

COUNCIL AGENDA



SEPTEMBER 11, 1996

LEBANON CITY COUNCIL
September 11, 1996
7:30 p.m.

A G E N D A

Lebanon School District Board Room
485 South Fifth Street

NO NOON SESSION

CALL TO ORDER/FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

- 1) Minutes of the August 14, 1996 City Council Meeting

PROCLAMATION

- 2) NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

Presented by: Mayor Bob Smith

LEGISLATIVE ACTION

- 3) VACATION OF A DRAINAGE EASEMENT

Presented by: Mr. Jim Ruef, Director of Public Works

Approval/Denial by MOTION

- 4) PARKING RESTRICTION ON EAST GRANT STREET

Presented by: Mr. Jim Ruef, Director of Public Works

Approval/Denial of RESOLUTION

5) PARKING RESTRICTION ON A PORTION OF TWELFTH STREET

Presented by: Mr. Jim Ruef, Director of Public Works

Approval/Denial of RESOLUTION

6) TRUCK PARKING RESTRICTION

Presented by: Mr. Walter Richmond, Chief of Police

Approval/Denial of ORDINANCE

7) BONDING AUTHORITY FOR THE HOSPITAL DISTRICT

Presented by: Mr. Tom McHill, City Attorney

Approval/Denial by MOTION

8) STREET CLOSURE

Presented by: Mr. Joseph Windell, City Administrator

Approval/Denial by MOTION

9) ACCEPTANCE OF RIGHT-OF-WAY DEDICATION AND PUBLIC UTILITY
EASEMENT

Presented by: Mr. Tom McHill, City Attorney

Approval/Denial by MOTION

10) AMENDMENT OF ORDINANCE CONCERNING THE LICENSING OF
AMUSEMENTS

Presented by: Mr. Tom McHill, City Attorney

Approval/Denial of ORDINANCE

BOARD APPOINTMENTS

- 11) COUNCIL MEMBER APPOINTMENT TO THE HOSPITAL FACILITIES AUTHORITY
- 12) COUNCIL MEMBER APPOINTMENT TO THE LINN COUNTY PUBLIC SAFETY COORDINATING COUNCIL

MONTHLY BOARD MINUTES

- 13) SENIOR AND DISABLED SERVICES ADVISORY BOARD MEETING MINUTES FOR JULY 24, 1996

OTHER MATTERS

- 14) COUNCIL MEMBERS INTERESTED IN SERVING AT THE CENTURY PARK IMPROVEMENT CELEBRATION ON THURSDAY, SEPTEMBER 26TH, FROM 4:30 TO 6 P.M.

CITIZEN COMMENTS

ADJOURNMENT

AGENDA ITEM 1

**MINUTES
LEBANON CITY COUNCIL MEETING
AUGUST 14, 1996**

MEMBERS PRESENT Mayor Bob Smith; Councilors: Ron Miller, Ken Toombs, Wayne Rieskamp, Floyd Fisher.

STAFF PRESENT Joseph Windell, City Administrator; Tom McHill, City Attorney; Judy Wendland, Finance Director; Walt Richmond, Chief of Police; Doug Parker, City Planner

CALL TO ORDER & FLAG SALUTE

The regular meeting of the City Council of Lebanon was called to order by Mayor Smith at 7:30 P.M., August 14, 1996 in the Lebanon School District Board Room at 485 S. 5th Street. Roll call was taken with four members present. Councilor John Richard was absent.

APPROVAL OF MINUTES

1. MINUTES OF NOON MEETING OF JULY 31, 1996

The Minutes of the noon meeting of July 31, 1996 were approved as submitted.

ADDITION TO AGENDA

JAYCEE PARK

Ron Baker made a presentation regarding projected improvements to Jaycee Park, located at 4th and C Streets, proposed by Rhodes Warden Insurance, Russ Canaga, and Ross Meyers. He stated they would like to make this park the most beautiful park in Linn County. They feel it will be a three-year project. They have sent out 25 letters to surrounding neighbors and there has been a neighborhood meeting. A plan was presented to Council members showing locations of proposed rest room, playground area, picnic tables, barbecues, landscaping, sprinkler system, etc. Mr. Baker stated many members of the community have offered their services on different phases of this project but these services will only be accepted when approved by Staff. City Administrator Windell stated these offers will be welcomed. but in addition to approval by Staff, they must be approved by the City's insurance company. Mr. Windell also stated the project will cost approximately \$50,000.00.

PUBLIC HEARING

City Attorney McHill informed anyone in the audience who would be testifying about this particular annexation and zoning of a certain property that the public hearing will be conducted by first asking the Council members if they have ex parte contact or conflict of interest in respect to this subject which is identified and filed under A-96-2. Following this, a Staff report will be given which will include comments by the City Planner Parker. Questions of Mr. Parker and

testimony can then be taken by the public: first by the applicant, then by proponents of the proposal followed by testimony of opponents. At the close of testimony the public hearing will be closed and there will be opportunity for discussion and deliberation by the City Council, followed by a decision. Oregon law requires that at the commencement of a land use hearing a statement must be made of those in attendance indicating the applicable substantive criteria stated on Page 5 of Section 1 of Agenda. Testimony must be directed to the criteria identified by staff, or other criteria of the zoning or comprehensive plan which the person believes to be relevant to the decision.. Failure to raise an issue accompanied by statements or evidence sufficient to afford the City Council and the parties an opportunity to respond to the issue will preclude appeal to the Land Use Board of Appeals based upon the issue.

Mayor Smith asked for any ex parte or conflicts of interest from the Councilors. There was none.

Mayor Smith opened the Public Hearing at 7:40 P.M.

2. ANNEXATION AND ZONING OF A CERTAIN PROPERTY

City Planner Parker stated that two-thirds of the property located at the east end of Oak Street, Assessor's Map 12-2W-11DC, Tax Lot 200, is in the City. There is 13,215 sq. ft. proposed for annexation located at the east end of Oak Street. Mr. Parker stated there are a number of infrastructure improvements that will occur here, as well as a roadway dedication and participation to improve that roadway.

Bob Wright, Northwest Housing Alternatives, owner of the property, introduced himself to the Council.

There being no comments from the Council or the public, Mayor Smith closed the Public Hearing at 8:00 P.M.

City Attorney McHill read the following Ordinance by title:

A BILL FOR AN ORDINANCE ANNEXING AND ZONING PROPERTY FOLLOWING HEARING AND UPON THE WRITTEN CONSENT FILED WITH THE CITY COUNCIL BY LANDOWNERS IN SAID AREA PURSUANT TO ORS 222.120 AND ORS 222.170.

A motion was made by Council Rieskamp, seconded by Councilor Fisher and passed unanimously by roll call that:

A Bill for an Ordinance annexing and zoning property following hearing and upon the written consent filed with the City Council by landowners in said area pursuant to ORS 222.120 and ORS 222.170 be approved.

LEGISLATIVE ACTION

3. APPROPRIATION OF TEL-A-TEND GRANT

Finance Director Wendland explained that after the budget was adopted, the City received a grant from Cascades West COG for the Tel-a-Tend program which facilitates senior independence by automatically calling those who request the service. If the person called fails to respond, a designated responsible person is notified or an officer is sent to check on the senior citizen.

City Attorney McHill read the following resolution by title:

A RESOLUTION APPROPRIATING GRANT FUNDS FOR A TEL-A-TEND SYSTEM.

A motion was made by Councilor Miller, seconded by Councilor Toombs and passed unanimously that:

A Resolution appropriating grant funds for a Tel-A-Tend System be adopted.

4. WASTEWATER CHARGES OUTSIDE CITY LIMITS

Finance Director Wendland explained that the ordinance is required to eliminate the surcharge of 50% for wastewater customers outside the city limits. This surcharge was based on the fact that sewer bonds were being repaid from property taxes. Those bonds were paid off in 1995-96. As of July 1, 1996 the surcharge needed to be eliminated.

City Attorney McHill read the Ordinance by title:

A BILL FOR AN ORDINANCE AMENDING SECTIONS 13.04.580 OF THE LEBANON MUNICIPAL CODE REGARDING THE SETTING OF WATER AND WASTEWATER FEES AND DECLARING AN EMERGENCY.

A motion was made by Councilor Toombs, seconded by Councilor Rieskamp and passed unanimously by roll call that:

The Bill for an Ordinance amending sections 13.04.580 of the Lebanon Municipal Code regarding the setting of water and wastewater fees and declaring an emergency be adopted as stated.

Lyle Winters, from the audience, asked if there are still summer rates in effect. Finance Director Wendland responded that there is a 10% discount on all usage over nine units.

5. LOANS FOR REFINANCING POLICE COMPUTER SYSTEM AND PURCHASE OF COURT COMPUTER SYSTEM

Finance Director Wendland stated the City has the opportunity to refinance the Police computer system with Key Bank at a lower interest rate of 5.5%. The City is currently paying IBM Credit Corporation rates from 6% to 7.97%. This will provide a savings of approximately \$6,300.

City Attorney McHill read the following Resolution by title:

A RESOLUTION AUTHORIZING SHORT TERM BORROWING BY MUNICIPAL CORPORATIONS, QUASI-MUNICIPAL CORPORATIONS AND CIVIL SUBDIVISIONS PURSUANT TO ORS 287.442 AND AMENDING ORDINANCE NUMBER 26 FOR 1996.

A motion was made by Councilor Miller, seconded by Councilor Toombs and passed unanimously that:

The Resolution authorizing short term borrowing by municipal corporations, quasi-municipal corporations and civil subdivisions pursuant to ORS 287.442 and amending Ordinance Number 26 for 1996 be adopted as stated.

City Attorney McHill read the following Resolution by title:

A RESOLUTION AUTHORIZING SHORT TERM BORROWING BY MUNICIPAL CORPORATIONS, QUASI-MUNICIPAL CORPORATIONS AND CIVIL SUBDIVISIONS PURSUANT TO ORS 287.442.

A motion was made by Councilor Rieskamp, seconded by Councilor Fisher and passed unanimously that:

The Resolution authorizing short term borrowing by municipal corporations, quasi-municipal corporations and civil subdivisions pursuant to ORS 287.442 be adopted.

OTHER MATTERS

6. ORDINANCE FOR WATER CHARGES OUTSIDE THE CITY LIMITS

Finance Director Wendland recommended that a 15% surcharge be added to water rates for customers outside the city limits. Ms Wendland included in the Councilor's packets a list of these customers and asked the Council for instruction on how to proceed. Councilor Toombs recommended and the other Councilors agreed that this matter be referred to the CIP (Capital Improvement Program) Committee for their recommendation.

CITIZENS' COMMENTS

Lyle Winters announced there will be a Block Party supporting the School Bond, Friday, August 23, 7:00 P.M. at the Middle School site. He asked there be some police patrol. He stated there will be a meeting on August 20, for the purpose of answering questions, etc. on the Bond issue.

