

COUNCIL AGENDA



SEPTEMBER 22, 1993

LEBANON CITY COUNCIL
September 22, 1993
7:30 p.m.

A G E N D A

Lebanon School District Board Room
485 S. 5th Street

NO NOON SESSION

CALL TO ORDER/FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

- 1) Minutes of the September 8, 1993 City Council Meeting

LEGISLATIVE ACTION

- ✓ 2) ACCEPTANCE OF DEED - SHOP SITE

Presented by: Mr. Tom McHill, City Attorney

Adoption of RESOLUTION

OTHER MATTERS

- ✓ 3) PARKING RESTRICTION ON NORTH SANTIAM HIGHWAY - DISCUSSION

Presented by: Mr. Chuck Eaton, Senior Engineer

- ✓ 4) GIS - DISCUSSION

Presented by: Mr. Jim Clark, Engineering Services Division Manager

- ✓ 5) SOUTH MAIN AND MARKET STREET INTERSECTION STUDY

Presented by: Mr. Jim Clark, Engineering Services Division Manager

MONTHLY BOARD MINUTES

- 6) LIBRARY ADVISORY BOARD MINUTES - August, 1993

CITIZEN COMMENTS

ADJOURNMENT

AGENDA ITEM 1

MINUTES
LEBANON CITY COUNCIL MEETING
September 8, 1993

MEMBERS PRESENT: Mayor Bob Smith, Councilors Lyle Winters, Ron Miller, Jim Mills, Diane Branson, and Wayne Rieskamp

STAFF PRESENT: Joseph Windell, City Administrator; Tom McHill, City Attorney; Jim Ruef, Director of Public Works; Walt Richmond, Police Chief; Jim Clark, Engineering Division Manager; Doug Parker, City Planner; and Lisa Austin, Secretary

CALL TO ORDER/ROLL CALL:

The meeting was called to order by Mayor Smith at 7:30 p.m. in the School District Board Room, 485 S. 5th Street. Roll call was taken, Councilor Ken Toombs was absent.

APPROVAL OF MINUTES:

- 1) Minutes of the August 25, 1993 City Council Meeting were approved as submitted.

PUBLIC HEARING:

- 2) **EVENHUS APPEAL OF PLANNING COMMISSION PRELIMINARY APPROVAL OF PLANNED DEVELOPMENT PD-93-2 (OAK GROVE CONDOMINIUMS)**

City Attorney McHill addressed the Council and asked if any of them had personal interest or ex parte contact with the applicant or the property in the case being presented. There were none. Planning Commission procedures and criteria were reviewed and order of testimony was explained. The Council must ultimately sustain, reject, or overrule the decision of the Planning Commission.

City Planner Parker reviewed the Planning Commission Staff Report including staff recommendation that the Planning Commission grant preliminary approval to the Preliminary Development Plan and Program based upon preliminary indications of compliance with Comprehensive Plan and Zone Ordinance policies, standards and requirements. Summary of major issues included 1) avoidance of wetlands, 2) public vs. private street, 3) extension of public infrastructure, 4) foot/bicycle path, 5) and a survey of trees.

Mr. Ken Evenhus, Appellant, addressed the Council to appeal some of the conditions of the preliminary approval of PD-93-2 (Abe's Oak Grove Condominiums).

First, he discussed his position on public street vs. private street. If a public street were to be put in to the east end of the property it could lead to involvement with Land Conservation and Development Department (LCDC) which would cause a delay in development. Preferred condition would be to put in a private street along the north side of the property and provide a legal agreement of cooperation with adjacent property owners, to assist with construction of a public street at a later date.

Secondly, he addressed his position on granting a public easement for the foot/bicycle path. The Condominium Association wants to allow continued trespassing across the property, to and from Weldwood Park, with improvements being the responsibility of those who use it.

The third point of appeal concerned the preliminary approval condition to survey the trees. Instead of naming the trees being taken out and showing the trees that remain, it is preferable to the Condominium Association for the City to just allow as few trees as necessary to be taken out.

The last appeal regarded the extension of Public Infrastructure. The Appellant requests to extend street, water, sewer, and drainage services to the northeast corner of Tax Lot 1602 only. An easement would be established for the adjacent property owner to connect to these services when they want. Again, the extension of infrastructure any further would run them into the possible wetlands, making it necessary to work with LCDC.

City Administrator asked if the price of these condominiums (approximately \$73,000 plus 10%) was going to be affordable in this area. Mr. Evenhus stated that this is the going rate for used condominiums in the Salem area but they would like to start asking prices around \$60,000-\$65,000.

City Administrator stated one of the reasons for requesting a wetlands survey is to see if it is a wetlands area and to save on development time and expense in the future. Mr. Evenhus, again, stated that the Condominium Association is willing to build a private street to meet public street specifications up to the northeast corner of Tax Lot 1602.

There were questions and discussion among the Council and Mr. Evenhus regarding the issues on which there was an appeal submitted.

CITIZEN COMMENTS:

Mr. Wayne Robins, 204 Cascade Drive #14, addressed the Council regarding Tax Lot 1606. He is part owner of this property and it is for sale. Developers have looked at the property and discussed the importance of the public street from South Main Road to this property for purposes such as water and sewer service and fire and ambulance service. The developers and agents are not willing to pay for more than their half of the public infrastructure.

Mr. John Brown, 145 Bromil, addressed the Council and stated that he has been involved in several developments within the City and staff has been very helpful. Being that he has already gone through one wetland delineation, he proposed the possibility of a detention pond and a wetlands mitigation.

Ms. Lynn Myrtue, 120 Oak Lane, addressed the Council regarding the heavy use of the foot/bicycle path and the fact that part of it is under water most of the winter. She also encouraged the preservation of the Acorn Woodpecker which live in the trees around the path.

Mayor Smith adjourned the Public Hearing at 9:41 p.m.

City Council and staff discussed Mr. Evenhus appeal requests.

Motion by Councilor Rieskamp, seconded by Councilor Mills to accept Planning Commission recommendation as submitted. Motion passed unanimously.

