charges

A citywide systems development charge (SDCs) could be developed for the transportation system. Albany currently has a transportation SDC for properties in North Albany that was adopted in November 1994. SDCs are levied on newly developing properties and are typically made up of two components, a reimbursement fee and an improvement fee.

The reimbursement fee is designed to partially recover costs for installing an existing infrastructure that serves the property, and the improvement fee is designed to collect revenue to fund capacity-increasing improvements necessary to handle the additional impact from the new development. The revenue stream from SDCs is not consistent and is entirely development dependent.

With the completion of the transportation master plan for the City, millions of dollars of capacity-increasing and safety projects will be identified, and a funding plan will need to be developed. The Task Force concluded that it is likely that an important component of that funding plan will involve SDCs and, therefore, it was not practical to consider these revenues for ongoing street maintenance.

Payroll Tax

The Task Force requested and received a report on the possibility of implementing a local payroll tax to fund street maintenance activities. The report concluded that the City could impose a local payroll tax, but that it would have to be imposed equally to all employees who worked within the City limits. The Task Force reviewed options involving a per employee tax or a tax that would be based on a percentage of the company's total payroll. The report concluded that a payroll tax could be collected either through the creation of a business license or by contracting with the Oregon Department of Revenue to collect the tax. With very rough numbers available, it was estimated that a 1% payroll tax would generate more than \$3 million per year.

General Obligation Bonds

RECOMMENDED STREET MAINTENANCE STRATEGY

To reduce the current backlog of capital maintenance needs, the Task Force recommends that the City Council present a series of General Obligation Bonds to the citizens of Albany for approval.

- Present a \$10 million measure to Albany voters in March 1997.
- Present a second \$10 million measure to Albany voters by March 2001.
- Proceeds from bond sales should be focussed on overlaying streets to reduce the future backlog of reconstruction projects. Even though it is more cost effective to overlay existing streets before they fail, the Task Force recognizes the importance of getting 34th Avenue reconstructed.
- Street projects funded with the bond proceeds should have project signs clearly identifying the source of revenue for the projects.

Street System Utility

To help close the annual funding gap, the Task Force recommends that the City Council move forward with the development and implementation of a street system utility fee. The objective of this program is to supplement the annual revenues to the street system so that capital maintenance can be performed in a timely manner.

- Adopt a fee of approximately \$3.00 per month for residential customers, and a commensurate fee for commercial and industrial facilities.
- Present the street system utility concept to Albany voters for approval.
- Implement a business registration program. This is necessary for the street system utility to be fairly administered to commercial and industrial facilities.
- Complete the implementation of the street system utility and business registration program by fiscal year 1997-98.

Other System Revenues

The Task Force's recommendations are based on the assumption that the City Council will not reduce current revenues being directed to street maintenance.

- The Task Force strongly recommends to the City Council that the current transfer of franchise fees for capital maintenance and property taxes for street lights not be reduced. The Task Force projected that these revenues would remain in the street system and that they would increase over time as costs increase (for street lights) and as revenues increase (for franchise fees). Any reduction of these revenues will substantially affect the City's ability to maintain its street system.

Additional Recommendations

The Task Force further recommends that the City Council direct the Public Works Department to update its maintenance management program for the street system so that more accurate and predictive information can be made available for future analysis of the street system.

SUMMARY

Albany faces some difficult choices regarding the future of its street system. Do we want a street system with an ever increasing number of roads that are rough, have pot holes, or are gravel? Or do we want a program that extends the life of our streets and provides smoother, safer travel?

Funding for street capital maintenance in Albany has been inconsistent and insufficient to meet the needs of the street system. The current backlog of street maintenance needs is \$36.3 million, more than \$1,000 per person in Albany. However, if we could invest just 1% of the value of the street system back into our streets annually, we could slow the destruction of our streets and begin to reclaim some of those streets we have already lost.

The annual funding gap, the amount of money needed to maintain the existing street system if it were in a fair condition, is \$1.7 million per year. Albany has tried three times in the last 14 years to increase funding for street system maintenance. Twice efforts were made to increase gas taxes (1982 and 1991), and one General Obligation Bond was presented to the voters in 1995. If no new additional revenue sources are found, the backlog of street needs will grow dramatically in the next five years.