EXECUTIVE SESSION

As per ORS 192.660(1)(d) To conduct deliberations with persons designated by the Council to carry on labor negotiations. - AFSCME Contract

Mayor Smith adjourned the regular order of business of the City Council and convened for an Executive Session at 8:18 P.M.

Mayor Smith adjourned the Executive Session at 8:35 P.M. and reconvened to the regular order of business of the City Council at 8:36 P.M.

AFSCME CONTRACT

A motion was made by Councilor Toombs, seconded by Councilor Miller and passed unanimously that:

The proposed labor contract with AFSCME be approved and that the Mayor and City Administrator be authorized to sign the contract.

ADJOURNMENT

There being no further business the Council meeting was adjourned at 8:37 P.M.

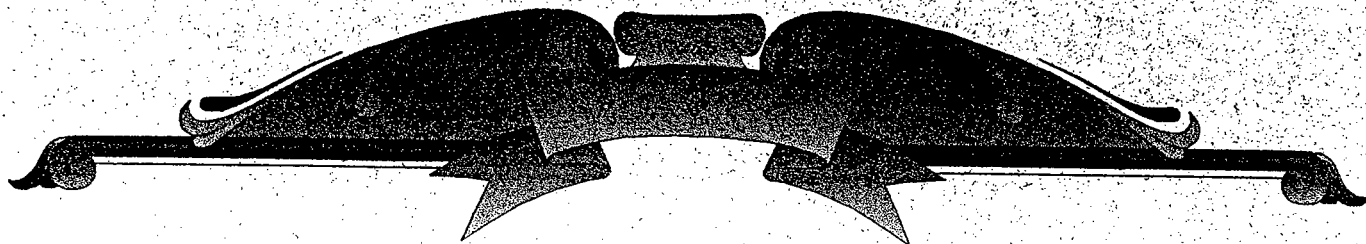
Recorded by Dorothy Nicholson, Secretary

Robert G. Smith, Mayor

ATTEST:

Joseph A. Windell, City Recorder

AGENDA ITEM 2



PROCLAMATION

NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

WHEREAS twenty percent of the population of the United States of America is comprised of people with disabilities, and

WHEREAS current studies place unemployment among the country's population of people with disabilities at more than seventy percent, and

WHEREAS more than two-thirds of adults with disabilities in this country desire to work but cannot find employment, and

WHEREAS the Americans with Disabilities Act provided civil rights protection for America's 49,000,000 persons with disabilities, and

WHEREAS America's shrinking labor force requires employers to utilize untapped human resources, such as persons with disabilities,

NOW, THEREFORE, I Robert G. Smith, Mayor of the City of Lebanon, do hereby proclaim the month of October as Disability Employment Awareness Month in Lebanon, and call upon the residents of Lebanon to observe the month by learning about people with disabilities, their strengths and abilities and the programs which serve their needs.

DATED: September 11, 1996

Robert G. Smith, Mayor



August 14, 1996

The Honorable Robert J. Smith
Mayor
City of Lebanon
925 Main Street
Lebanon, OR 97355

Dear Mayor Smith:

Although it seems early, it is time for us to once again plan for National Disability Employment Awareness Month here in Oregon. Each year Congress declares October to be Disability Employment Awareness Month in order to encourage public and private employers to hire persons with disabilities.

Governor John Kitzhaber has proclaimed this October as Disability Employment Awareness Month here in Oregon. We are requesting that you issue a similar proclamation on behalf of your city and join us in our observance this October.

I have enclosed a sample proclamation. You are free to use it for your city's declaration of October as Disability Employment Awareness Month or you may draft one of your design. We would greatly appreciate your city joining in Disability Employment Awareness Month activities in this manner.

On October 1, 1996, we plan to kick-off our observance with our annual awards ceremony at the State Capitol in Salem. We are hopeful that Governor Kitzhaber will be on hand to present our awards to the person with a disability who has provided the most distinguished service during the past year, to employers who have performed outstandingly in employing, training, accommodating and maintaining workers with disabilities, and to



1257 Ferry Street SE
Salem, OR 97310
(503) 378-3142 V/TDD
1-800-358-3117 V/TDD
(503) 378-3599 FAX

others who have made significant contributions to the employment and empowerment of people with disabilities.

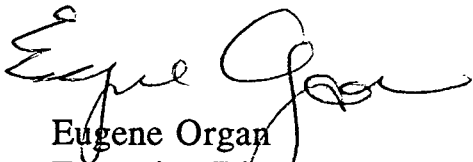
We will display all proclamations which we have received from cities around the state at the awards ceremony. We would be most grateful if you can join us by issuing a proclamation of October as Disability Employment Awareness Month in your city.

Please send copies of your proclamation to:

Oregon Disabilities Commission
1257 Ferry Street, S.E.
Salem, Oregon 97310.

Thank you for your attention to my request.

Sincerely,



Eugene Organ
Executive Director

Enclosure

AGENDA ITEM 3



CITY OF LEBANON

MEMORANDUM

TO: Joseph A. Windell
City Administrator

DATE: September 6, 1996

FROM: James P. Ruef *JPR*
Director of Public Works

SUBJECT: Vacation of a Drainage Easement

A public drainage easement lies under the Lebanon Plaza buildings. This easement was in existence long before the Plaza was built and no longer serves any public need. The easement used to cover a drainage swale which was diverted into a culvert and moved over to Division Way to make way for the shopping center. The Plaza would like to clear their title and have the old easement removed.

The first step in vacating a public easement is for City Council to accept the attached petition and to set the public hearing date. I recommend that City Council accept the petition and set a public hearing date for their October 23, 1996 City Council meeting.



CITY OF LEBANON

MEMORANDUM

TO: Jim Ruef, Director of Public Works

DATE: August 26, 1996

FROM: Jim Clark, Engineering Services Division Manager

SUBJECT: Vacation of Easement - Lebanon Plaza Shopping Center

We have received the attached petition requesting vacation of a public drainage easement across the Lebanon Plaza Shopping Center (map attached). This easement was transferred to the city from the State Department of Transportation. There are no utility lines in the easement except for a storm drainage line that is within another easement which overlaps the one proposed for vacation.

Action Requested

To continue the vacation process, I request the council schedule a public hearing for the October 23, 1996 council meeting.

In the interim, staff will provide notice as required by ORS 271.110.

C: Tom McHill, City Attorney

WATKINSON LAIRD RUBENSTEIN
LASHWAY & BALDWIN
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

300 SOUTH PARK BUILDING
101 EAST BROADWAY
EUGENE, OR 97401-3114

TELEPHONE: (541) 484-2277

FACSIMILE: (541) 484-2282

CORRESPONDENCE:
POST OFFICE BOX 10567
EUGENE, OREGON 97440-2567

JOHN C. WATKINSON

DIRECT DIAL
(541) 984-0206

ROSEBURG OFFICE
2750 WEST HARVARD BLVD
ROSEBURG, OREGON 97470
(541) 672-2755

August 14, 1996

City of Lebanon
Attn: Jim Clark
Engineering Services Manager
925 Main Street
Lebanon, OR 97355

Dear Mr. Clark:

Re: Petition for Vacation of Easement

This letter will follow up our telephone conversation concerning the referenced matter. Our client is Whittaker/Northwest Partners I, an Oregon Limited Partnership, which is the owner of Lebanon Plaza Shopping Center. On behalf of the owner, we are requesting the vacation of the drainage easement described below.

Enclosed are the following:

1. Copy of easement recorded September 24, 1962, Book 288, Page 820, Linn County Records, granting to the State of Oregon a "license and easement to construct, operate and maintain a drainage facility over and across" a strip of land 25 feet in width, described in the document (Drainage Easement).
2. Copy of Relinquishment of Drainage Easement recorded December 12, 1978, in which the State of Oregon transferred to the City all its right, title and interest in the Drainage Easement.
3. Copy of pertinent portion of ALTA survey dated August 12, 1996, by Roberts Surveying, Inc., showing the location of the Drainage Easement.
4. Our check in the amount of \$500, the fee for this petition.

August 14, 1996
Page 2

As the survey discloses, the Payless Drug Store building was constructed over the Drainage Easement. Also, according to the survey, there are no utility lines in the Drainage Easement except for a storm sewer line that is within another easement (described below) that overlaps the Drainage Easement.

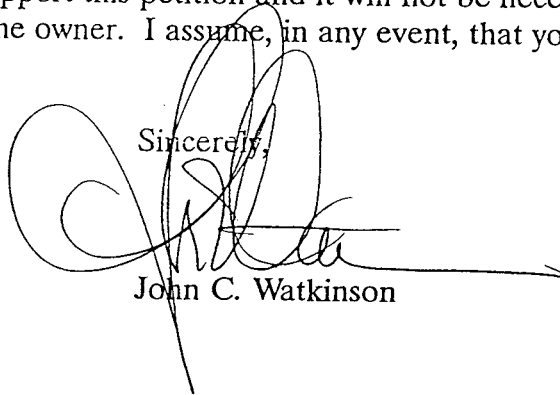
We cannot determine from the survey whether the Drainage Easement extends beyond the boundaries of the shopping center. In any event, the owner requests that the portion of the Drainage Easement that lies within the shopping center be vacated.

It is our understanding from conversations with representatives of the City that the City does not have any current or future need for the Drainage Easement located under the Payless building. Presumably, the City has no need for any portion of the Drainage Easement within the shopping center inasmuch as the portion of the Drainage Easement in which a storm sewer is located is the subject of a separate easement recorded at Volume 214, Page 153.

If you have any questions concerning this petition or desire additional information, please let me know.

We understand that there may be a need for a public hearing in connection with this petition. Hopefully, your office will support this petition and it will not be necessary for an appearance to be made on behalf of the owner. I assume, in any event, that you will let us know either way.

Sincerely,



John C. Watkinson

JCW:nrw

Enclosures

fc: William L. Whittaker: 408/243-3319
Commercial Investments Properties, Inc.
Attn: Bob Siegmund: 484-2344
Marta T. Kurland: 213/896-3137

179.98'

40.00'

CONC. CURB & GUTTER
9.0' CONC. WALK

TAX LOT 6700

TRUAX OIL CO
P.O. BOX 3002
CORVALLIS OR. 97330

GAS STATION

24.0' RIGHT-OF-WAY EASEMENT
VOL. 211, PAGE 225

10.0' STORM SEWER
EASEMENT
VOL. 214, PAGE 153

S 47°42'00"E, 239.52'

DIVISION WAY

S 42°16'35"N, 156.02'

RETAIL STORES
12,700 SQ. FT.

OREGON CARPETS
OF LEBANON
2798

AMERICA FAMILY VIDEO
2780 & 2790

FIGARO'S
2770

SMOKES-N-STUFF
2760

THE YOGURT SHOPPE
2754

THE SUB STATION
2752

RETAIL SHOPS
7200 SQ. FT.