ADJOURNMENT:

There being no further business to come before the Council, the meeting was adjourned at 10:34 p.m.

Recorded by: Lisa Austin, Secretary

Robert G. Smith, Mayor

ATTEST:

Joseph A. Windell, City Recorder

AGENDA ITEM 2



CITY OF LEBANON

MEMORANDUM

TO: JOSEPH A. WINDELL
CITY ADMINISTRATOR

DATE: SEPTEMBER 16, 1993

FROM: ANNA RAE GOETZ *ARG*
ADMINISTRATIVE SECRETARY

SUBJECT: ACCEPTANCE OF DEED FOR SHOP SITE

The Deed conveying the property on the northeast corner of Oak and Fourth streets to the City for a shop site has been signed by the appropriate parties.

The next step is for Council to accept this Deed by Resolution. City Attorney Tom McHill is in the process of preparing a Resolution which will be presented to Council at the September 22, 1993 City Council meeting.

arg

A RESOLUTION ACCEPTING CERTAIN REAL) RESOLUTION NO. _____
PROPERTY LOCATED AT 925 FOURTH) For 1993
STREET, LEBANON, OREGON.)

WHEREAS, the City Council of the City of Lebanon has determined the necessity of acquiring property located at 925 Fourth St., within the city limits of Lebanon, Linn County, Oregon, for the purpose of the development of shop space; and

WHEREAS, the City has heretofore agreed to purchase said real property; and

WHEREAS, the Lebanon City Council has determined that it is in the best interests of the City of Lebanon to obtain said real property for a public purpose.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lebanon that the real property located at 925 Fourth Street, and more particularly described as:

Beginning at a point which is 120 feet West of the Southwest corner of Block 10, in the CITY OF LEBANON; thence North parallel with the Western boundary line of said Block 10 of the City of Lebanon 245 feet; Thence West 180 feet to the Eastern boundary line of Fourth Street in J. M. Ralston's Fourth Addition to Lebanon; thence South along the Eastern boundary line of said Fourth Street 245 feet; thence East 180 feet to the place of beginning.

is hereby accepted by the City Council on behalf of the people of the City of Lebanon for public use.

Passed by the Council of the City of Lebanon by a vote of _____ for and _____ against, and approved by the Mayor this _____ day of _____, 1993.

MAYOR

ATTEST:

City Recorder

AGENDA ITEM 3



CITY OF LEBANON

MEMORANDUM

TO: JOSEPH A. WINDELL
CITY ADMINISTRATOR

DATE: SEPTEMBER 16, 1993

FROM: JAMES P. RUEF
DIRECTOR OF PUBLIC WORKS

JPR

SUBJECT: NO-PARKING ON NORTH SANTIAM HIGHWAY

Since there has been a great deal of concern over the recent removal of parking on North Santiam Highway, we would like to bring the matter before City Council. As part of the Second and Morton Street Reconstruction Project, on-street parking has been removed on both sides of Santiam Highway between the railroad crossing at the Santiam Canal Industrial Park (SCIP) and the east side of Dodge Street and on the west side of Academy Street. The attached letter from Charles Eaton, Senior Engineer, to the adjacent property owners outlines some of the background of the situation.

There are two issues which have made this situation more complicated than needed. The first involves notification of the adjacent property owners. On March 31, 1993 a public meeting was held at the Lebanon Middle School to discuss the pending project and its impacts. The possible impacts of the project's on-street parking were thoroughly discussed at this meeting. Notices of the meeting were sent to the two local newspapers (a copy of the notice and subsequent newspaper articles are attached). Also, door hangers were supposed to be placed on all properties within a two-block area of the project. We know that the door hangers were delivered because of the attendance at the meeting, but it is not clear whether the properties adjacent to North Santiam Highway received these door hangers. Staff did error in not following our normal practice in which we mail a notice of possible parking removal to all adjacent property owners and invite them to the City Council meeting where the matter will be discussed.

The second issue involves the requirement to remove the parking. The staff at Oregon State Highway Division (ODOT) required that a center turn lane be installed on Santiam Highway (at state expense) as a condition of moving the state highway off Academy Street and onto Morton Street. To accomplish this, ODOT required the City of Lebanon to remove on-street parking on both sides of the street. We have verbally verified this requirement more than once with ODOT. What ODOT is telling the adjacent property owners seems to be different. The property owners have reported statements like "the City did it" and "the City initiated it." We have invited an ODOT staff person to attend our next City Council meeting to clear this up.

State Representative Liz VanLeeuwen has been talking with ODOT and the property owners concerning the issue and has also been invited to the meeting.

JPR/arg

JOE WINDSELL



CITY OF LEBANON
925 MAIN STREET
LEBANON, OREGON 97355-3200
FAX: (503)451-1260

September 14, 1993

Re: On-Street Parking on Main Street

Dear Resident:

Over the past few days quite a few concerns have been raised about the removal of on-street on Main Street between Dodge and the Railroad Crossing. In order create a better understanding of this issue, I would like to explain the events that have transpired.

Last fall, at the request of the School District, the City reviewed several traffic safety concerns on the south side of Lebanon Middle School. The large amount of school children trying to cross Highway 34 at this location made for a serious safety problem. Since the streets on the north side of the Lebanon Middle School were scheduled for reconstruction, we were able to consider the option of diverting vehicle traffic on Academy Street by moving Highway 34 to Morton Street.

The State Highway Division performed a traffic study and approved the general concept. However, the new configuration increased traffic so much on Morton Street it triggered the requirement for left turn lanes on Highway 20 (Main Street) at the intersection of Highway 20 and Morton/Wheeler. The were two basic options to meet this requirement: 1) remove parking; or 2) widen Highway 20. Due to the expense and impact to adjacent properties of widening Highway 20, the removal of parking was viewed as the only feasible option.

On March 31, 1993 the City held a public meeting to receive comments and suggestions from concerned parties on the proposed changes to the traffic patterns, parking and actual configuration of Highway 34 and Highway 20. At that public meeting, parking was the predominant topic. In general, almost all of the people attending this meeting supported the concept and actually requested additional parking restrictions. The City incorporated these comments from the public hearing and then obtained approval from the Funding Agencies involved in the Project.

