

ORDINANCE NO. 5435

AN ORDINANCE TO LEVY AN ASSESSMENT FOR AN ADDITIONAL SEWER SYSTEM DEVELOPMENT CHARGE AGAINST PROPERTY LOCATED AT 1517 INDUSTRIAL WAY SW, ALBANY, WHOSE QUANTITY OF WASTEWATER DISCHARGED TO THE TREATMENT SYSTEM HAS INCREASED, AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The additional Sewer System Development Charge as referred to in this ordinance is a result of increased discharge into the wastewater treatment system, AMC, Chapter 10.01.080. The charge will be assessed on the property described as follows:

(See attached assessment sheets)

Section 2: The Sewer System Development Charge and the assessment for the same will be levied according to the provisions of Albany Municipal Code, Chapter 15.16.

Section 3: The total cost of the Sewer System Development Charge is as follows:

(See attached assessment sheets)

Section 4: The City Recorder is hereby directed to enter a statement of the assessment as above provided in the docket of the city liens and give notice thereof as provided by law.

Section 5: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health and safety of the City of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance will be in full force and effect immediately upon passage by the Council and approval by the Mayor.

Passed by Council: February 23, 2000

Approved by Mayor: February 23, 2000

Effective Date: February 23, 2000



Mayor

ATTEST:



City Recorder

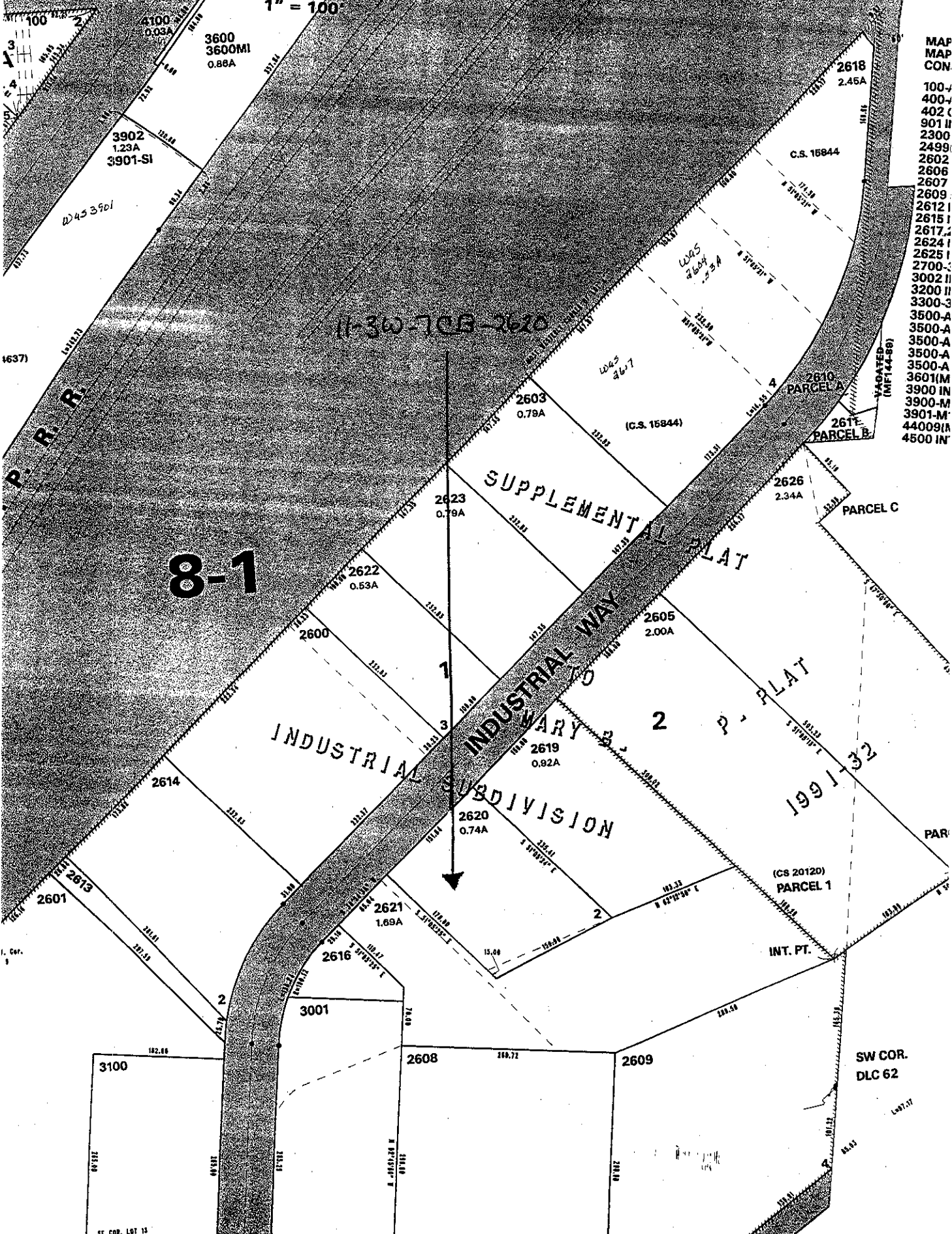
SEWER SYSTEM DEVELOPMENT CHARGE
02/15/00 16:00:28

Name/Address	Description	
PERLENFEIN, ED	MARY B IND SUP	11-03W-07CB-02620
OSMOTEK, INC.,ATTN:LAMPI	Lot-000 Blk-002	INTENSIFICATION OF USE
1517 INDUSTRIAL WAY SW	02/23/00 0708426	09238
ALBANY OR 97321	SSDC022302*	3,890.00

Report total... 3,890.00

NW1/4 SW1/4 SEC. 07 T. 11S R. 03W W.M.
LINN COUNTY, OREGON

1" = 100'



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MAP
CON
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 - 2624 I
 - 2625 I
 - 2700-3
 - 3002 II
 - 3200 II
 - 3300-3
 - 3500-A
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 - 3901-M
 - 44009(A
 - 4500 IN

8-1

SUPPLEMENTAL PLAT

INDUSTRIAL SUBDIVISION

INDUSTRIAL WAY

PLAT

199133

PARCEL 1

SW COR.
DLC 62

Osmotek Sanitary Sewer SDC Agreement

This Agreement is entered into between the City of Albany, Oregon, a municipal corporation, hereafter referred to as "City," and Osmotek, Inc., an Oregon Corporation, hereafter referred to as "Osmotek."

WHEREAS, Osmotek has located manufacturing facilities at 1517 Industrial Way SW; and

WHEREAS, Resolution No. 4135 provides that sanitary sewer Systems Development Charges (SDC) for industrial customers are charged based on the highest of the three methods: biochemical oxygen demand (BOD); total suspended solids (TSS); and total flow. The SDC calculation is based upon the peak two week discharge in a calendar year; and

WHEREAS, Osmotek is an industrial customer based on sewer SDC rates and methodology in force at the time of this Agreement; and

WHEREAS, flow monitoring and independent testing of Osmotek's effluent beginning September 9, 1999, through and including October 28, 1999, indicated peak process discharges ranging from 1,855 to 3,403 gallons per day (gpd) and BOD concentrations ranging from 592 to 1,920 milligrams per liter (mg/L); and

WHEREAS, Osmotek projects a peak BOD load at the time of this Agreement to be 25.4 pounds per day based on a weighted average of the above-referenced flow volumes and BOD concentrations, and

WHEREAS, sewer SDC fees in the amount of \$705.00 have been paid for the building Osmotek currently occupies based on warehouse use and commercial sewer SDC fees in force at the time of development; and

WHEREAS, Osmotek is in a research and development phase prior to beginning dedicated manufacturing use at this site and has been issued General Industrial Pretreatment Permit No. 3569-01, which allows no more than 30 total processing days before March 31, 2000; and

WHEREAS, Osmotek is uncertain what the peak characteristics of their waste stream will be; and

WHEREAS, the City is in the process of reviewing sewer SDC fees and anticipates new charges and a new methodology may be adopted and in effect beginning July 1, 2000.