Albany's street system is growing and will continue to grow. As more streets are built in Albany with the increased growth and development of vacant land, the annual funding gap also grows. That growth, coupled with the fact that Oregonians are driving more, will increase traffic volumes on Albany's street system, causing increased traffic congestion and increasing wear and tear on the street system.

To save and restore the existing street system, the Task Force on Street Maintenance recommends that the City Council move forward with the proposals recommended above and resist the pressure to move resources away from the street system to other areas of need.

Under the proposals put forth by the Task Force, the voters of Albany will ultimately decide the future of the roads in Albany.



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT 12/6*

FROM: Chris Bailey, Public Works Director *CB*

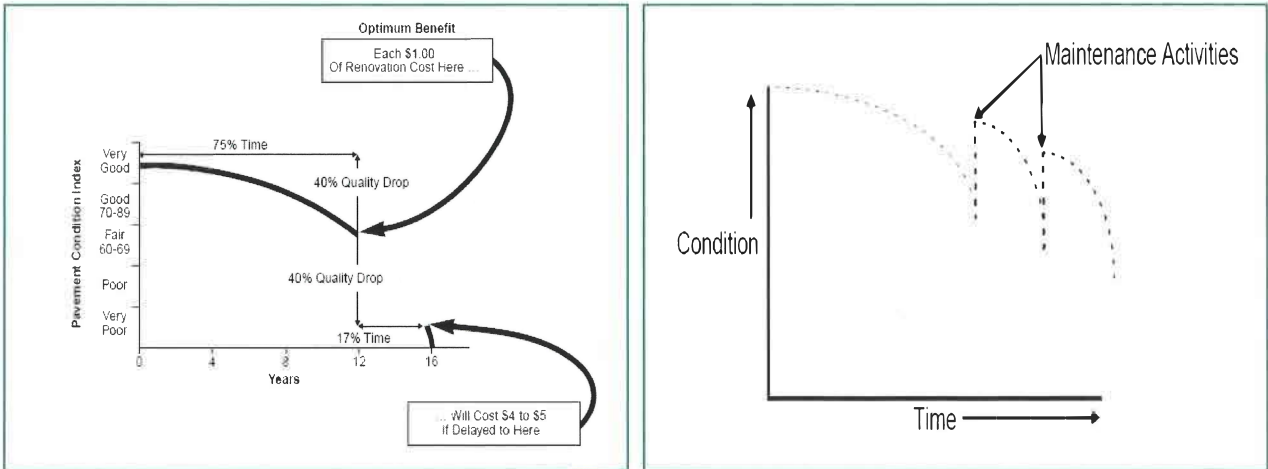
DATE: November 30, 2023, for the December 11, 2023, City Council Work Session

SUBJECT: Pavement Management Funding Discussion
 Relates to Strategic Plan theme: Great Neighborhoods, Effective Government

Action Requested:
 Discussion only.

Discussion:

This is the third in a series of presentations this year discussing the need for additional funding to better manage pavement conditions on Albany roads. At the October 9, 2023, work session, the council received a detailed discussion on how streets are constructed, how they fail, the costs to provide various maintenance treatments, and the overall average condition of the three categories of roads in Albany. The Pavement 101 White Paper attached to the staff report for that meeting was provided as a primer on street classification, construction, and Pavement Condition Index (PCI) ratings, and may serve as a helpful reminder for the council as we continue through these discussions. One of the key pieces of information is a graphic depiction of the least life-cycle cost strategy for pavement preservation represented by these diagrams:



At the November 6, 2023 work session, staff provided information describing overall funding for the street fund. Based on current pavement condition ratings and assuming a target PCI of 60 or greater for all classifications of roads, the gap in available funding for pavement management projects is \$12.8 million per year for 40 years in 2023 dollars, as summarized in the table below.