MARLA'S
DECOR &
MORE
2700

LEBANON HEATING
SERVICES
2710

LAUNDRORHAT
2750

8 & C
APPLIANCE
2720 & 2730

BUG STORE
ANTHAM HWY.
CORVALLIS OR. 97355

25.0' DRAINAGE
EASEMENT
BOOK 288, PAGE 820

RELINQUISHMENT OF
DRAINAGE EASEMENT
TO CITY OF LEBANON
VOL. 220, PAGE 281

EASEMENT PROPOSED
FOR VACATION

R = 133.60'
Δ = 60°25'22"
L = 140.89'
C = 134.45'
N 77°55'04"W

AGENDA ITEM 4



CITY OF LEBANON

MEMORANDUM

TO: Joseph A. Windell
City Administrator

DATE: September 6, 1996

FROM: James P. Ruef *James P. Ruef*
Director of Public Works

SUBJECT: Parking Restriction on East Grant Street

We have received a request to restrict parking on the south side of East Grant Street, both east and west of River Street. The problem is large vehicles parking near the intersection limiting sight distance. I concur with the attached recommendation from Jim Clark, Engineering Services Division Manager, to restrict parking as per the attached memo.



CITY OF LEBANON

MEMORANDUM

TO: Jim Ruef, Director of Public Works

DATE: August 27, 1996

FROM: Jim Clark, Engineering Services Division Manager

SUBJECT: No Parking Zone - East Grant and River Streets

This memo recommends council establish a No Parking Zone at the subject intersection.

Background

In response to a complaint, Engineering staff has investigated the subject intersection for compliance with vision requirements. As a result, we recommend a 20-foot no parking zone on the south side of East Grant Street both east and west of River Street. A map and resolution implementing this change are attached.

We have also contacted the abutting property owners to advise them about this proposed street parking change. So far we not have received any response.

Recommendation

I recommend council approve the attached resolution establishing the no parking zone on East Grant Street.

C: Brian Hall, Maintenance Services Division Manager



CITY OF LEBANON

MEMORANDUM

TO: Jim Clark
Engineering Division Manager

DATE: August 26, 1996

FROM: Jeff A Kent
Engineering Technician

SUBJECT: Proposed "No Parking" Zone along East Grant Street

At the request by City Councilor Ken Toombs, I investigated the intersection of East Grant Street and River Street to determine if cars parked along Grant St. posed a vision hazard and a safety concern for motorists. I discovered parked cars along Grant St. and those cars were creating a vision obstruction and a safety concern for motorist.

A recommendation which will increase the safety for motorists and provide improved intersection vision is to eliminate 20' of parking along the south side of Grant St. to the east and west side of the intersection.

If you have any questions or concerns regarding the proposed "No Parking" zone please let me know. I have attached the Resolution and a "Site Map" drawing for your review.

A RESOLUTION PROHIBITING STREET)
PARKING ON A PORTION OF EAST)
GRANT STREET AT RIVER STREET)

RESOLUTION NO. _____
for 1996

WHEREAS, the City Engineer has recommended that parking be prohibited on a portion of East Grant Street at the intersection of East Grant St. and River St. and,

WHEREAS, such regulation is deemed to be reasonable and necessary for the safe movement of traffic in the City of Lebanon,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LEBANON AS FOLLOWS:

Parking shall be prohibited along the south side of Grant street, beginning at the intersection of East Grant Street and River Street then 20' to the east and west along Grant Street.

Suitable signs shall be erected and/or markings painted and such designation shall be part of the traffic regulations of the City of Lebanon.

This Resolution supersedes and replaces conflicting portions of previous Resolutions governing parking at this location.

Passed by the Council by a vote of _____ for and _____ against and approved by the Mayor this _____ day of _____, 1996.

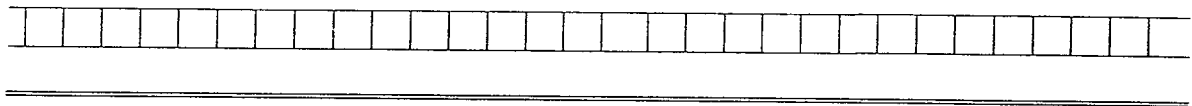
Mayor

ATTEST:

City Administrator



CITY OF LEBANON PROPOSED "NO PARKING" ZONE



GRANT ST.

PROPOSED
"NO PARKING"
ZONE

← 20' FEET →

← 20' FEET →

RIVER ST.



*NOTE: NOT DRAWN TO SCALE
FILE: GRNTRVR
DRAWN BY: JK

AGENDA ITEM 5



CITY OF LEBANON

MEMORANDUM

TO: Joseph A. Windell
City Administrator

DATE: September 6, 1996

FROM: James P. Ruef *James P. Ruef*
Director of Public Works

SUBJECT: Parking Restriction on a Portion of Twelfth Street

Twelfth Street has been designated as a Collector Street in the Transportation Master Plan. In order to establish the necessary travel and bike lanes, we will need to restrict parking on one side of the road. We would like to establish that pattern on the section of Twelfth Street between Oak and "F" Streets before the area is developed and people get used to parking on both sides of the street. I concur with the attached recommendation from Charles Eaton, Senior Engineer, to restrict parking on the east side of Twelfth Street from Oak Street to "F" Street.

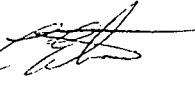


CITY OF LEBANON

MEMORANDUM

TO: Jim Ruef
Director of Public Works

DATE: September 5, 1996

FROM: Charles L. Eaton 
Senior Engineer

SUBJECT: Airport Area Infrastructure Improvements
12th Street Parking Resolution
Project #95702

This memo requests Council approval of "A Resolution Prohibiting Street Parking on a Portion of 12th Street" in conjunction with the Airport Area Infrastructure Project.

Background Information

The Airport Area Infrastructure Project constructs waterline, sanitary sewer, storm drain, 460 feet of half street improvements and county standard improvements to 12th Street.

This project completes the proposed improvements to 12th Street between Oak Street and Airport Road and establishes 12th Street as a collector street.

Parking along the east side of 12th Street would prohibit safe movement of vehicular and pedestrian traffic.

Recommendation

I recommend Council's approval of this resolution to establish a no parking resolution on the east side of 12th Street between "F" Street and Oak Street as indicated.

c: Jim Clark, Engineering Services Division Manager
Tom McHill

CS

A RESOLUTION PROHIBITING STREET)
PARKING ON A PORTION OF 12TH STREET)

RESOLUTION NO. _____
FOR 1996

WHEREAS, the City Engineer has recommended that parking be prohibited on the east side of the following street:

- 1. 12TH Street between "F" Street and Oak Street; and

WHEREAS, such regulation is deemed to be reasonable and necessary for the safe movement of traffic in the City of Lebanon,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LEBANON AS FOLLOWS:

Parking shall be prohibited on the east side of the following street: 12TH Street between "F" Street and Oak Street.

Suitable signs shall be erected and/or markings painted and such designation shall be part of the traffic regulations of the City of Lebanon.

This Resolution supersedes and replaces conflicting portions of previous Resolutions governing parking at these locations.

Passed by the Council by a vote of _____ for and _____ against and approved by the Mayor this _____ Day of _____, 1996.

Robert Smith, Mayor

ATTEST:

Joseph Windell, City Administrator

AGENDA ITEM 6



CITY OF LEBANON

MEMORANDUM

TO: Joseph A. Windell, City Administrator

DATE: September 5, 1996

FROM: Walter Richmond, Chief of Police *WR*

SUBJECT: TRUCK PARKING RESTRICTION

I have had discussions with Jim Ruef, Jim Clark and representatives from Lebanon Fire District regarding truck parking on West Oak Street. Also, we have received the attached relative correspondence regarding truck parking. In our discussions, we talked about several scenarios. There are two ordinances attached that address two different possible solutions to concerns that have been expressed about truck parking. The first ordinance prohibits truck parking on West Oak, west of Seventh Street. The second ordinance allows for only ten minute truck parking on West Oak Street, except for the north side of the street west of Airway Road.

Hopefully, this approach will give the City Council some options and flexibility in their decision making.

