

RESOLUTION NO. 6093

A RESOLUTION APPROVING AN EXTENDED PROPERTY TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF ALBANY, A COSPONSOR OF THE SOUTH SANTIAM ENTERPRISE ZONE, AND OREGON FREEZE DRY

WHEREAS, Oregon Freeze Dry is building a building and investing in equipment; and

WHEREAS, Oregon Freeze Dry intends to add 40 new employees; and

WHEREAS, Oregon Freeze Dry anticipates providing average pay and benefits to these employees equal to or greater than 150 percent of the Linn County average, as required under ORS 285C.160; and

WHEREAS, Oregon Freeze Dry, which is located in the city of Albany, has applied to extend the property tax abatement for which it qualifies through its inclusion in the South Santiam Enterprise Zone; and

WHEREAS, the City of Albany has requested support of this agreement from the other cosponsors of the South Santiam Enterprise Zone; and

WHEREAS, the City of Albany (County of Linn) is a cosponsor of the South Santiam Enterprise Zone.

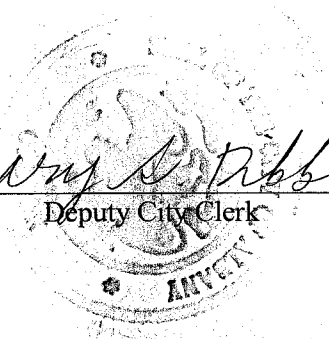
NOW, THEREFORE, BE IT RESOLVED that the Albany City Council, representing the City of Albany, which is a cosponsor of the South Santiam Enterprise Zone, hereby approves the Extended Abatement Agreement attached as Exhibit A.

DATED AND EFFECTIVE THIS 14TH DAY OF MARCH 2012.


Mayor

ATTEST:


Deputy City Clerk



Agreement for Oregon Enterprise Zone Extended Abatement

AGREEMENT WITH THE SOUTH SANTIAM ENTERPRISE ZONE SPONSORS TO
EXTEND PROPERTY TAX EXEMPTION TO FIVE CONSECUTIVE YEARS IN TOTAL
FOR CAPITAL INVESTMENT BY Oregon Freeze Dry

The sponsors of the South Santiam Enterprise Zone comprising the governing bodies of the Cities of Albany, Lebanon, Millersburg and Linn County (hereinafter "The Zone Sponsor") and Oregon Freeze Dry (hereinafter "The Firm") do hereby enter into an agreement for extending the period of time in which The Firm shall receive an exemption on its investment in qualified property in the South Santiam Enterprise Zone contingent on certain special requirements, under ORS 285C.160 (2003).

The Zone Sponsor and The Firm jointly acknowledge: that subject to submission and approval of an application for authorization and the satisfaction of other requirements under ORS 285C.050 to 285C.250, The Firm is eligible for three years of complete exemption on its qualified property; that nothing in this agreement shall modify or infringe on this three-year exemption or the requirements thereof, and that this agreement becomes null and void if The Firm does not qualify for these three years of the exemption.

The Zone Sponsor extends The Firm's property tax exemption an additional two years on all property that initially qualifies in the South Santiam Enterprise Zone in the assessment year beginning on January 1, 2012 and, thus, sets a total period of exemption of five consecutive years during which statutory requirements for the standard three-year enterprise zone exemption must also be satisfied and maintained.

CONFIRMATION OF STATUTORY PROVISIONS

In order to receive the additional two years of enterprise zone exemption granted herein, The Firm agrees herewith under 285C.160(3)(a)(A) that for each year of the entire exemption period, all of The Firm's new employees shall receive an average level of compensation equal to or greater than 150 percent of the county average annual wage, in accordance with the specific definitions and guidelines in Oregon Administrative Rules (OAR), Chapter 123, Division 65 (123-065-41##), which provides that:

1. Such compensation may include non-mandatory benefits that can be monetized;
2. The county average annual wage is set at the time of authorization, except as pursuant to ORS 285C.160(4), according to the 2009 Linn County average annual wage rate of \$34,826 for which 150 percent equals \$52,240.

3. Only employees working at jobs filled for the first time after the application for authorization but by December 31 of the first full year of the initial exemption and performed within the current boundaries of the South Santiam Enterprise Zone are counted; and

4. Only full-time, year-round and non-temporary employees engaged a majority of their time in The Firm's eligible operations consistent with ORS 285C.135 & 285C.200(3) are counted, regardless if such employees are leased, contracted for or otherwise obtained through an external agency or are employed directly by The Firm.