On June 23, 1993, the Lebanon City Council passed resolutions removing parking and approved the Contracts to proceed with the Project. The State relies on the City to regulate traffic on State Highways within the City limits.

ACCOUNTS PAYABLE	451-7476	CIP PROJECTS OFFICE	451-7441	PLANNING	451-7435
ADMINISTRATION	451-7421	ENGINEERING	451-7433	PUBLIC WORKS	451-7437
BUILDING	451-7431	FINANCE	451-7474	WATER/SEWER BILLING	451-7471

Resident
Page Two
September 14, 1993

Once the curbs were painted, we received comments and concerns from several properties impacted by the removal of on-street parking. The City asked the State Highway to reevaluate traffic patterns and reconsider the need and extent of the left turn lanes. We understand Representative Liz Vanleeuwen made a similar request on behalf of the property owners. As of yesterday we received word that the Highway Division has reconsidered but have found that the original design is the minimum required.

The Contractor is nearing the completion of this Project. The reconfiguration and striping is virtually completed, new signing is being installed by the State and signal work by the State is scheduled to proceed in the following weeks. No further roadway improvements are planned. The curbs existing today are the final configuration.

Our intention was to involve all the properties that would be impacted. Our records do not show if both sides of the Santiam Highway were given the door hangers announcing the public meeting. Notices were in the Lebanon Express prior to the meeting. We are sorry if this has caused misunderstandings and inconveniences. However, all of these changes were required for safety and the free flow of traffic. I would also like to stress that the safety and well-being of our children have been significantly increased by this Project's rerouting of Highway 34 to the north side of the Lebanon Middle School.

If you have any further questions or concerns, please do not hesitate to contact me at 451-7441.

Sincerely,

CITY OF LEBANON



Charles L. Eaton, P.E.
Senior Engineer

CLE/jmm

cc: File

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CITY OF LEBANON

M E M O R A N D U M

TO: FILE

DATE: SEPTEMBER 15, 1993

FROM: CHARLES L. EATON, P.E., Senior Engineer

SUBJECT: PARKING LETTER, 2ND & MORTON, PROJECT #92720

The following businesses and/or addresses were delivered the attached letter on September 14, 1993:

Teen Challenge (75 W Morton)
Central Auto
Northgate Medical Center
Ixtapa Restaurant
35 S Main
57 S Main
91 S Main

Dairy Queen (130 N Santiam Highway)
Animal Clinic (185 N Santiam Highway)
Yard Friends & Co. Ceramic Gift Shop
141 N Main Street
Kellenberger Appliances
49 S Main
67 S Main
91A S Main

The attached letter was sent and/or delivered to the following people on September 15, 1994:

Joe Windell, City Administrator
Rep. Liz VanLeeuwen
Ken Hilton, Oregon Department of Transportation
Jim Clark, Manager of Engineering Services
Council Read Packet
File

Locals favor rerouting traffic by LMS

By Allison Bailey

of the Lebanon Express

Neighbors seem to be in favor of the proposed reconstruction plan to reroute traffic around Lebanon Middle School tentatively scheduled to begin this summer.

About 15 people attended the neighborhood meeting to discuss the project March 31 at LMS. A show of hands indicated most present want to see the construction work go forward.

If approved, Highway 34 and truck traffic will be rerouted to take the northern route on Second and Morton Streets rather than the current southern route around LMS.

Representatives from the City of Lebanon warned against over-optimism, however.

"There's still a lot of hurdles we have to go through," said Jim Clark, division manager for city engineering services.

Clark said a host of government agencies including the Lebanon City Council and the Lebanon Public Schools District, as well as the Oregon State Highway Division, still have to approve the plan.

"We're shooting for a July 1 starting date, but the schedules are very tentative at this point. It's also a fairly complex funding process," Clark said.

The pricetag for the proposal will be about \$700,000. Clark said money for the required streetwork will come from the state and

federal governments as well as the county. Needed utility work will be funded out of the city's water and wastewater capital improvement funds.

Previously published reports have said the dollar breakdown would be as follows: \$130,000 from the city wastewater funds; \$140,000 from city water funds; \$150,000 from city street improvement funds; \$102,000 from the Oregon Highway Division; and \$200,000 from federal transportation funds.

The main reason for last Wednesday's meeting was to give the public a chance to respond to the plan.

Jim Ruen, director of public works, said the city first noticed the pavement around LMS was deteriorating in 1987.

Eaton said. Funding will come from the following sources: \$150,000 from the city of Lebanon street improvement funds; \$203,000 from federal transportation funds; \$102,000 from the Oregon Department of Transportation; \$140,000 from

be in charge of fixing Second and Academy streets, but at lower residential maintenance street costs. The project is separate from any future plans for widening Highway 34 from Lebanon to Interstate 5, Eaton said.

AGENDA ITEM 4



CITY OF LEBANON

MEMORANDUM

TO: JOSEPH A. WINDELL
CITY ADMINISTRATOR

DATE: SEPTEMBER 15, 1993

FROM: JAMES P. RUEF
DIRECTOR OF PUBLIC WORKS

SUBJECT: GEOGRAPHIC INFORMATION SYSTEM (GIS) - STATUS REPORT

The Linn County Board of Commissioners has recently declined our request that Timber Receipt Funds dedicated to the City of Lebanon be used to fund some of our share of the county-wide GIS efforts. This refusal means a 53 percent reduction in available funding this fiscal year. What GIS efforts Lebanon had hoped to accomplish this year and the impact of the reduction in funding is outlined in the attached memo from Jim Clark, Engineering Services Division Manager.

As you can see by Jim Clark's summary on page 3, the impact is tangible and will result in increased costs to the City of Lebanon. Worse yet, the payback for our efforts will be extended. This could possibly result in the public being better served by going to the County or even the City of Albany for information about the Lebanon area.

Staff feels that the issue about using Timber Receipt Funds for support of that portion of the GIS efforts relating to streets should continue to be pursued with the County Commissioners.