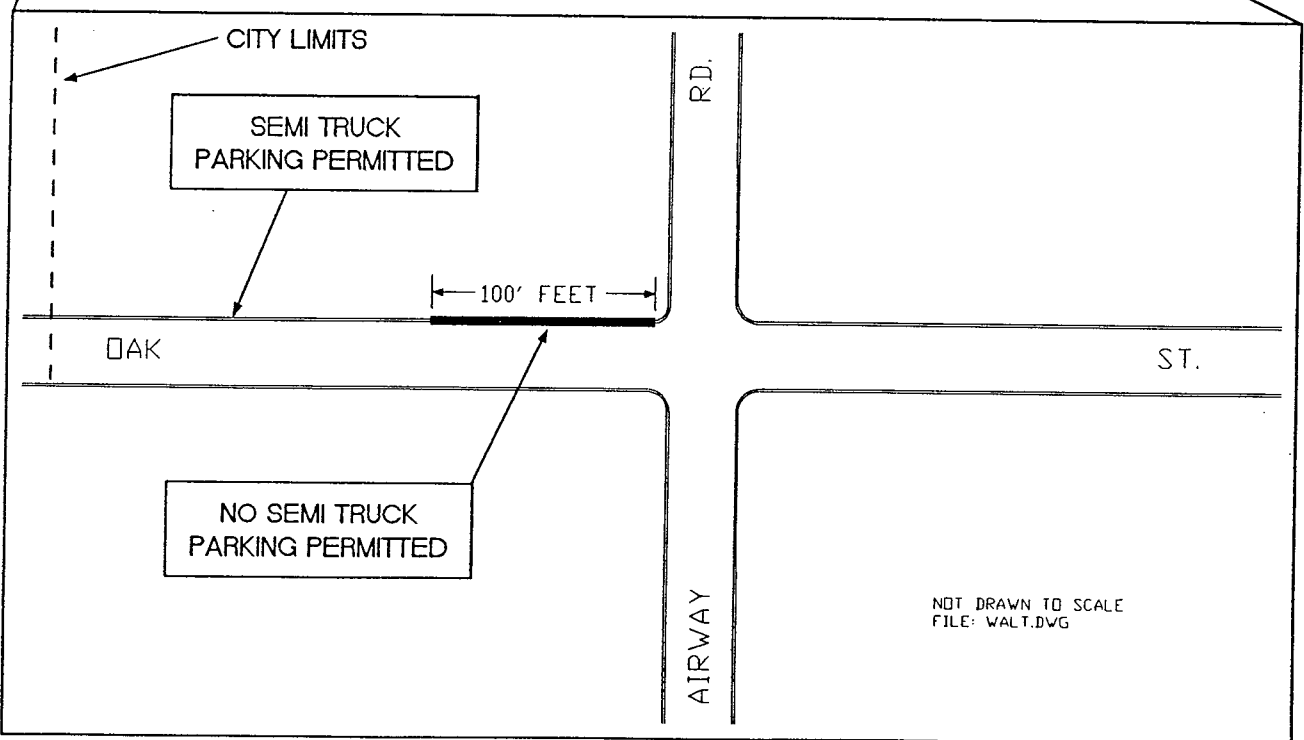
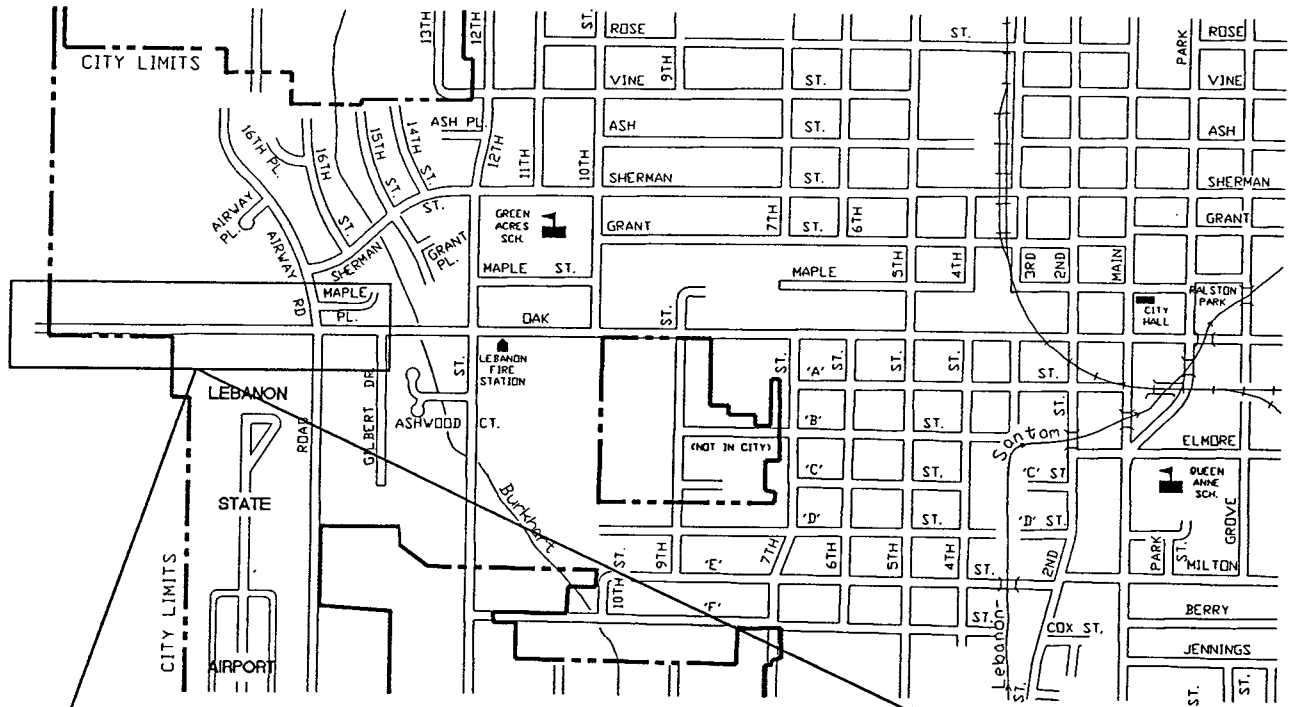
I did speak with about a half-dozen truck drivers regarding parking. I believe, from their point of view, a parking lot is the best solution. I would agree, but it is probably not realistic. I support the second ordinance, because it addresses parking, but is also more flexible.

ref
Attachments

ref



CITY OF LEBANON





LEBANON FIRE DISTRICT

FIRE - AMBULANCE

1050 WEST OAK STREET
LEBANON, OREGON 97355

(503) 451-1901
(503) 451-1902
FAX: 451-4312

March 30, 1995

Doug Parker, City Planner
City of Lebanon
925 Main Street
Lebanon, OR 97355

Dear Doug:

For some time now, truck trailers have been dropped off on Oak Street, near the fire station, while the tractor goes off to do other things. Until recently, it was a very sporadic practice and transient at best. Now, however, we are seeing multiple trailers dropped off, and hardly a day goes by that there isn't at least one trailer parked.

These trailers concern us for several reasons. First, they narrow the road for our vehicles when responding to emergencies. This is particularly true when vehicles are parked on the opposite side of the street. Second, when multiple trailers are parked, it does not allow traffic to move over in a timely manner. Third, when exiting the station, it limits our visibility to westbound traffic. Fourth, it tends to obstruct pedestrian traffic preparing to cross from the south to the north side of Oak Street.

We would hope that some form of a compromise is available to address our concerns, as well as the need for trailer parking. We are willing and anxious to work with the city in any way that we can in order to work this out.

Thank you in advance for your cooperation and attention to this issue.

Sincerely,

Perry S. Palmer
Assistant Fire Chief
Lebanon Fire District

Tears do not put out fires!





LEBANON FIRE DISTRICT

FIRE - AMBULANCE

1050 WEST OAK STREET
LEBANON, OREGON 97355

(503) 451-1901

(503) 451-1902

FAX: 451-4312

July 19, 1996

Chief Walt Richmond
40 E. Maple Street
Lebanon, OR 97355

Dear Walt:

This letter is a follow-up to a letter sent to Doug Parker last year regarding trucks and truck trailers parking on west Oak Street.

That letter outlined some of the District's concerns with trucks and truck trailers parking near the station on west Oak. This is still a concern and a problem in our responses. Additionally, since the last letter was submitted, we have experienced other problems caused by trucks and trailers further east on Oak, between 9th and 3rd Streets. The most notable is in front of Circle K, when trucks are parked on both sides of the street. This severely restricts traffic in both directions. When this situation is present and we must respond through that area, we essentially have three trucks abreast plus whatever other traffic there might be going through.

I understand that Oak Street is a truck route and the truckers don't have a whole lot of options. I would like to suggest a couple of possible solutions.

- A. Truck parking be limited to the north side of the street.
- B. Unattended, unattached trailers be parked in a lot that would be developed for this purpose on Oak west of Airway on the north side of the street.
- C. An alternative to B is trailers could only be parked on the north side of the street west of Airway.
- D. Truck and trailer parking be banned between Airway and 9th Streets.

I know there can be a reasonable compromise to his situation. We would be very willing to sit down with you and whoever else needs to be involved to work on this issue.

I look forward to hearing from you on this.

Sincerely,

LEBANON FIRE DISTRICT

Perry Palmer

Assistant Fire Chief



Tears do not put out fires!



First Assembly of God

GARLAND E. ROGERS
SENIOR PASTOR

Lebanon City Council
City of Lebanon
925 Main Street
Lebanon, OR 97355

Dear Council Members:

There is a problem that has been occurring over the past six to nine months that concerns the leadership of our church greatly. Many Sunday mornings each month there are one or more large trucks parked on the south side of Oak Street in front of our church. More than once these large trucks, which sandwich our main entrance on and off Oak Street, have nearly caused accidents by virtue of blocking the vision of our church members. If both of these large trucks are parked there the drivers of cars leaving our parking lot have to pull out so far to see past the trucks in both directions that the nose of their car is already out in traffic. We have had several very close calls caused by these trucks. There is ample parking three or four blocks west of our church on the south side of Oak Street for these trucks where they would not be blocking any homes, businesses or churches.

Therefore, this is a formal request that the south side of Oak Street between Seventh and Ninth Streets be by ordinance or order of the Police Department off limits to truck parking during our regular service times. These regular service times would be Wednesday evenings between 5:30 PM and 9:00 PM and Sundays between 8:00 AM and 9:00 PM. Please pass this on to the powers that be to have this considered. Thank you.

Sincerely yours for safety,

Garland E. Rogers
Senior Pastor

CC: Bob Smith, Mayor
Walt Richmond, Police Chief

7TH & WEST OAK STREETS

P.O. Box 579

LEBANON, OREGON 97355

TEL: 503-259-1265

FAX: 503-259-1266

A BILL FOR AN ORDINANCE RESTRICTING)
TRUCK PARKING ON OAK STREET BETWEEN)
SEVENTH STREET AND THE WEST CITY)
LIMITS AND DECLARING AN EMERGENCY.)

ORDINANCE BILL NO. _____
For 1996
ORDINANCE NO. _____

The people of the City of Lebanon do ordain as follows:

Section 1. Section 10.24.130 is hereby amended to read as follows:

10.24.130 Trucks parking restrictions.

No person shall park a truck described in Section 10.32.020 on a street other than a street designated in Chapter 10.32 of this code as a truck route; except that truck parking is prohibited on Oak Street between Seventh Street and the west city limits.

Section 2. Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health, and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council of the City of Lebanon by a vote of _____ for and _____ against, and approved by the Mayor this 11th day of September, 1996.

Robert G. Smith, Mayor

ATTEST:

Joseph A. Windell, City Recorder

A BILL FOR AN ORDINANCE RESTRICTING)
TRUCK PARKING ON OAK STREET BETWEEN)
SEVENTH STREET AND THE WEST CITY)
LIMITS AND DECLARING AN EMERGENCY.)

ORDINANCE BILL NO. _____
For 1996
ORDINANCE NO. _____

The people of the City of Lebanon do ordain as follows:

Section 1. Section 10.24.130 is hereby amended to read as follows:

10.24.130 Trucks parking restrictions.

No person shall park a truck described in Section 10.32.020 on a street other than a street designated in Chapter 10.32 of this code as a truck route; except truck parking is allowed on West Oak Street from Main Street to the west city limits for 10 minutes only. Parking will be allowed on West Oak Street, in the area 100 feet west of Airway Road on the north side of West Oak Street to the west city limits.

Section 2. Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health, and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council of the City of Lebanon by a vote of _____ for and _____ against, and approved by the Mayor this 11th day of September, 1996.

Robert G. Smith, Mayor

ATTEST:

Joseph A. Windell, City Recorder

AGENDA ITEM 7



525 North Santiam Highway
Post Office Box 739
Lebanon, Oregon 97355
Telephone 541 258-2101
Facsimile 541 451-7071

August 14, 1996

Joe Windell
City Administrator
City of Lebanon
925 Main Street
Lebanon, OR 97355

Dear Joe:

This is to confirm that we will plan to have the Lebanon City Council review the attached resolution for the upcoming bond issue at its meeting on September 11. This resolution will be adopted by the Hospital Facilities Authority and will need to be signed by Mayor Smith. The City Council is not required to adopt the resolution, but you may want to have them endorse the mayor's signing of the document. I will make sure that we have a representative in attendance who can answer questions regarding the bond issue and the project.

In preparation for the meeting, I have enclosed seven copies of our summary packet which outlines the project. A question and answer summary is also enclosed for you to share with the council.