LOCAL ADDITIONAL REQUIREMENTS

For The Firm to receive the additional two years of enterprise zone exemption granted herein, The Zone Co-Sponsors and The Firm agree that there are no additional requirements, in addition to statutory requirements under ORS 285C.160(a)(B).

ACCEPTING FOR THE CITY OF ALBANY, A ZONE SPONSOR OF
THE SOUTH SANTIAM ENTERPRISE ZONE:



ACCEPTING FOR Oregon Freeze Dry:



Dale Bookwalter

VP, Finance

The other Zone Sponsors; City of Millersburg, City of Lebanon and Linn County approve this Agreement by passing separate Resolutions. Copies of which are attached.

TO: Mary

FROM: ldk

DATE: 11-30-12



COMMENTS:

Fully signed copy of Exhibit A
for Resolution # 6093.

Note, however, OFD canceled
the project.

Hyde, Laura

From: EXTERNAL - Pascone, John
Sent: Thursday, November 29, 2012 3:09 PM
To: Hyde, Laura
Subject: Re: Oregon Freeze Dry Enterprise Zone Agreement

Okay, we will send it.

I have no documentation on the cancellation, they did not want it publicized. Jim talked to me and then Sharon and Wes.

John

John Pascone
Albany-Millersburg Economic Development Corp.
435 W 1st Ave.
Albany, Oregon 97321
Phone 541-926-1519 Fax 541-926-7064
email pasconj@peak.org
website www.albany-millersburg.com

On 11/29/2012 2:30 PM, Hyde, Laura wrote:

Hi, John,

Ok; but I still need a fully signed copy for the official resolution, please, and will attach a copy of your e-mail so we have a record of the project being canceled. Or maybe you have another document from OFD canceling the project?

Laura Hyde
Phone: (541) 917-7508
FAX: (541) 917-7511
E-mail: laura.hyde@cityofalbany.net

From: EXTERNAL - Pascone, John
Sent: Thursday, November 29, 2012 2:06 PM
To: Hyde, Laura
Subject: Re: Oregon Freeze Dry Enterprise Zone Agreement

Hi Laura, I have a signed agreement but it is a moot point now because they cancelled the project.

Sorry for the late notice.

Regards, John

John Pascone
Albany-Millersburg Economic Development Corp.
435 W 1st Ave.
Albany, Oregon 97321
Phone 541-926-1519 Fax 541-926-7064
email pasconj@peak.org

website www.albany-millersburg.com

On 11/29/2012 10:23 AM, Hyde, Laura wrote:

Good morning, John,

Kindly follow-up regarding receiving a copy of the fully signed agreement for Oregon Freeze Dry, please????

Laura Hyde

Phone: (541) 917-7508

FAX: (541) 917-7511

E-mail: laura.hyde@cityofalbany.net

From: Hyde, Laura

Sent: Wednesday, March 21, 2012 11:38 AM

To: AMEDC - John Pascone (pasconj@peak.org)

Subject: Oregon Freeze Dry Enterprise Zone Agreement

Hi, John,

Attached is as a pdf file is the agreement with Wes' signature. After the representative for Oregon Freeze Dry signs, could a fully signed copy of the agreement be sent to me, please. Thank you.

Laura Hyde

Phone: (541) 917-7508

FAX: (541) 917-7511

E-mail: laura.hyde@cityofalbany.net

DISCLAIMER: This e-mail may be a public record of the City of Albany and may be subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

AFFIDAVIT OF PUBLICATION

RECEIVED

MAR 20 2012

**CITY OF ALBANY
NOTICE OF SPECIAL PROCUREMENT**

NOTICE IS HEREBY given that the City of Albany Public Works Department intends to enter into a Class Special Procurement to acquire Allen-Bradley process control components and related equipment with Rockwell Automation. A written request for approval and award of the proposed Class Special Procurement was presented to the Local Contract Review Board on Wednesday, March 14, 2012, at 7:15 p.m. in the City Hall Council Chambers, 333 Broadalbin Street SW, Albany and was approved by Resolution No. 6092.

The contract to be considered for Class Special Procurement proposes to acquire Allen-Bradley process control components and related equipment with Rockwell Automation through their local distributor for the Albany-Millersburg Water Reclamation Facility; the Albany-Millersburg Water Treatment Plant; the Vine Street Water Treatment Plant; and various pump stations, lift stations, and the canal in order to maintain consistency and compatibility with other existing equipment for efficient public works operations. Standardization of equipment provides prompt repair and exchange of parts and components between facilities.