JPR/arg



CITY OF LEBANON

MEMORANDUM

TO: Jim Ruef
Director of Public Works

DATE: September 9, 1993

FROM: Jim Clark
Engineering Services Division Manager

SUBJECT: Geographic Information Systems (GIS) - Status Report

In March the City Council initiated development of Lebanon's Geographic Information System (GIS) in a joint effort with Linn County. The 1993-94 budget included funding for GIS.

This memo provides a status report on our GIS system. This is provided for information only. No Council action is requested at this time.

General Review of GIS

GIS is not a new technology. Nationwide and locally, governments have either implemented a GIS or are getting ready to do so.

GIS is a computer-based system of "layered" maps and tables. Organizing critical information on computer creates several advantages including greater accessibility, improved accuracy and timeliness, and an improved ability to solve complex management and planning problems. These advantages translate to improved efficiency and cost-effectiveness. Linn County's GIS feasibility study estimated a benefit cost ratio of greater than 4 to 1 for a county-wide GIS.

The attached figure indicates some typical basic GIS layers. Many other layers are possible, if needed.

1993-94 GIS Scope and Funding

For this fiscal year we have two basic GIS goals: 1) to pace our GIS activities with Linn County and 2) to have in place a "basic" GIS. A "basic" GIS would have the following:

1. A geodetic survey control system installed within our UGB and installed as a digital layer.
2. A parcel (tax map) digital layer with linkage to tax assessor data.
3. A planimetric digital map layer.

4. One GIS workstation (computer hardware)

5. GIS software

This "basic" GIS would be functional for the initial three layers: survey control, parcels, and planimetric maps.

Our discussions with county staff indicated that a FY 1993-94 GIS budget of about \$100,000 would be appropriate for Lebanon. Our 1993-94 GIS budget funds GIS as follows:

<u>FUND</u>	<u>AMOUNT</u>
Water Fund	\$13,500
Water Capital Improvement Fund	6,500
Wastewater Fund	13,500
Wastewater Capital Improvement Fund	6,500
Street Capital Improvement Fund	7,000
County Timber Receipt Street Fund	<u>53,000</u>
TOTAL	\$100,000

Because of the joint city/county need for the basic three GIS layers, Linn County has proposed an equal (50/50) cost sharing for developing the initial three layers within UGBs. Our GIS budget was developed with this assumption. Allowing for the county's contributions, we estimated needing \$53,000 from the city's share of County Timber Fund to achieve our 1993-94 GIS goals. Using these funds required the county to modify our existing agreement which allows use of the funds solely for "structural street paving".

At their June 30 meeting, the county commissioners denied our request to use the funds for GIS.

Effect of Reduced Funding

My latest estimate of 1993-94 GIS costs is as follows:

<u>Cost item</u>	<u>Revised 1993-94 Estimate</u>
1. Geodetic control	(\$6,000)
2. Parcel maps	20,000
3. Planimetric maps	50,000
4. GIS workstation	15,000
5. GIS software	<u>10,000</u>
Total	\$89,000

The geodetic control points were installed during the last fiscal year. A credit amount is shown as a revised estimate because I expect Linn County reimbursement this year for their share of last year's costs.

Efforts are underway now to begin tax parcel mapping. Linn County will be issuing a Request for Proposals, scheduled for October, to perform these services within the county's urban areas.

Aerial photography, hardware purchases, and software procurement are scheduled for later in the fiscal year.

For Lebanon to maintain its GIS goals, we are now faced with about \$90,000 costs with only \$47,000 funding. Assuming no increase in funding, I would expect us to accomplish the following this fiscal year:

1. All geodetic control points installed and a computer layer developed on our existing computer system.
2. All tax maps transferred to a digital format (most likely computer disks) available to be used on our existing computer system.
3. Aerial photography of the city will be done but, because of budget constraints, only a few maps will be converted to computer format. Those that are converted would be available for use on our existing computer system.
4. As implied above, we would not be able to acquire GIS hardware and software.

While this is an improvement compared to our existing "paper" system, our status at this point would be simply shifting a few important maps and records from paper to computer. The aerial maps would be incomplete and we would not be able to perform the "layering" analysis which is the heart of GIS.

Beyond this fiscal year, we will continue to fall behind the county's schedule without additional funding. Assuming the same amount of GIS funding next fiscal year, we would accomplish our goal of a "basic" GIS by about spring of 1995.

Summary

The lack of sufficient funding for GIS will cause significant delays in implementing our GIS compared to Linn County and the City of Albany. Our situation is similar to other smaller cities in Linn County.

Our delay will have the following general results:

1. Our cost for GIS will be higher.
2. Our payback period will be longer.
3. The service increase provided by GIS will be delayed to our citizens.