Classification	Needed Funding	Current Funding	Funding Gap
Arterials & Collectors	\$4 million	\$2.5 million	\$1.5 million
Locals – Good/Fair	\$3.5 million	\$0.5 million	\$3.0 million
Locals – Poor	\$8.3 million	\$0	\$8.3 million
Total Annual Funding Gap: \$12.8 million			
* All funding is per year for 40 years; in 2023 dollars			

The goal of today’s discussion is to provide an overview of possible sources of additional funding for pavement management projects to address the funding gap discussed during the November presentation.

Considerations for Various Funding Alternatives

A detailed discussion of several funding alternatives is provided in Attachment A. There are key considerations to keep in mind when reviewing these alternatives. The list includes some options to distribute existing revenue currently received in the General Fund to the Street Fund for the purpose of pavement management. While this option is legally allowable and some of these funds historically have been directed to the Street Fund, the current structure of the city budget is such that any reduction in General Fund revenues would need to be replaced through some other source of funding, or existing services and programs would be cut. During the recession of 2009-10 and during the Covid-19 pandemic, city services and programs faced cuts in funding that in many cases have yet to be restored. It is unlikely that any current General Fund-funded program could receive less revenue and continue at current levels.

Another important consideration involves aligning the type of funding alternative with the type of work needed for the street system. For instance, bonds, loans, and Local Improvement Districts (LIDs) are one-time funds while gas taxes and utility fees provide ongoing, recurring revenue for the life of the tax or fee. One-time funds are not appropriate to pay for ongoing maintenance but are a good choice for large, discrete capital expenses that can then be maintained over time with recurring revenues.

Finally, some of the options described in Attachment A require a vote of the public, others require only a vote of the council. If at the end of this series of presentations the council directs staff to work on developing one or more funding option, it is the strong recommendation of staff to allow an adequate period of time for public outreach and education before any vote on a new funding alternative either by the council or the public. A key lesson learned from several past street funding efforts in Albany and around the state is that the process must include a substantial communication and outreach component in order to be successful. Regardless of which path the council chooses to take, providing as much information and transparency to the public as possible will be a critical part of this effort.

Budget Impact:

None.

CB:ss

Attachment

Attachment A

Alternatives for Additional Street Funds

A number of street funding alternatives available to council are identified below. Each funding alternative has its own set of benefits and drawbacks. Some alternatives rely on further burdening Albany residents with increased fees or taxes, while others rely on difficult internal budgeting decisions that could impact services that the community enjoys and has come to expect. While all are legal approaches to increasing street maintenance funding, the decision to pursue any of these options is a policy decision that can only be made by the council.

Existing Funding Sources

There are existing funding sources that could be redirected to the street fund. These are general fund revenues which originate from a variety of sources, including two specific sources of general fund resources: Franchise Fees and City Services Fee revenues. The general fund has historically supported the street fund, but as demands on the general fund increased over time, the city reallocated those revenues to the current range of general fund-funded programs.

General Fund

At the cost of other competing priorities, general fund monies could be directed to street maintenance activities. While this is likely not feasible on a large scale, there are some approaches to partner in costs for funding things like streetlights.

Streetlights serve multiple purposes that span both general fund and street fund programs. Most notably, in addition to the transportation benefits (such as providing lighting at street intersections), there are documented public safety benefits to streetlights, such as generally increasing visibility in public spaces in times of darkness. In recognition of these benefits, the city has a history of using general funds to partner in paying streetlight costs. In 2004, the general fund contributed \$320,000 to pay for streetlights. From 2005 through 2011, the general fund contributed \$260,000 per year (56% of streetlight costs in 2011).

In 2012, as the city adjusted to impacts of the recession, the general fund ceased transferring its share of streetlight costs to the street fund. As the economy has recovered and general fund revenue has increased, this transfer has not been reinstated. This decision represents an annual reduction in street maintenance funding of \$260,000, without considering inflation.

Council could choose to restore the streetlight funding combination that was suspended in 2011. If the general fund paid for 50% of streetlight costs, that would result in approximately **\$200,000 per year** being available for pavement preservation or restoration activities (based on FY 24-25 anticipated costs). Restoring the funding plan could also be phased in over time to minimize impacts.