Since Diane Branson has left the community, the city council or mayor will also need to appoint another representative to the Hospital Authority Board from the council. The Board will be having a meeting at 4:00 p.m. on August 21 and a full hearing regarding the bonds that is tentatively scheduled for September 3 at 4:00 p.m. We will need to have one representative of the City Council at the hearing on September 3. In lieu of a City Council member, a member of the city staff, such as the city clerk could attend. This should not take more than 30 minutes of time. Let me know if you need more input from me on this selection. The Hospital Authority Board is required to have one representative from the city council.

In the meantime, if there is other information you think would be helpful in preparing the council for action on September 11, let me know.

Thanks for working with us through this process.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alan R. Yorby".

Alan R. Yorby
CEO

Enclosures

cc: Tom McHill
Mark King (no enclosures)
Townsend Hyatt "

RESOLUTION NO.

THE HOSPITAL FACILITIES AUTHORITY OF
THE CITY OF LEBANON, OREGON

DRAFT

APPROVAL OF THE ISSUANCE OF REVENUE BONDS, SERIES 1996 (MID-
VALLEY HEALTHCARE-WILEY CREEK PROJECT)

WHEREAS, the Hospital Facilities Authority of the City of Lebanon, Oregon, a public authority duly created and validly existing under ORS Chapter 441 (the "Authority"), has received a request from Mid-Valley Healthcare, Inc., a nonprofit corporation organized and existing under the laws of the State of Oregon (formerly known as Lebanon Community Hospital) (the "Corporation"), to issue the Authority's Gross Revenue Bonds, Series 1996 (Mid-Valley Healthcare Wiley Creek Project) (the "Bonds"), in an amount not to exceed \$7,000,000; and

WHEREAS, the Bonds would be issued as "Additional Bonds" on a parity with the Authority's Gross Revenue Bonds, Series 1992 (Lebanon Community Hospital Project), and secured by the gross revenues and other assets of the Corporation; and

WHEREAS, proceeds of the Bonds would be used to (1) finance the acquisition of certain real property in Sweet Home, Oregon and improvements to such real property; (2) finance the acquisition, construction and equipping of the Wiley Creek adult congregate living facilities to be located on the financed real property; (3) fund a portion of the Debt Service Reserve Account for the Bonds; (4) reimburse the Corporation for prior capital expenditures incurred pursuant to a "Declaration of Official Intent" adopted by the Board of Directors of the Corporation on June 25, 1996; and (5) pay costs of issuance of the Bonds (the "Project"); and

WHEREAS, the Project will be located in Sweet Home, Oregon, which is within the service area of the Corporation, and ORS 441.550(2) permits the Authority to finance adult congregate living facilities, such as the Project, within or without the corporate limits of the City of Lebanon; and

WHEREAS, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), a public hearing regarding the issuance of the Bonds was jointly held on September 3, 1996 by (1) the Authority, as the governmental unit issuing the Bonds, and (2) the City of Sweet Home, Oregon, as the governmental unit having jurisdiction over the area in which the Project is located; and

WHEREAS, notice of the public hearing was published on August 20, 1996 in *The Oregonian*, Portland, Oregon, and [members of the public were present at the hearing and comments were received by the Authority or the City of Sweet Home] [no members of the public were present at the hearing and no comments, oral or written, were received by the Authority or the City of Sweet Home];

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Hospital Facilities Authority of the City of Lebanon, Oregon, that the Authority approves the issuance of the Bonds.

ADOPTED by the Board of Directors of the Hospital Facilities Authority of the City of Lebanon, Oregon this 3rd day of September, 1996.

THE HOSPITAL FACILITIES AUTHORITY OF
THE CITY OF LEBANON, OREGON

Chair

ATTEST

Secretary

APPROVAL OF THE MAYOR OF THE
CITY OF LEBANON, OREGON

The minutes of a public hearing, which was jointly held on September 3, 1996 by the Hospital Facilities Authority of the City of Lebanon, Oregon (the "Authority") and the City of Sweet Home, Oregon, concerning issuance of the Authority's Gross Revenue Bonds, Series 1996 (Mid-Valley Healthcare Wiley Creek Project) (the "Bonds"), to finance the Project described in the minutes have been submitted to me along with a copy of Authority Resolution No. ___ approving issuance of the Bonds.

Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that the issuance of the Bonds must be approved by the "applicable elected representative" of the Authority after a public hearing held following reasonable public notice. The Authority has no "applicable elected representative" within the meaning of Code Section 147(f)(2)(E)(i). Section 147(f)(2)(E)(ii) provides that, if a governmental unit has no applicable elected representative, then the applicable elected representative for purposes of the public approval requirement shall be the applicable elected representative of the governmental unit which is the next higher governmental unit with such a representative and from which the authority of the governmental unit with no such representative is derived.

The City of Lebanon, Oregon (the "City") is the governmental unit from which the Authority derives its authority. Section 147(f)(2)(E)(i) provides that the applicable elected representative of a governmental unit includes the chief elected executive officer of the governmental unit. The Mayor of the City is the chief elected officer of the City, and I was elected to fill the position of Mayor of the City. Therefore, as provided in Section 147(f) of the Code, I hereby approve the issuance of the Bonds.

THE CITY OF LEBANON, OREGON

Robert G. Smith
Mayor

1996 Bond Issue
Mid-Valley Healthcare, Inc.
\$6,000,000
Questions and Answers

1. **What will the bonds be used for?**
The bond proceeds will be used primarily to acquire land, construct an assisted living facility and independent living units for seniors on Wiley Creek in Sweet Home, to fund a reserve account, and to pay the costs of issuance associated with the transaction. Proceeds will also be used to provide information system upgrades to support the entire organization.
2. **How will the bonds be sold?**
The bonds will be underwritten by Seattle-Northwest Securities Corporation, the firm that served as underwriter for the hospital bonds in 1992. The bonds will be issued through the Hospital Facilities Authority of the City of Lebanon, Oregon which was formed in 1992.
3. **What is the Hospital Facilities Authority of Lebanon, Oregon?**
It is a public Authority created in 1992 for the purpose of issuing bonds for hospital facilities, which includes adult congregate living facilities. The Authority was created under the laws of the State of Oregon, ORS Chapter 441, and consists of five members, including a member of the Lebanon City Council. Diane Branson has served in the past as the Lebanon City Council representative.
4. **Can a Lebanon Authority issue bonds for a facility in Sweet Home?**
Yes, as long as the Sweet Home City Council also adopts a resolution supporting the issuance of the bonds.
5. **How can a Hospital Facilities Authority issue bonds for a building that is not a hospital?**
The state law provided for these authorities to issue bonds for a variety of purposes, including hospitals and "adult congregate living facilities" for seniors such as the assisted and independent living facilities being built in Sweet Home. Bond proceeds can also be issued by the Authority for equipment purchases.
6. **If the Cities of Sweet Home and Lebanon adopt resolutions supporting this bond issue by the Hospital Facilities Authority of Lebanon, will they be liable if there is a default?**
No. The only assets that are pledged as collateral for the bonds are the gross revenues and other assets of Mid-Valley Healthcare. If this bond issue is approved, Mid-Valley Healthcare will have approximately \$10 million of debt and almost \$30 million in total asset, more than enough to cover the outstanding debt.

Mid-Valley Healthcare must provide a copy of its financial statements to the members of the Hospital Facilities Authority and the bank trustee for the bonds each year for review. Mid-Valley Healthcare must also provide certain ongoing disclosures to financial information and operating data to bond investors.

7. **If Mid-Valley Healthcare has so many assets, why is there a need to borrow money?**
Most of the \$30 million consists of assets in land, buildings and equipment which are referred to as fixed assets. Cash is needed to complete the project in Sweet Home within the next 12 months.

8. **Will the issue of these bonds have any financial impact on the Cities of Lebanon or Sweet Home?**

There will be no financial impact on Sweet Home because the bonds are issued through the Hospital Facilities Authority of Lebanon. The principal of and interest on the bonds will not constitute a debt of the Authority, the City of Lebanon or the City of Sweet Home. The bonds will be payable only from the revenues and resources of Mid-Valley Healthcare.

If the City of Lebanon plans to issue bonds during the remainder of the calendar year 1996, there may be a small impact. Only \$10 million of tax exempt bonds can be issued through a municipality in any calendar year and still qualify for what is called "bank qualification." This means that banks could purchase these bonds and, in addition to the exemption from federal income taxation, the banks could also deduct up to 80% of their carrying costs associated with the investment. Since there are currently no plans for the City of Lebanon to issue bonds during the current calendar year, there should be no impact.

9. **Will the bonds be available locally?**

Yes. The bonds will be sold in \$5,000 increments and any member of the public can purchase these bonds. They are exempt from state and federal taxes and will have varying maturities up to 25 years.

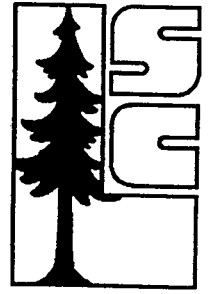
AGENDA ITEM 8



SENIOR AND DISABLED SERVICES

LEBANON SENIOR CENTER
585 PARK STREET
LEBANON, OREGON 97355

(541) 451-7481 Fax (541) 258-7386



Date: September 5, 1996
TO: Joseph A. Windell, City Administrator
From: Lou Ann Grosch, Program Manager
RE: Street Closure

I would like to request the temporary closure of Ash Street, between Park and Grove on Saturday, October 5, 1996 from 7:00 AM to 6:00 PM. I am asking for this closure in order to hold a fund raising event for the Library/Senior Center Building Project. We are planning a "Harvest Festival" where spaces will be sold to local vendors to sell produce, merchandise, arts and crafts, food, etc...

Swanson-Hill Promotions is organizing this event. As you can see on the attached flier, 50% of the space sales and 2% of the advertising fees will go to the building fund. Each vendor will be asked upon registration if they will donate a percentage of their total daily sales; if so they will receive a sign to post letting potential buyers know of this support.

This event will need Public Works assistance in blockading the street off early Saturday morning and then removing the barricades at 6:00 PM.

If additional information is needed, please feel free to contact me.

cc: Council Agenda

HARVEST FESTIVAL OCTOBER 5TH

WHERE: DOWNTOWN LEBANON AT ANY BUSINESS THAT WANTS TO BE INVOLVED WITH A "SATURDAY MARKET" CONCEPT, THE LEBANON SENIOR CENTER WILL HAVE A "HARVEST FESTIVAL" AT ASH STREET; WITH GROVE TO PARK STREET CLOSED THAT DAY FOR VENDORS.