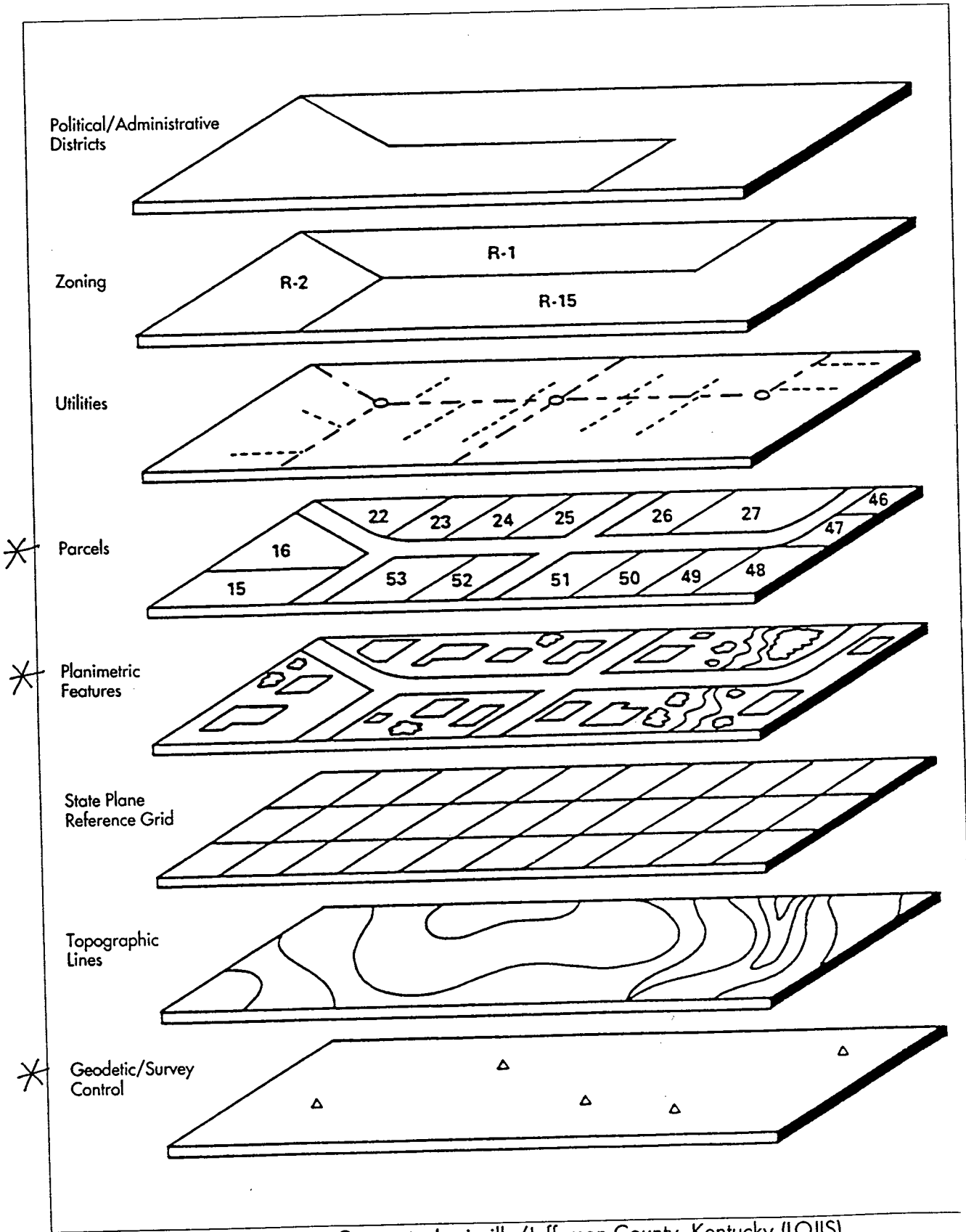


Figure 1.3 Database Layering Concept—Louisville/Jefferson County, Kentucky (LOJIS)

AGENDA ITEM 5



CITY OF LEBANON

MEMORANDUM

TO: JOSEPH A. WINDELL
CITY ADMINISTRATOR

DATE: SEPTEMBER 16, 1993

FROM: JAMES P. RUEF
DIRECTOR OF PUBLIC WORKS *JPR*

SUBJECT: TRAFFIC ANALYSIS OF THE SOUTH MAIN ROAD/MARKET STREET
INTERSECTION

Staff has completed the traffic analysis to determine the need for a four-way stop and crosswalk, or a traffic signal at the intersection of South Main Road and Market Street. The attached memo from Jim Clark, Engineering Services Division Manager, outlines the results of the analysis and recommendations. I concur with the recommendations.

In this effort we were supported by the cooperation of Roy Morris, Twin Cedars Assistant Manager, who volunteered approximately one hour of his time to read our traffic counters after normal working hours. The remaining data was collected by city staff.

We have also been working with the Twin Cedars' staff to arrange a meeting at their site to explain to any interested residents the study and its findings. This meeting at Twin Cedars has tentatively been scheduled for Monday, September 20.

JPR/arg



CITY OF LEBANON

MEMORANDUM

TO: Jim Ruef, Director of Public Works

DATE: September 9, 1993

FROM: Jim Clark, Engineering Services Division Manager

SUBJECT: South Main Street/Market Street Intersection Traffic Analysis

Residents from the Twin Cedars mobile home park have submitted a petition requesting a four-way stop at the intersection of South Main Road and Market Streets. The petition, along with public comment, was presented at the August 25, 1993 City Council meeting. Council then directed staff to perform an engineering analysis of the intersection and to also make appropriate recommendations.

Engineering staff has completed the analysis. This memo provides background information, analysis results, and recommendations.

Background Information

A map of the intersection is attached. Presently, South Main Road is considered the major street for traffic control purposes. Both Market Street to the east and the Twin Cedars access drive to the west are considered the minor street, therefore traffic is stopped at their intersection with South Main Road.

The Twin Cedars resident's request for a four-way stop is generally based on the difficulty of both vehicular and pedestrian ingress/egress from the park access drive and the generally dangerous condition at the intersection. Specific concerns are:

1. Increase in Market Street traffic from the Wal-Mart development.
2. Increase in traffic on South Main Road.
3. Speeding on South Main Road.
4. Vehicles passing on the right on South Main Road.

5. Recent number of accidents.

6. General lack of visibility of the park access to other drivers.

To determine if a change in traffic control is warranted, engineering staff performed a pedestrian and vehicular analysis. The intersection was instrumented and observed from September 1-7, 1993. Data gathered included vehicle volume counts, vehicle directional counts, pedestrian counts, and timing of vehicular and pedestrian delays. This information was compared to requirements of the Manual on Uniform Traffic Control Devices (MUTCD), a national standard published by the U.S. Department of Transportation, Federal Highway Administration.

MUTCD Requirements for Multiway Stop Signs and Traffic Signals

The MUTCD identifies three conditions any of which may warrant a multiway stop installation. These specific conditions are attached and are summarized below:

1. If an intersection has five or more accidents in one year of a type correctable by a multiway stop, or
2. If a specific combination of vehicular traffic volume, pedestrian traffic and vehicular delays on the minor street (Market Street/Park Entrance) is sufficient to stop traffic on the major street (South Main Road), or
3. If a traffic signal is warranted (a multiway stop can be installed as an interim measure). The MUTCD identifies 11 separate warrant conditions for a traffic signal (attached).