Franchise Fees

The City of Albany receives approximately \$6.1M in franchise fee revenue annually (based on FY 22-23 revenues). Actual revenues vary depending on the terms of the franchise fee agreements, but in general, the city receives franchise fees as a percentage of the franchise utilities' revenue. Franchise fees are paid to the City of Albany by utilities such as the gas, power, and telephone companies for their use of the public right-of-way. Currently, all franchise fee revenue is used in the general fund, but historically, 30% of electric and 40% of natural gas franchise fee revenue went to street maintenance activities. Public Works is responsible for the day-to-day interactions with the franchise utilities, reviews and comments on franchise utility construction plans, issues permits, and coordinates all construction activities, but receives none of the revenues. Street cuts required for utility work can also reduce ride quality and increase risks of pavement failures that must then be addressed with street funds.

In 1996, The Mayor’s Task Force on Street Maintenance recognized that additional revenues were needed and recommended that the water and sewer utilities be treated similarly to franchise utilities and pay an annual fee, termed an in-lieu of franchise fee, to fund street improvements. Council implemented the recommended sewer and water in-lieu of franchise fees but soon after found it necessary to redirect the previously dedicated electric and gas franchise fee revenue to the general fund. Thus, rather than an increase of \$1.1M (2017 dollars) to street maintenance funds, the net impact of adding in-lieu of franchise fees while losing electric and gas franchise fees represented a loss to street maintenance funding of approximately \$100,000.

There are clear impacts to streets and staffing costs related to franchise utilities that are currently unreimbursed to Public Works. There are no restrictions on how franchise fees can be used, and franchise fee revenues represent 14% of the general fund’s total budget (not including City Service Fees and the public safety levy). Council could choose to again use a portion of franchise fee revenues to fund street work, however, redirecting these funds would come at a significant cost to the general fund. Council would have to first choose how to manage those impacts to the general fund before major changes could be implemented. Alternatively, council could set a future target based on growth over time where a percentage of increased revenue could be redirected on an annual basis until the desired share in revenue is achieved.

If historic revenue sharing was restored, an additional **\$1.5M per year** would be available for street preservation and restoration.

It is worth noting that most of Albany’s comparator cities do not rely on franchise fee revenue to fund pavement preservation activities. While there may be more examples, staff has identified only two cities that dedicate some franchise fee revenue to streets: Lake Oswego allocated \$4M in the 2023-25 biennium, and Roseburg allocates 15% of franchise fee revenue to their street programs.

City Services Fee

The City Services Fee (CSF) was established by the city council in 2021 to provide additional funding for general fund-funded programs. The stated purpose in the establishing ordinance was “to support staffing, programs, and services in fire, library, parks, planning, police, and municipal court.” The monthly charge for the CSF is based on the water meter size of each property with the typical single residential property (3/4 inch meter) paying \$9.00 per month. Charges for other property types vary based on meter size. A low-income program is available for residential customers. Those who qualify pay \$4.50 per month. In FY 2023, the CSF generated approximately \$560,000 for parks & recreation and an additional \$2.3 million for the remainder of the general fund.

The council could use the CSF program to provide funding for the street fund either directly or indirectly. If the council wanted to increase the CSF and dedicate some funding to street maintenance, it might be necessary to adopt a modified ordinance defining that as one of the approved uses of the revenue. There is also a concern that the underlying mechanism of calculating the charge is not as closely tied to street infrastructure as it could be. Typically, charges associated with streets relate back to the Institution of Transportation Engineers (ITE) trip generation statistics, a nationally-recognized source of data on transportation demand, not to water meter size.

Another option is to increase the CSF to backfill any transfer of other general fund revenue to the street fund in order to keep the general fund-funded programs intact. In either case, the city would need to conduct a robust outreach effort to explain any increases in or changes to the use of the CSF revenue to the public. Each dollar increase in the CSF rate is estimated to generate an additional **\$310,000** in annual revenue.

New Possible Funding Sources

General Obligation Bonds

General Obligation (GO) bonds involve borrowing money by selling bonds and using property taxes to repay the debt over time (usually 10 to 20 years). Because GO bonds rely on the use of property taxes above and beyond those otherwise paid, they must be approved by a vote of the people.