HOW WILL IT WORK? EACH INVOLVED BUSINESS WILL PAY \$40.00 TO ENCOMPASS A PORTION OF THE ADVERTISING AND COORDINATION OF THE EVENT. SWANSON-HILL WILL DONATE 2% OF THE TOTAL SALES RECEIVED FOR THIS PROMOTION AS WELL AS HALF OF THE BOOTH SPACE FEE WILL BE DONATED TO THE LEBANON SENIOR CENTER/LIBRARY PROJECT. EACH BUSINESS PARTICIPATING WILL BE ENCOURAGED TO DONATE A PERCENTAGE OF THEIR PROFIT FOR THAT DAY TO THE LEBANON SENIOR CENTER/LIBRARY PROJECT (THIS IS AN OPTION). VENDORS AT THE SENIOR CENTER SITE WILL PAY \$20.00 FOR SPACE.

CUTOFF DATE: TO GET IN ON THE FUN YOU MUST COMMIT BY SEPT. 13TH.

YES! I WANT TO PARTICIPATE!

COMPANY NAME: _____

ADDRESS: _____

PHONE: _____

CONTACT: PERSON: _____

BOOTH SPACE: _____ \$20.00

BUSINESS: _____ \$40.00

SIGNATURE _____

MAKE CHECKS PAYABLE TO DOUGLAS HILL
OF SWANSON-HILL PROMOTIONS

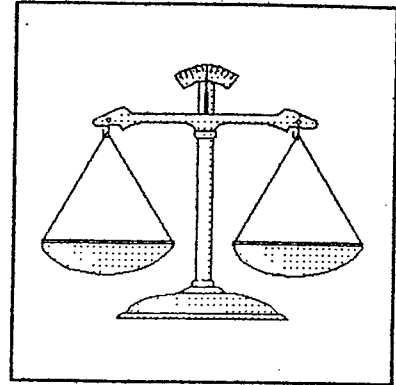
SWANSON-HILL PROMOTIONS
661 MAIN ST.
LEBANON, OR 97355
541-258-3743
541-258-8140
DOUG HILL
OREN SWANSON

AGENDA ITEM 9

City of Lebanon

***Office of the
City Attorney***

*80 E. Maple St.
Lebanon, OR 97355
(541) 451-7419*



MEMORANDUM

TO: MAYOR AND COUNCIL

DATE: September 4, 1996

**FROM: THOMAS McHILL
CITY ATTORNEY**

SUBJECT: HANSARD AVENUE PROJECT

As you know, you have previously authorized the City Administrator, the Mayor and me to procure property and rights of way to construct the Hansard Avenue Road Improvement project. As a part of this procurement process, we have purchased easement and right of way from the Lebanon Community Hospital to continue with the construction of the new Reeves Beltway.

Having already settled the procurement of this right of way, Oregon law requires us to formally accept the easement and right of way prior to recording the documents with the County Recorder. Therefore, we request that you formally accept these acquisitions, which have already been made, so that we can have the documents recorded at the County to finalize this process.

RIGHT-OF-WAY DEDICATION

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of \$ 43,420.00, receipt of which is hereby acknowledged of Mid Valley Healthcare, Inc. dba Lebanon Community Hospital of Lebanon, County of Linn, State of Oregon, owner of the land below described, hereinafter called Grantor, hereby grants, bargains, sells and conveys to the CITY OF LEBANON, a Municipal Corporation located within Linn County, Oregon, hereinafter called Grantee, its successors and assigns, a perpetual municipal right-of-way in, over and upon property situated in Linn County, Oregon, more fully described as follows:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER (1/4) OF SECTION 3, TOWNSHIP 12 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN LINN COUNTY, OREGON, 130.00 FEET IN WIDTH MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS NORTH 89° 55' 07" EAST 3135.66 FEET (47.51 CHAINS) FROM THE NORTHWEST CORNER OF THE MORGAN KEES DONATION LAND CLAIM NO. 43, SAID POINT ALSO BEING ON THE NORTH LINE OF SAID CLAIM; THENCE NORTH 89° 54' 47" EAST ALONG SAID CLAIM LINE 452.82 FEET TO THE SOUTHWEST CORNER OF THE WEST ONE-HALF (1/2) OF THE WILLIAM B. GORE DONATION LAND CLAIM NO. 38; THENCE SOUTH 89° 55' 25" EAST ALONG SAID CLAIM LINE 1228.43 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 20; THENCE SOUTH 16° 40' 24" EAST ALONG SAID RIGHT-OF-WAY 118.34 FEET TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE LEFT; THENCE 31.42 FEET ALONG THE ARC OF SAID CURVE (LONG CHORD BEARS NORTH 61° 40' 27" WEST 28.28 FEET); THENCE SOUTH 73° 19' 34" WEST 50.00 FEET TO A POINT ON A 369.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE WESTERLY 107.88 FEET ALONG THE ARC OF SAID CURVE (LONG CHORD BEARS SOUTH 81° 42' 04" WEST 107.49 FEET); THENCE NORTH 89° 55' 25" WEST 1083.19 FEET; THENCE SOUTH 89° 54' 47" WEST 452.20 FEET; THENCE NORTH 0° 16' 48" WEST 130.00 FEET TO THE POINT OF BEGINNING.

THE BASIS OF BEARINGS FOR THE ABOVE DESCRIPTION IS FROM LINN COUNTY SURVEY NO. 21373.

The purpose of this right-of-way is to provide property for the construction, maintenance and paving of a 60 foot roadway on the above-described property.

This right-of-way includes the rights of ingress and egress at any time over and upon the above-described land of the Grantor, and other land of the Grantor adjoining said right-of-way that is necessary to exercise the rights of ingress and egress.

There is reserved to Grantor, their heirs and assigns, the right and privilege to use the above-described land of the Grantor at any time, in any manner, and for any purpose not inconsistent with the full use and enjoyment by the Grantee, its successors and assigns, of the rights and privileges herein granted.

Grantee shall be responsible for the construction, maintenance, operation and replacement of the right-of-way for which the granting of this right-of-way dedication has been given.

IN WITNESS WHEREOF, we have set our hands hereto this _____ day of _____, 1996.

Jawoll A. Latem
Mid Valley Healthcare, Inc.
President
Title

GRANTORS

CITY OF LEBANON

Robert G. Smith
Robert G. Smith, Mayor
Joseph A. Windell
Joseph A. Windell, Recorder

GRANTEES

AFTER RECORDING RETURN TO:

City of Lebanon
Public Works Department
925 Main Street
Lebanon, OR 97355

STATE OF OREGON)
)ss.
County of Linn)

On the 10 day of August, 1996, personally appeared the within named Sergiy Latnir, as and duly authorized agent of Mid-Valley HealthCare, Inc., an Oregon nonprofit corporation, doing business as Lebanon Community Hospital, who acknowledged the foregoing instrument to be its voluntary act and deed on behalf of said corporation..



BEFORE ME: Judieth G. Houchin
NOTARY PUBLIC FOR OREGON
My commission expires: 11-24-99

STATE OF OREGON)
)ss.
County of Linn)

On the 19th day of August, 1996, personally appeared ROBERT G. SMITH and JOSEPH A. WINDELL, who each being duly sworn, did say that the former is the Mayor and the latter is the Recorder for the City of Lebanon, a Municipal Corporation, and that the seal affixed to the foregoing instrument was signed and sealed in behalf of said corporation by authority of its City Council, which accepted this easement on the _____ day of _____, 1996; and each of them acknowledged said instrument to be its voluntary act and deed.



BEFORE ME: Linda G. Kaser
NOTARY PUBLIC FOR OREGON
My commission expires: 7/23/97

AFTER RECORDING RETURN TO:

City of Lebanon
Public Works Department
925 Main Street
Lebanon, OR 97355

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 28th day of June, 1996, by and between MID-VALLEY HEALTHCARE, INC., herein called "Grantor," and the CITY OF LEBANON, a Municipal corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the Grantor does bargain, sell, convey and transfer unto the City, a perpetual and permanent easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public utilities for the purpose of conveying public utilities services over, across, through and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public utilities and the further right to remove trees, bushes, under-growth and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The easement and right-of-way hereby granted is described as follows:

Parcel HR 412:

A parcel of land located in the southeast quarter (1/4) of Section 3, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon, more particularly described as follows:

Beginning at a point which bears South 85°13'22" East 1236.97 feet from the Southeast corner of the West one-half (1/2) of the William B. Gore Donation Land Claim No. 38; thence North 73°19'34" East 5.00 feet to a point on the arc of a 20.00 foot radius curve to the right; thence Southeasterly 31.69 feet along the arc of said curve (long chord bears South 61°41'27" East 28.28 feet) to a point on the Southwesterly right-of-way line of U.S. Highway No. 20; thence South 16°40'25" East, along said right-of-way, 1394.88 feet to a point on a 48.52 foot radius curve to the right; thence Southwesterly leaving said right-of-way 50.67 feet along the arc of said curve (long chord bears South 14°25'47" West 48.40 feet); thence North 16°40'25" West 1456.32 feet to the point of beginning.

AFTER RECORDING RETURN TO:

City of Lebanon
Public Works Department
925 Main Street
Lebanon, OR 97355

The basis of bearings for the above description is from Linn County Survey No. 21373.

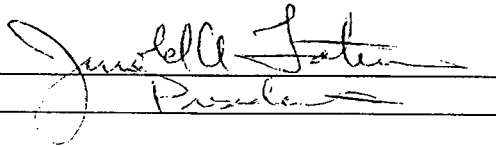
2. The permanent easement described herein grants to the City and to its successors, assigns, authorized agents or contractors, the perpetual right to enter upon said easement at any time that it may see fit for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1,747, the receipt of which is hereby acknowledged, and in further consideration of the public improvements to be placed upon said property and the benefits Grantor may obtain therefrom. Nothing herein shall reduce or limit grantor's obligation to pay any costs or assessments which may result from the improvements.
4. The City hereby agrees to hold harmless, indemnify, and defend Grantor from any claim, loss, or liability arising out of or related to the City's use, maintenance, or improvement of the property described in paragraph 1, above, or conditions on the property created by the City.
5. Upon performing any construction, maintenance, evaluation, or repairs, the City will return the site to its original condition.
6. No permanent structure shall be constructed on this easement.

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

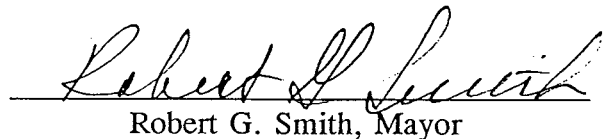
MID-VALLEY HEALTHCARE, INC.

CITY OF LEBANON

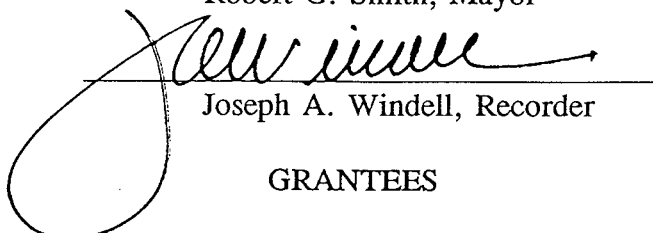
By:
Title:



GRANTOR



Robert G. Smith, Mayor



Joseph A. Windell, Recorder

GRANTEES

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

The foregoing instrument was acknowledged before me this 14th day of August, 1996, by Jerry Latimer as Pres. Corporation Board of MID-VALLEY HEALTHCARE, INC.