Analysis

Accident History

During the past year, a total of five accidents occurred at the intersection. Out of these accidents, a total of two (Numbers 93-2251 and 93-4815) are of a type correctable by a multiway stop or traffic signal. Of the remaining three accidents, two were caused by stopping vehicles, an accident type likely to increase with a multiway stop, and one was a vehicle which ran out of control-the driver accidentally stepped on the accelerator instead of the brakes.

Therefore, the intersection does not meet the warrant for accident history.

Traffic on Minor Street

This warrant determines whether the combination of vehicular volume, pedestrians and delays to traffic on the minor street (Market Street in this case) is sufficient to justify stopping the traffic on the major street (South Main Road). The following conditions must be met:

1. The total vehicular volume entering the intersection must average at least 500 vehicles per hour over 8 hours of an average day, and
2. The combined vehicular and pedestrian volume from the minor street must average at least 200 units per hour for the same 8 hours, and
3. The average delay to minor street traffic must be at least 30 seconds during the maximum hour.

For these measurements, engineering staff used hose type traffic counters and visual counts. Because staff was unable to obtain visual observations over an entire 8 hour period, the observations were made between 3:00 PM to 5:00 PM, near or at the peak hour traffic period. In so doing, the traffic counts we obtained for items 2 and 3 should be much more conservative than an average 8 hour period.

From the hose counts, the total intersection vehicular volume was measured at almost 650 vehicles per hour, more than required for item 1, above. For item 2, our visual counts measured 191 units (vehicles and pedestrians) per hour on the minor street (Market Street and the Park entrance), slightly less than the required 200 units per hour. For traffic delays, we measured an average delay of 14.5 seconds for Market Street and 19.5 seconds for the Park entrance. These measured delays are almost half of that required for item 3, above.

Based on these observations, the warrant for minor street traffic volume is not met. However, it is clear that the traffic volumes are nearing the point when, combined with a substantial increase in traffic delays, a multiway stop may be warranted in the near future.

The change in intersection traffic since the Wal-Mart development was also investigated. As part of the Wal-Mart development, a traffic study was conducted at nearby intersections. The traffic counts were taken manually in December of 1989 between 4:00 PM and 6:00 PM. Traffic volumes existing at this intersection at that time are attached. With the help of the trailer park residents, this traffic period was counted, using hose counters, on Tuesday, September 7, 1993. Measured traffic volumes are attached. Generally, the entire intersection traffic has increased about 10% since late 1989. Almost all of the increase has been on the minor (Market) street.

Traffic Signal Warrants

The MUTCD requires a separate engineering study to determine if any of 11 separate warrants are met for installing a traffic signal (see attached excerpt from the MUTCD).

A traffic study was performed in December 1990 as part of the Wal-Mart development. That study investigated nearby intersections to determine if increased traffic caused by the development would require street improvements and traffic control changes. For the subject intersection, the study concluded that, at that time, a traffic signal was not warranted by either the existing conditions or the increased traffic expected from Wal-Mart.

While our investigation does not meet the specific requirements for an engineering study as required by the MUTCD, sufficient data was gathered to gauge the likelihood of meeting any signal warrant.

In reviewing each of the 11 separate warrants, we conclude that the subject intersection does not meet any of the warrants which would allow a traffic signal to be installed. It should be noted that the intersection comes the closest to the requirements of Warrant 1, Minimum Vehicular Volume. As traffic volumes increase in the future, this particular warrant may be met.

Recommendations

Because this intersection meets none of the warrant requirements for a multiway stop or traffic signal, I recommend the existing traffic control measures be maintained. Also, the lack of warrants to stop South Main Road vehicular traffic and the relatively small pedestrian volume crossing South Main Road recommends against installing pedestrian crosswalks. Doing so could create a more dangerous condition for pedestrians wishing to cross South Main Road.

Although a traffic control change is not presently warranted, further control at this intersection is likely within the next several years. Our Capital Improvement Plan identifies a project for South Main Road, between Airport Road and Cedar Drive, which is programmed for 1996 (attached). That project should include an improvement of this intersection, to include a street-like entrance for the mobile home park. By that time, sufficient warrants may exist for a traffic signal or multiway stop. These warrants should be reevaluated as part of that project.

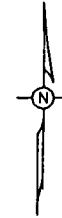
In the interim, I recommend some minor improvements to the mobile home park entrance to improve visibility. These include striping the access drive similar to that existing at Market Street, and eliminating striping on South Main Road through the intersection.

While these interim improvements will not eliminate the concerns voiced by the trailer park residents, they should be an aid in visibility and help in egress from the trailer park entrance.

C: Walt Richmond, Chief of Police
Charles Eaton, Senior Engineer
Brian Hall, Maintenance Services Division Manager

PEAR HOUR INTERSECTION
TRAFFIC VOLUMES

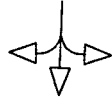
2 HOUR AXLE COUNT
4:00pm to 6:00pm
TUESDAY SEP. 7, 1993



FILE = WARRENT

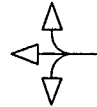
ROAD

389 V/HR



MAIN

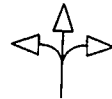
237 V/HR



MARKET STREET

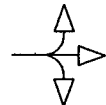
SOUTH

206 V/HR



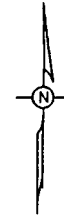
TWIN
CEDAR
Dr.

34 V/HR



WARRANT 3a: TOTAL VEHICULAR VOLUME

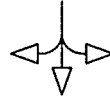
8 Hour Traffic Count
9:00am - 5:00pm
September 2, 1993



FILE = WARRENT

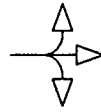
ROAD

255 V/HR



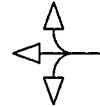
TWIN
CEDAR
Dr.