Albany does have a history of pursuing GO bonds to fund street improvements. In 1995, a \$10.8M GO bond was narrowly defeated. Following the recommendation of the Mayor's Task Force on Street Maintenance in 1996, Albany successfully passed a \$10M GO bond for specified street improvements in 1998. An attempt to fund a second \$10M street bond was defeated in 2000.

Based on increases in construction costs, \$10M in 1998 is now equal to approximately \$22M. **A \$20M GO bond is estimated to cost the Albany voters \$0.34 per thousand dollars of assessed value** at current rates (\$102 per year for a \$300,000 home). If council chose to pursue a bond, staff would need at least several months to a year to create the list of bond projects, work with financial consultants to structure the bond, and perform outreach prior to it being placed on the ballot.

Loans

Although Albany has not taken out loans for street projects, there are state loan programs that offer low-interest loans for which street projects would be eligible. These programs function similarly to other state loan programs the city has used in the past for the water and sewer utilities. The city charter may require a street loan application to be approved by voters.

Two potential loan sources are the Special Public Works Fund and the Oregon Transportation Infrastructure Bank. Staff has not contacted state representatives to discuss these loan programs in detail, but based on public information they offer low-interest loans with a 10 or 15-year payback period. The city would have to identify a source of repayment revenue for the loan, which does not currently exist. Council would need to redirect some source of revenue that would be available for the 10-15 year time period as dedicated to the repayment of the loan. The terms of the loan agreement are also likely to require a pledge of the full faith and credit of the city.

Tax Increment Financing

Tax Increment Financing (TIF) can be used to reinvest or rebuild an area within the city. A TIF district is established with a geographic boundary and a plan is adopted describing the use of the TIF funds. When a TIF district is created, the property tax revenue at the time of formation is calculated and becomes the base which continues to go to the taxing jurisdictions at that level. As property values increase, the taxes from that incremental increase go to the TIF agency to fund projects defined in the adopted plan. When the TIF district ends, the property taxes are fully distributed to the taxing jurisdictions. The goal is to generate more property tax revenue after investments by the TIF district than would have been created otherwise.

TIF districts invest in a variety of improvements that lead to additional public and private investment within the district. TIF funds can be used to pay for reconstruction, expansion, or improvement of transportation infrastructure within the TIF district. An example of this in Albany is the downtown streetscape projects which included improvements to First, Second, and Third Avenues.

TIF would not be suitable for widescale application across the city but may play a role in a layered approach to funding street improvements in Albany.

Local Improvement Districts

Under a Local Improvement District (LID), the city would pre-fund construction of street improvements and then, once completed, assess benefiting properties their share of the improvements. An LID can be initiated by the city or by petition of property owners. Property owners can choose to pay their assessments in full or arrange semi-annual payments, with interest, over a 10-year period. Funding for a project in the LID can be supplemented with SDCs when eligible and available, grants, or street capital funds to reduce the burden on the assessed properties. LIDs might be an important funding tool to consider for street improvements in a defined area.

Local Fuel Tax

Local fuel taxes are a common funding mechanism for Oregon communities and typically apply to both gasoline and road diesel sales. One of the main benefits is that revenues are generated from all drivers who purchase fuel in Albany, not just Albany residents. For an I-5 community such as Albany, this scenario can create significant local benefit. Albany tried, unsuccessfully, to create a local fuel tax in 1982, 1991, and 2018.

Local fuel tax rates vary by community. The amount of revenue Albany could receive through a local fuel tax is dependent on the amount of fuel sold in Albany and the voter-approved tax rate. Accurate information regarding the amount of fuel sold by community is not readily available. For estimating purposes, ODOT staff suggests relying on local data from the City of Springfield, which is a similarly sized community with a similar geographic relationship to Interstate 5. Based on that comparison, staff estimates that Albany could potentially receive around \$300,000 in revenue per penny of tax.

Thirty-two cities and counties in Oregon have fuel taxes that range from \$0.01 to \$0.10 per gallon. The table below is a list of jurisdictions with local fuel taxes and their tax rate as reported by ODOT’s Fuel Tax Group website.