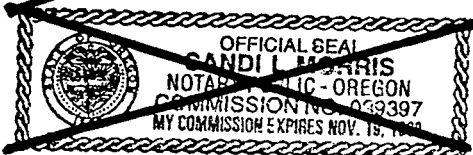


Sandi L. Morris
Notary Public for Oregon
My Commission Expires: 11-18-98

~~STATE OF OREGON)
COUNTY OF LINN) ss.
City of Lebanon)~~

~~On the 14th day of August, 1996, personally appeared ROBERT G. SMITH and JOSEPH A. WINDELL, who each being duly sworn did say that the former is the Mayor and the latter is the Recorder for the City of Lebanon, a Municipal Corporation, and that the seal affixed to the foregoing instrument was signed and sealed on behalf of said corporation by authority of its City Council, which accepted this easement on the 14th day of August, 1996; and each of them acknowledge said instrument to be its voluntary act and deed.~~

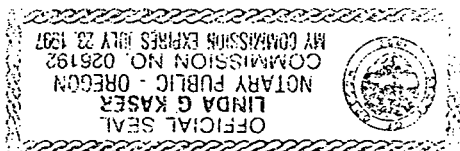
~~BEFORE ME: Sandi L. Morris
NOTARY PUBLIC FOR OREGON
My commission expires: 11-18-98~~



STATE OF OREGON)
)ss.
County of Linn)

On the 19th day of August, 1996, personally appeared ROBERT G. SMITH and JOSEPH A. WINDELL, who each being duly sworn did say that the former is the Mayor and the latter is the Recorder for the City of Lebanon, a Municipal Corporation, and that the seal affixed to the foregoing instrument was signed and sealed on behalf of said corporation by authority of its City Council, which accepted this easement on the _____ day of _____, 1996; and each of them acknowledge said instrument to be its voluntary act and deed.

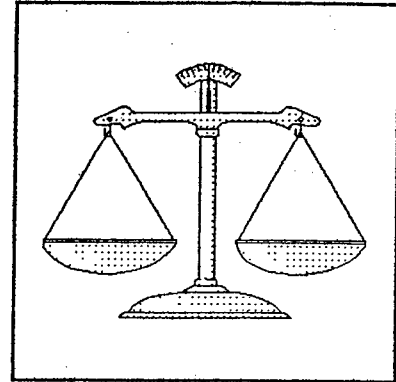
BEFORE ME: Linda G. Kaser
NOTARY PUBLIC FOR OREGON
My commission expires: 7/23/97



AGENDA ITEM 10

City of Lebanon
Office of the
City Attorney

80 E. Maple St.
Lebanon, OR 97355
(541) 451-7419



MEMORANDUM

TO: MAYOR AND COUNCIL

DATE: September 6, 1996

FROM: THOMAS McHILL
CITY ATTORNEY

SUBJECT: AMENDMENT TO ORDINANCE CONCERNING THE LICENSING OF AMUSEMENTS

Recently, a citizen addressed you concerning his belief that our municipal code inequitably treats persons who run single amusement rides the same as circuses or full carnivals for purposes of charging a license fee. You directed staff to look at the code. We have.

Chief Richmond and I tend to agree with the citizen who wanted to run one event for a few days (go-carts) that he should not be treated the same as the operator who puts on a circus or carnival. For these larger events, there will be much greater costs to the city in police protection, investigation and the like, that would probably not be incurred for smaller operations.

Therefore, we are proposing an amendment to the ordinance which will reduce the cost of a license fee for smaller operators, while still attempting to

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recoup some of the potential expense which may be involved with the city allowing such events to occur. We are attempting to address not only a single operator, but other business entities which do not run a "full" carnival or circus. Such operations will continue to pay the normal licensing fee. However, we believe that the amendment will not chase away the operations such as were the concern made to council last month.

A BILL FOR AN ORDINANCE)
AMENDING LEBANON MUNICIPAL)
CODE SECTION 5.16.030,)
CARNIVALS - LICENSE FEE AND)
DECLARING AN EMERGENCY)

ORDINANCE NO. _____
FOR 1996

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

Section One. Section 5.16.030 of the Lebanon Municipal Code is hereby amended to read as follows:

5.16.030 Carnivals -- License Fee.

A. For carnivals, which shall include any ferris wheel, power operated merry-go-round or circular swing, rollercoaster or similar apparatus, and which contains more than four (4) attractions, the fee shall be one hundred dollars per day or part thereof, or one percent of the gross receipts, whichever is greater. The fee of one hundred dollars per day shall be paid in advance or upon receipt of a license. If one percent of the gross receipts equals a sum greater than one hundred dollars per day, the carnival shall pay the difference within twenty-four hours of closure or on the first business day after closure of the carnival.

B. For amusements which are not carnivals, which include businesses providing amusements consisting of four or fewer attractions, said fee shall be charged at the rate of a flat or non recurring fee of twenty five dollars for each attraction.

C. For the purposes of this section, the term "attraction" means an activity conducted for the amusement of its patrons. An "attraction" generally consists of a game or ride, such as, but not limited to, a rollercoaster, merry-go-round, go-carts, pony ride, petting zoo, or ferris wheel which is confined to a specific area and generates a single fee charged

for the participation of the patron. A midway or similar grouping of separate games shall not be considered a "single attraction" as used in this section.

Section Two. Inasmuch as this provision affects the peace and dignity of the citizens of the City of Lebanon, the City Council does hereby declare that an emergency does exist and that this ordinance shall take effect immediately upon its passage.

Enacted by the Lebanon City Council on this ____ day of September, 1996 by a vote of ____ for and ____ against.

Mayor

Attest:

City Recorder

AGENDA ITEM 11

**COUNCIL MEMBER APPOINTMENT TO
THE HOSPITAL FACILITIES AUTHORITY**

AGENDA ITEM 12

JOHN A. KITZHABER
GOVERNOR



SB 1145/COMMUNITY CORRECTIONS SPEECH

It's been said that those who do not learn from history are doomed to repeat it.

That's why I'm worried about public safety policy in Oregon. Because, despite the best efforts of the well-meaning, the history of the criminal justice system in Oregon is a history of failure.

It's not a failure to build and operate prisons.

It's not a failure to try and convict felons, and to put a good many of them in jail.

It's not a failure to spend enormous sums of money on these endeavors -- more than \$1 billion over the last decade alone.

But it is a failure to make the public safe.

Let me ask you a couple of questions:

Do you feel any safer today than you did ten years ago before we built those three thousand new prison beds in the late 1980s? Do you think the crime rate is going up or going down? Are we being successful at turning kids away from crime -- or are we letting them go until they do something really bad and then simply locking them away?

We know the answers to those questions. Every poll taken shows crime as our number one concern. Every time we turn around, there's another story of senseless murder, rape or assault. And in response, we've passed tough, mandatory sentencing laws like Ballot Measure 11 that ensure serious criminals are given serious punishment. And let me just assure you that I am committed to fully implementing Ballot Measure 11.

Let me just tell you what we are doing in this state. We are building 3,000 new prison beds at Snake River Correctional Institution. We are going to site and building another 1,500 bed adult prison. We are constructing 400 beds in five regional juvenile facilities and building two juvenile boot camps. This is a strong commitment to punishment.

But I am not confident that will make any lasting difference.

We'll build more prison beds and put more criminals away for longer periods of time. But does that do anything to choke off the ever-growing supply of juvenile delinquents who become young thugs who become violent felons? No, it doesn't. Ballot Measure 11 is only one part of the equation. It's punishment, but it's not prevention. Having either one without the other means you don't have public safety.

For the last year, I have been working with sheriffs, district attorneys, judges, county and city officials to take a first step toward creating a public safety system -- not just a state prison system. And this public safety system would be marked by these three things:

First, accountability:

- All offenders would be held accountable for their actions and receive some kind of punishment. This may be a diversion program, a boot camp, or a cell -- depending upon the offense committed. But no one would escape without consequence as they do today.

Second, local control:

- Crime happens at the local level -- not in some vague abstraction called the state. That's why we need to empower local officials to deal with their crime problems in ways they know will work -- instead of mandating a cookie cutter, one size fits all approach from Salem.

Third, prevention:

- Our public safety system would allow us greater resources, flexibility and creativity to deal with first-time and lesser offenders in a way that can help move them away from the crime system and into productive, law-abiding lives.

In the 1995 legislative session, we put these concepts into law and it was passed as Senate Bill 1145. It is based upon the three principles of accountability, local control and prevention. SB 1145 establishes an unprecedented partnership between county and state government, and it distributes the responsibility for punishing criminals in a way that is most likely to increase our overall safety in the long run.

Under the system created by this bill, the state, being in the best position to do so, and in accordance with the mandate of Ballot Measure 11, will assume responsibility for incarcerating violent offenders, and will build the bed space necessary to keep those felons off our streets and behind bars for the full duration of their sentences. Make no mistake about it. We will implement Ballot Measure 11 fully and we will keep these people off the streets.

Counties, on the other hand, will assume responsibility for designing and implementing effective, appropriate sanctions for felons sentenced to twelve months or less.

In addition, SB 1145 specifically requires the state to supply counties with the money and expertise necessary to carry out their charge, and provides that counties may opt out of the partnership if state funding ever falls below a baseline figure.

Why are we doing this? Conventional wisdom would tell us that simply building more prison space and keeping criminals in it longer is the way to go.

But that's not good enough. And it's not working. If it was, we wouldn't have a crime problem. We'd simply build ourselves out of it.

I am pushing hard for this new partnership in corrections between the state and the citizens of local communities because I am committed to reducing crime tomorrow, not merely containing it today. Because I am resolved to increase, permanently, the safety of the Oregon people. And because what we've been doing simply does not work.

To most of us that fact is very plain. But not to everyone. Representative Mannix and Representative Tiernan, whose public assault on SB 1145 amounts to an endorsement of the status quo.

Let me tell you about the status quo.

What we have today is a system focused almost exclusively on punishment, and hardly at all on prevention. Now, with the passage of Ballot Measure 11, we have a system which says, essentially, it doesn't matter how many crimes are committed or how many victims there are -- as long as the people who commit them get locked up.

It's a system where local responsibility for the kind of people we're talking about under SB 1145 extends only to transporting them to a state prison, where they serve an average of four-and-a-half months, and are then paroled back into the communities.

It is a system where, all too often, a series of minor offenses are typically ignored until they escalate into a major offense and someone really gets hurt -- a system where, all too often, no one takes responsibility -- until something tragic happens.