25 V/HR



MAIN

185 V/HR



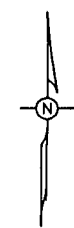
MARKET STREET

181 V/HR



SOUTH

WARRANT 3b: COMBINED VEHICULAR & PEDESTRIAN VOLUME FROM MINOR STREET



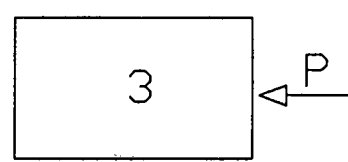
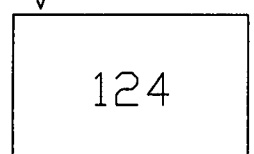
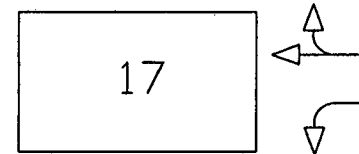
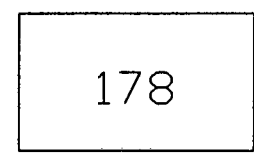
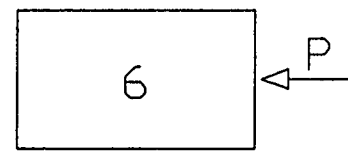
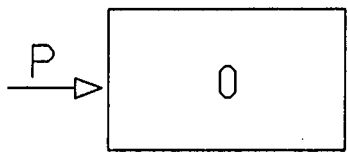
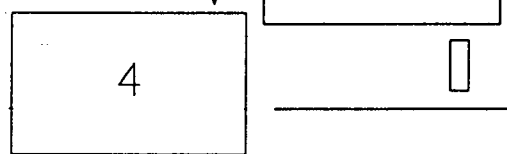
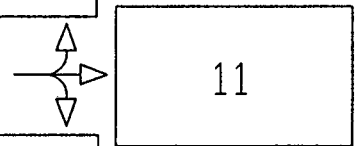
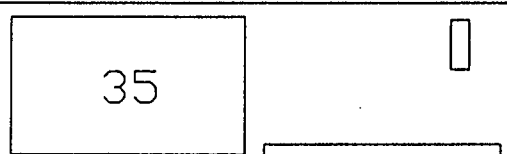
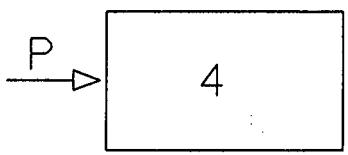
FILE = WARRENT

ROAD

MAIN

SOUTH

MARKET STREET



REPORTED ACCIDENTS FROM 11/19/92 TO 7/15/93 AT INTERSECTION



FILE = WARRENT

ROAD

93-5078
7/15/93
1628

REAR-END
SOUTH BOUND
LT. TURN

92-7603
11/19/92
1319

REAR-END
SOUTH BOUND
LT. TURN

TWIN CEDER Dr.

MAIN

93-2690
4/19/93
2020

LOST CONTROL MARKET STREET
EAST BOUND

SOUTH

93-2251
4/1/93
1759

FAILURE TO YEILD
SOUTH BOUND
LT.TURN

93-4815
7/6/93
1040

FAILURE TO YEILD
EAST BOUND

A RESOLUTION CONCERNING THE) RESOLUTION NO. _____
ENFORCEMENT OF A CITY CHARTER) For 1993
AMENDMENT TO PROHIBIT MINORITY)
STATUS FOR HOMOSEXUALS.)

WHEREAS, the people of the City of Lebanon voted on and passed an initiative measure to amend the Lebanon City Charter, entitled "City Charter Amendment to Prohibit Minority Status for Homosexuals" on September 21, 1993; and

WHEREAS, the State of Oregon has enacted 1993 Oregon Laws, Chapter 556 (HB 3500A), which contains an emergency clause and which became effective on August 2, 1993; and

WHEREAS, the 1993 Oregon Laws, Chapter 556, declares that its "political subdivisions" may not "enact or enforce" local legislation that would "grant special rights, privileges or treatment to any citizen or group of citizens on account of sexual orientation" or that "singles out citizens or groups of citizens on account of sexual orientation;" and

WHEREAS, the City Council for the City of Lebanon has sworn by their oath of office to uphold all federal, state and local laws; and

WHEREAS, 1993 Oregon Laws, Chapter 556 (HB 3500A), is intended to preempt the enforcement of the initiative of the people of the City of Lebanon;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council that the City of Lebanon shall comply with the provisions of Oregon Laws 1993, Chapter 556 (HB 3500A), and that the City will, therefore, not enforce the provisions of the City Charter amendment voted upon by the citizens of the City of Lebanon on September 21, 1993, until such time as 1993 Oregon Laws, Chapter 556, may be decreed to be invalid or until further action by the Council that is consistent with relevant law.

Passed by the Council of the City of Lebanon by a vote of _____ for and _____
against, and approved by the Mayor this _____ day of _____, 1993.

MAYOR

ATTEST:

City Recorder



CITY OF LEBANON

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

DATE: SEPTEMBER 21, 1993

FROM:  JOSEPH A. WINDELL, CITY ADMINISTRATOR

SUBJECT: SEPTEMBER 22 COUNCIL MEETING

AGENDA ITEM 2:

Enclosed is the resolution for accepting shop site property.

AGENDA ITEM 5:

Tom is providing you with information as to your authority and liability on deciding where traffic control devices are placed.

EXECUTIVE SESSION:

There will be an executive session to discuss results of today's election.

For your consideration, Tom has provided you with a copy of a resolution that delays enforcement of the OCA Charter Amendment, if it passes.

JAW/cmy

192.660 Litigation



CITY OF LEBANON
M E M O R A N D U M

TO: Mayor, Council and Joseph A. Windell

DATE: Sept. 21, 1993

FROM: Thomas A. McHill, City Attorney

SUBJECT:

Potential Liability for Placement of Traffic Signals or Stop Signs

This memorandum is addressed to respond to questions that have been posed to me by the City Administrator regarding the potential liability for acting or not acting upon a request to place stop signs or other traffic control devices at the intersection of Market Street and South Main Road here in Lebanon. It is my understanding that the City Traffic Engineer has formed the opinion that additional traffic signals or stop signs are not warranted. He makes this opinion based extensively upon his analysis of data and the application of the manual on uniform traffic control devices, which is published by the U. S. Department of Transportation, Federal Highway Administration.