NOW, THEREFORE, Osmotek and the City agree to the following:

The City will consider a strength-based sewer SDC fee approach for commercial customers based on recommendations of the Mayor's Wastewater Task Force. This approach would charge commercial sewer customers SDC fees based on the number of plumbing fixtures and their strength classification. Osmotek would be classified as a high-strength commercial customer with six or fewer fixture units under this approach. The estimated sewer SDC fee for high-strength commercial customers with six or less plumbing fixtures is anticipated to be \$4,595.00 if the recommendations of the Wastewater Task Force are adopted. Osmotek's additional sewer SDC fee under this approach is \$3,890.00. Osmotek agrees to pay or contract to finance additional sewer SDC fees in this amount within 30 calendar days of executing this Agreement.

Osmotek acknowledges their understanding that the sewer SDC methodology recommended by the Wastewater Task Force has not been presented to or reviewed by Albany City Council and there is no assurance that the current methodology will change or that the recommendations anticipated from the Wastewater Task Force will be adopted in whole or in part.

Osmotek and the City further agree that the sewer SDC fee shall be recalculated based on the methodology and charges in force effective July 1, 2000. If SDC fees exceed payments and credits to date, Osmotek agrees to pay additional fees or to contract to finance them through the City by July 28, 2000. If the calculated SDC fee is less than Osmotek's payments, the City agrees to refund the excess payment or, if financed, credit the SDC account in the amount of the difference between the recalculated fee and the amount financed.

Osmotek agrees to notify the City in advance of processing days as required under Part II. A. of General Industrial Wastewater Discharge Permit No. 3569-01 and to have wastewater effluent independently tested no less than six times during the trial processing days allowed in the permit. Effluent shall be tested for BOD and TSS. Osmotek shall read and record water meter readings at the beginning and ending of each trial run day and provide copies of lab reports and water meter readings to the City as part of their monthly pretreatment discharge monitoring reports. Total water meter readings recorded during test days shall serve as the basis for estimating peak wastewater flows for sewer SDC purposes. An allowance of 15 gallons per day per employee shall be subtracted from the daily meter readings as an allowance for non-process wastewater.

If the current methodology for charging sewer SDC fees is retained after June 30, 2000, the sewer SDC fee will be recalculated based upon the two week peak flow, BOD, and TSS loads discharged during the term of the above-referenced pretreatment permit.

This Agreement is effective through and including June 30, 2000. After June 30, 2000, provisions of City Ordinances regarding SDCs would apply if additional sewer loadings occur. If an additional sewer SDC fee is due under the methodology in effect at the conclusion of this Agreement, Osmotek agrees to pay or finance this increase through the City no later than July 31, 2000, based upon the charges and methodology in effect at that time.

Effective this 7th day of December ~~1999~~.

January 2000

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

OSMOTEK, INC.:

By: [Signature]

Title President and CEO

CITY OF ALBANY:

By: [Signature]

Title City Manager

STATE OF OREGON)
County of BENTON) ss.
City of CORVALLIS)

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

The foregoing instrument was acknowledged before me this 5th day of JAN, 1999,²⁰⁰⁰ by ROBERT SALTER, President and CEO of Osmotek, Inc., an Oregon corporation, on behalf of the corporation.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4135 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 7 day of January, 1999.
J 2000

[Signature]
Notary Public for Oregon

ATTEST:

[Signature]
City Recorder

My Commission Expires: 1-28-03



APPROVED AS TO FORM:

[Signature]
City Attorney

12-9-99
Date