The Albany-Millersburg Water Reclamation Facility; the Albany-Millersburg Water Treatment Plant; the Vine Street Water Treatment Plant; and various pump stations, lift stations, and the canal all have been designed and constructed with Allen-Bradley process control components. Product standardization provides increased proficiency, safety, and cost-savings. It is not feasible to have different brands and manufacturers of control components because the components must interface and work together.

The Local Contracting Agency has concurred, finding that Rockwell Automation is the sole supplier for Allen-Bradley process control components and in order to provide continued efficiency and compatibility, future procurements of process control equipment and components should be procured by a class special procurement method. It was also determined that awarding a contract to Rockwell Automation would be unlikely to diminish competition or encourage favoritism for future purchases when it becomes necessary to replace old or outdated equipment.

The purpose of this notice is to provide information to the public and to invite interested persons an opportunity to submit written comment within seven days of the date of this public notice. The protest shall provide a detailed statement of the legal and factual grounds for the protest, a description of the resulting harm to the Affected Person, and the relief requested.

Written protests must be delivered to the Finance Department of the City of Albany no later than 4:00 p.m., March 26, 2012. Written protests received after the closing date and time are late and will not be considered. Postmarks, facsimiles, and electronic protests will NOT be considered. Protests must be submitted in writing to the City of Albany, Finance Department, Attn: Diane Wood, Purchasing Coordinator, 333 Broadalbin Street SW, Albany, OR 97321.

This notice is given in accordance with provisions of the Albany Municipal Code, Section 2.66.060(11), Oregon Revised Statutes, 279B.085, and Oregon Administrative Rules, 137-047-0285.

DATED THIS 19TH DAY OF MARCH 2012.

Diane M. Wood
Purchasing Coordinator
PUBLISH: March 19, 2012

#3206988

State of Oregon

ss)

County of Linn

**CITY OF ALBANY
FINANCE DEPARTMENT**

I, Pam M. Burrignt, being first duly sworn deposes and says, that I am the Legal Clerk of the Democrat-Herald, a newspaper of general circulation, as defined by section 193.010 O.R.S., published at Aibany, OR, in the aforesaid county and state: that the advertisement number 3206988, for the account number 60000049 described as Allen Bradley PO #84169, a copy is hereto Annexed, was published in the entire issue of sold newspaper.

Start Date: 03-19-12

Stop Date: 03-19-12

Insertions: 1

Pam Burrignt

Cyndi R. Sprinkel-Hart

Subscribed and sworn to before me on **Monday, Mar 19, 2012.**



Res. No. 6092

✓
DW

DJC

921 SW Washington, Suite 210 / Portland, OR 97205
(503)226-1311 FAX (503) 222-5358


STATE OF OREGON, COUNTY OF MULTNOMAH, --ss.

I, MARC CAPLAN, being first duly sworn, depose and say that I am a Manager of the DAILY JOURNAL OF COMMERCE, a newspaper of general circulation in the counties of CLACKAMAS, MULTNOMAH and WASHINGTON as defined by ORS 193.010 and 193.020; published at Portland in the aforesaid County and State; that I know from my personal knowledge that the

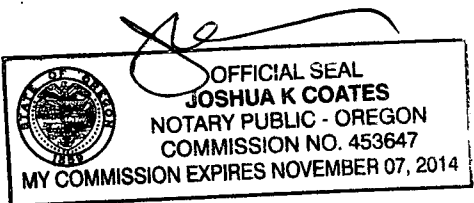
NOTICE OF SPECIAL PROCUREMENT CITY OF ALBANY - ALLEN-BRADLEY PROCESS CONTROL COMPONENTS & RELATED EQUIPMENT

a printed copy of which is attached, was published in the entire issue of this newspaper for 1 time(s) in the following issues:

03/19/2012.



Subscribed and sworn to before me this 19th day of March, 2012.



CITY OF ALBANY
Attn: DIANE WOOD
PO BOX 490
ALBANY, OR 97321-0144

CITY OF ALBANY

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DATED: THIS 19TH DAY OF MARCH 2012.

Diane M. Wood
Purchasing Coordinator
Published Mar. 19, 2012 PF10182099-11

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Special Procurement Affidavit - March 19, 2012

There was no particular purchase that was awaiting this resolution and affidavit. The department's intent was to establish a method for "future" purchases in the designated special procurement category as "class" specific which allows multiple purchases as needed.