The short answer to the question is that the City Council has a wide degree of discretion in determining design issues such as the one presented here. Such discretionary decisions, assuming that the decision is based upon information and a sound use of discretion, can be made with immunity.

The analysis of this question starts from ORS 30.265(3)(c) which holds that every public body and its officers acting within the scope of their employment or duties, are immune from liability for any claim based upon the performance of or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused. Traditionally, Oregon courts have uniformly held that decisions such as the type made here, which require the use of discretion, are immune. For instance, in *Smith v. Cooper*, 256 Or 485 (1970), the Oregon Supreme Court held that State employees are generally immune from liability for alleged negligence in planning and designing highways. As the Court said:

" We have used the term 'generally immune' in the realization that it is conceivable that a complainant could allege and prove a defect in design or planning that could adequately and appropriately be passed upon by a judge or jury, for example, ludicrous for the sake of clarity, a road designed so that it ended at the edge of a cliff."

In *Morris v. Oregon State Transportation Commission*, 38 Or App 331 (1979), the Court of Appeals addressed the problem of a claim that the Transportation Commission had

AGENDA ITEM 5

negligently designed a traffic signal in Salem. Citing *Smith v. Cooper*, Id., the Court of appeals held that the public body was not liable for negligently performing a discretionary function, although the public body could be liable for negligently performing a ministerial function (a function which does not require the use of any choice). Dealing with the manual and uniform traffic control devices for streets and highways, the Court held that, in this case, even though the manual provided for standards which would warrant a different traffic design, the manual itself provided that the standards for design and application of traffic control devices was not a substitute for engineering judgment. Therefore, and based upon the evidence that was analyzed by the traffic engineer, the Court of Appeals refused to "go behind" the decision of the Oregon State Transportation Commission in making this discretionary decision.

Other later cases involving the use of discretion vs. the exercise of a ministerial function have resulted in some general realizations by the Oregon Supreme Court of the following principles:

1. A public body that owes a particular duty of care has wide policy discretion in choosing the means by which to carry out that duty.
2. The range of permissible choices does not include the choice of not exercising care. In other words, if a choice faces the policy making board, a choice must be made rather than simply deciding not to make a choice.
3. Normally, a choice within the permissible range, in order to qualify for immunity, is a choice that has been made by a supervisor or a policy making body.
4. A choice to follow or not to follow a pre-determined policy in the face of a particular set of facts involving a particular individual is normally not a discretionary policy choice entitled to immunity under the statute. I think that this is what the Courts have looked to in determining that ministerial decision making is at hand. *Mosley v. Portland School District No. 1J*, 315 OR 85 (1992); *Lowrimore v. Dimmitt*, 310 Or 291 (1990); and *Little v. Wimmer*, 303 Or 580 (1987).

In summary, therefore, as long as the City Council makes an informed choice, it is my opinion that, whatever that choice is, it is the exercise of a discretionary function and will be immune under ORS 30.265 for purposes of later liability. This is by far a different question than a question as to continual maintenance of a particular situation, which is not addressed at this point.

If you have any further questions, please feel free to contact me.

AGENDA ITEM 6



LEBANON PUBLIC LIBRARY
626 Second St.
Lebanon, Oregon 97355

(503)451-7461

LIBRARY ADVISORY: BOARD MINUTES

The August 18, 1993 meeting of the Library Advisory Board was called to order at 5:08 p.m. by Chairperson Marge Lowe. Also present were board members Blanche Canaday, Shirley Foulds, and Kathy Gillis, Councilor Wayne Rieskamp, and Program Manager Susan Messersmith. Shirley Kilborn was unable to attend.

The minutes of the July 21, 1993 meeting were approved as written.

Susan briefly reviewed the July statistics with the board.

Marge reported on the interview process which she, Kathy Gillis, Blanche Canaday and Susan Messersmith participated in on August 16, 1993. A total of six applications were received. Five applicants were interviewed; the sixth was out of town and unavailable.

Some discussion followed on the feasibility of extending the time frame agreed upon at the July board meeting. The board decided by consensus to select two members from the five who were interviewed. The interview committee recommended to the full board that Nancy Eaton and Janice Hotrum's names be submitted for appointment. The board voted unanimously to do so and will send its recommendation for appointment to the Mayor at the August 25, 1993 city council meeting.

In order to comply with scheduling conflicts involving several board members, the board meeting time was changed to the second Wednesday of each month at 5:30 p.m. at the Boys and Girls Club public conference room.

There being no further business the meeting was adjourned at 5:45 p.m. by Chairperson Lowe.

Respectfully submitted,

Susan Messersmith
Susan Messersmith
Secretary



CITY OF LEBANON

M E M O R A N D U M

TO: Joseph A. Windell
City Administrator

DATE: September 20, 1993

FROM: Thomas McHill
City Attorney *[Signature]*

SUBJECT: Acceptance of Real Property at 925 Fourth St.

Attached are documents which formally accept the above described property by resolution, and which verify to the Linn County Recorder that the Council has accepted the same. Execution of these documents, and formal acceptance of the property by the Council, is required in order for the Recorder to record the Warranty Deed from Ms. Thornton. Once the Council passes the resolution, I request that you and the Mayor sign the affidavit, before a Notary Public, and then Brian Hall can record the Deed and Affidavit with Linn County.

If you have any questions, do not hesitate to ask.

AGENDA ITEM 2

STATE OF OREGON)
)ss.
County of Linn)

We, JOSEPH A. WINDELL, Recorder for the City of Lebanon, and G. ROBERT SMITH, Mayor of the city of Lebanon, each being duly sworn, say that:

Pursuant to the Resolution of the City Council, No. _____ for 1993, approved by the Council on September 22, 1993, the attached Warranty Deed has the approval of the City which is authorized by law to accept such dedication, and does hereby accept such dedication.

Joseph A. Windell, Recorder

G. Robert Smith, Mayor

Subscribed and sworn to before me this _____ day of September, 1993.

NOTARY PUBLIC FOR OREGON.
My commission expires: _____