Jurisdiction	Population	Tax Rate
City of Portland	647,697	\$0.10
City of Coburg	1,316	\$0.06
City of Eugene	178,259	\$0.05
Multnomah County	810,242	\$0.03
City of Warrenton	6,421	\$0.03
City of Veneta	5,211	\$0.03
City of Troutdale	16,819	\$0.03
City of Tigard	55,539	\$0.03
City of The Dalles	16,202	\$0.03
City of Stayton	8,326	\$0.03
City of Springfield	62,189	\$0.03
City of Sisters	3,489	\$0.03
City of Scappoose	8,046	\$0.03
City of Reedsport (May 1st - Oct 31st)	4,324	\$0.03
City of Oakridge	3,224	\$0.03
City of North Plains	3,455	\$0.03
City of Newport (Jun 1st - Oct 31st)	10,755	\$0.03
City of Hood River	8,378	\$0.03
City of Cottage Grove	10,729	\$0.03

City of Coquille	4,023	\$0.03
City of Canby	18,979	\$0.03
City of Astoria	10,256	\$0.03
City of Silverton	10,643	\$0.02
City of Sandy	12,991	\$0.02
City of Milwaukie	21,305	\$0.02
City of Happy Valley	26,689	\$0.02
City of Dundee	3,249	\$0.02
City of Cornelius	14,389	\$0.02
City of Tillamook	5,324	\$0.02
Washington County	609,219	\$0.01
City of Woodburn	26,468	\$0.01
City of Newport Nov 1st - May 31st)	10,755	\$0.01
City of Hines	1,692	\$0.01
City of Reedsport (Nov 1st - Apr 30th)	4,324	\$0.00

As shown above, the most common rate is \$0.03 per gallon. Portland voters recently approved Oregon’s highest local fuel tax at \$0.10 per gallon, limited to a five-year term. If Albany were to pass a \$0.03 per gallon fuel tax, it would potentially generate around **\$900,000 per year** in additional revenue for the street system.

Transportation Utility

Transportation utilities are another common funding mechanism for Oregon communities. Establishment of a transportation utility was recommended in 1996 by the Mayor’s Task Force for Street Maintenance and considered by council again in 2001, 2003, and 2018. However, implementation was not pursued out of concerns of overburdening ratepayers. Staff has identified the following 26 cities with a transportation utility in place. Additionally, the City of Bend has approved the formation of a transportation utility and is working to develop their first utility rate over the coming months.

City	Population	Monthly Fee-Residential
Hillsboro	109,532	\$9.16
Medford	88,357	\$6.99
Corvallis	59,434	\$15.14
Tigard	55,339	\$8.52
Lake Oswego	41,148	\$16.07
Grants Pass	39,993	\$4.25
Oregon City	37,786	\$15.07
Tualatin	27,914	\$6.60
West Linn	27,420	\$16.81
Wilsonville	27,414	\$10.80
Newberg	25,767	\$5.40
Ashland	21,642	\$9.56
Milwaukie	21,305	\$11.59
Canby	18,979	\$5.00

LaGrande	13,404	\$8.00
Silverton	10,643	\$11.27
Eagle Point	9,986	\$7.00
Florence	9,561	\$7.30
Talent	5,851	\$3.92
Creswell	5,662	\$4.00
Philomath	5,653	\$8.00
Phoenix	4,019	\$2.85
Hubbard	3,460	\$7.14
North Plains	3,455	\$5.31
Bay City	1,539	\$11.49
Dufur	611	\$5.00

If council chose to consider creating a transportation utility, a significant amount of staff and council time would be required. Staff estimates that it would be approximately a two-year process like the stormwater utility and City Services Fee development processes. The amount of revenue generated would be based on council direction and would be the basis for establishing rates. A planning-level estimate is that a rate set at \$5.00 per single family property per month, with variable rates for non-single-family properties using the ITE trip rates, would generate approximately **\$1.7 million per year** in additional street revenue. A transportation utility can be established by ordinance with rates set by resolution, similar to Albany’s other utilities.