But by then it's too late. Not too late for punishment; it's too late for the victim. Let me give you a couple of examples of today's public safety system at work:

Consider Fred, from the Eugene area. He's currently doing time until 1999 at the Snake River Correctional Facility. He is 20 years old and convicted rape II, two charges of attempted use of a dangerous weapon and with a felon in possession of a firearm.

But that wasn't the start of his criminal career. When he was 13, he was adjudicated for theft II, sex abuse I, and menacing. At age 17, Fred was charged with robbery II and possession of a short-barreled shotgun. At age 19, he was charged with rape II.

We put Fred away for several years now. But we apparently had no way to get him out of a cycle of crime until he had victimized at least half a dozen people.

At least no one died. You can't say that about the man in Portland who was beaten to death at a light rail stop -- allegedly by a group of young thugs with similar rap sheets.

Now ultimately, these folks have ended up doing hard time. But, isn't it too late?

Isn't it too late for the victims of all those petty crimes -- and the victim of that last brutal crime?

And isn't it too late for the criminal who finally went over the edge and did something horrible enough to get put away? I think it is way too late.

It's too late for the victim.

It's too late for the person who committed the crime.

And it's too late for us as a state which cannot even afford to adequately fund its schools. And here we are creating long-term wards of the state, who, even after they get out of prison are much more likely to be on public assistance.

The price of the status quo is simply too high -- too high in terms of victims and too high in terms of dollars.

Just remember that every time we talk about adequately funding our schools;

Every time we talk about our universities being dead last in the country in terms of per capita support;

And every time we cut back health coverage;

Just remember that we will spend an extra one billion dollars in the next five years on prison construction and operation. That's a billion dollars we can't invest in the very infrastructure that helps keep kids out of crime in the first place.

But let's not forget that we're also talking about a ruined human being -- someone whose life might have gone otherwise if we had taken appropriate steps early on -- instead of looking the other way until we had no choice but to lock them up -- taking no responsibility until they do something that forces us to lock them up.

And that also means we take no responsibility for their victims -- we do nothing to prevent them from becoming victims. To accept arguments of Representatives Mannix and Tiernan is to accept the necessity of victims -- and I just don't buy that.

Representatives Mannix and Tiernan, and those they have enlisted under their "tough-on-crime-whatever-the-cost" banner -- argue that SB 1145 is "soft on crime." They argue that SB 1145 is a waste of tax dollars because the state can build prisons more cheaply than the counties can. And they argue that if 12-month-or-less felons are relegated to the communities, instead of the state, they will flood our streets and imperil our citizens.

Let's look for a moment at the assumptions behind these arguments.

To be "hard on crime" translates into punishment. But that's not being hard on crime -- it's being hard on criminals. It's not just a semantic distinction. It is a fundamental philosophical divide. On the one side you have a single minded determination to make sure criminals are punished. On the other -- the one I am trying to describe -- you have to couple that with a determination to prevent the commission of crimes in the first place.

Secondly, SB 1145's critics will tell you that we are turning dangerous criminals loose in local communities.

That is categorically false -- and it's insulting to the men and women who run local law enforcement. The fact of the matter is that 90 percent of those covered under Senate Bill 1145 are already on probation or parole in local communities.

And, under the existing system, when an offender violates parole or probation, the county can (and often does) pack the offender off to a receiving center and they eventually wend their way to a state facility -- or several different state facilities -- for a stay of less than five months.

Hence, what you have is a transportation system. Not a public safety system.

The issue before us is not about building prison beds. It's not about locking people up. It's about keeping people safe.

Thirdly, critics of 1145 charge that the state can build the prison space needed at a lesser cost than counties. The numbers are still out on that and our preliminary estimates show that costs are on a par. But the real cost issue is whether you are making any progress toward preventing the need to build more and more prison beds in the future. If we had started a decade ago to really prevent kids from becoming criminals, would we be spending a billion dollars on new prison beds in the next five years? That's the important question.

As for the argument that it is unsafe to place less than 12-month felons in a community setting, it too rests on a faulty assumption. It assumes that the current system keeps them out of the communities. It does -- for a few months; but then they're back, with no kind of program/treatment to keep them from committing further offenses. And, as I mentioned, the majority of this population gets into the state system not for a new offense, but for a technical violation of parole/probation.

Under the current system in many parts of Oregon, there are inadequate local sanctions and little local accountability for prevention. These folks are free to break the law and all communities have to do is drive to the jail, dump off their cargo, and then wait until the next time. SB 1145 would force communities to take some responsibility for preventing these violations -- and would give them the tools to do so.

What we are talking is the difference between a bus ride to a state cell and providing the resources to local counties for programs like secure, lock down alcohol and drug treatment that make these offenders work on the very problems that landed them in jail in the first place. Or maybe they are sanctioned in a local work camp program that gives them an intense punishment experience the first time they commit a crime.

And if these prisoners are too tough for the programs -- the legislation I will introduce will build the jail bed that this offender will spend time in locally. This is the beginning of a real community safety effort. A vision of a range of local sanctions backed by the availability of a local hard jail bed.

As a doctor, I can't resist medical analogies. So let me begin to wrap up today by comparing the health care system to the public safety system.

The goal of our health care system is to decrease the supply of patients that need care -- especially expensive hospital care. In other words, to keep people healthy.

But the political and emotional media imperative always drives the system to deal with crisis. In health care, that means spending millions on resuscitating low birthweight infants -- but not investing in the very inexpensive pre-natal care that would ensure healthy babies in the first place.

The same is true of our public safety system. As you can see by the push to build big prisons and give long sentences -- the imperative is to deal with the symptom. And the symptom here is violent criminals. But I can't believe that together, we can't do something about preventing the creation of violent criminals.

Let me take this analogy a little further.

Individuals bear some responsibility for maintaining their own health. They can't abuse their bodies by smoking and drinking and driving recklessly and then expect someone else to take care of them and pay their bill.

In the same way, individuals in our communities can't ignore their at-risk population, turning a blind eye to minor infractions until something terrible happens, and then expect the state to take over with its prison system.

But that my friends is today's status quo.

It's a status quo I'm seeking to change. Our best chance of keeping people out of the criminal justice system occurs early, and it occurs locally -- the state cannot do this without community involvement. And that's what SB 1145 is about: it not only begins to assure that there's a sanction for everyone, for every infraction; it also puts everyone in the fight. And that's what it's going to take.

Half a century ago, under the threat of Nazi aggression, Winston Churchill rallied the free world with words we might use today, because the threat of escalating crime is every bit as sinister, and we must meet it with the same courage and resolve. To paraphrase Churchill, even though the challenge is great, we shall not flag or fail. We shall fight this threat on our streets and our highways. We shall fight it in our neighborhoods and our schools, and even in our homes.

We shall fight at every level of government and with every branch of law enforcement . . . we shall never stop, never weary, never give in . . . Until we are satisfied that we have restored the safety our people deserve.

To turn our backs on the premises and objectives of SB 1145 is to turn our backs on countless future victims, waiting in the wings for crime to strike -- crime we refused to prevent. To advocate a stepped-up version of our current approach -- build more and more prisons and lock up more and more people -- is, ironically, a wanton disregard for the safety of Oregonians.

Let me be clear: I did not undertake this office to preside over a penal colony we call Oregon. But if we continue to ignore the conditions that breed lawlessness, if we continue to ignore lawlessness in its early stages, if we continue to come down hard on crime only after it happens, and only when it involves violent and heinous infractions that cause untold suffering, if we refuse to learn from our history -- then a penal colony is what we will become -- and . . . Oregonians will never be truly safe.

SENATE BILL 1145
A PARTNERSHIP FOR COMMUNITY CORRECTIONS

Q. *Why is Senate Bill 1145 necessary?*

A. With the passage of Ballot Measure 11 in 1994, the focus of the state corrections system continues to shift to the long-term incarceration of violent criminals. The state has committed to building 5,000 new prison beds before the year 2000 to incarcerate these criminals.

Despite this increase, Measure 11 means state and local officials must be more efficient in managing and rehabilitating criminals. That's what Senate Bill 1145 enables.

Currently, counties send many parole, probation and post-prison supervision violators out of the county and into the state prison system. However, the average length of stay for these offenders is only four-and-one-half months.

Because their prison terms are so short, these offenders generally will not benefit from state prison rehabilitation and treatment programs -- they are not in prison long enough to complete them. Under Senate Bill 1145, they will stay in local communities where they can be managed by local officials and participate in programs that are most effective in reducing future criminal conduct -- instead of putting them on a bus and being cycled through a system not designed to handle them.

Q. *What does Senate Bill 1145 do?*

A. Senate Bill 1145 creates a new direction in Oregon public safety policy. Under SB 1145, local communities will have more resources as well as more control of local corrections activities. It puts offenders sentenced to less than one year (more than 90 percent of whom have committed property, drug or other crimes -- not violent crimes against people) under county supervision. SB 1145 also builds new jail beds, strengthens community corrections programs, creates a strong emphasis on crime prevention and establishes a mechanism to coordinate local public safety policies. Specifically, Senate Bill 1145:

Adds approximately \$29 million in additional state funds to the \$99 million budgeted for community corrections so local communities can build jails and work release centers, and expand drug and alcohol treatment programs. Of the \$29 million, \$5 million will leverage \$59 million in "certificates of participation" to finance local construction needs.

Creates Public Safety Coordinating Councils in each county to coordinate local public safety policies and activities. In addition, the councils must develop a plan to prevent crime – not just react to it after it happens.

Adds accountability to the criminal justice system. More than half of the offenders affected by SB 1145 have not committed a new crime, but have violated their parole, probation or post-prison supervision. Revocation is a local decision that sends offenders to state institutions. Under current law, almost 90 percent of the people revoked to prison have had two or fewer local sanctions before they are returned to prison. SB 1145 keeps these offenders at the county level, creating more incentive to better manage and control those offenders. Counties will be given more resources to sanction those offenders with hard beds and with effective programs to target the very problems that landed them in prison in the first place.

Q. Who supports Senate Bill 1145?

A. Senate Bill 1145 passed the 1995 legislature by a strong margin (73 yes to 12 no). Senate Bill 1145 has been endorsed by the the Oregon District Attorneys Association, the Oregon Association Chiefs of Police, the Association of Oregon Counties and the League of Oregon Cities. The Oregon State Sheriffs' Association meets this week and is expected to adopt a resolution supporting SB 1145.

Q. Why do we need a special legislative session?

A. As part of the law passed in June 1995, the legislative assembly needs to approve a budget bill to authorize state funding for construction of local jails, work release centers and alcohol and drug treatment facilities. To prepare for the special session, the state and counties have been working together to refine local construction proposals. The state will bring a funding proposal to the legislature for approval in a brief special session tentatively scheduled for early February 1996.

Q. When does Senate Bill 1145 go into effect?

A. Senate Bill 1145 became law upon signature by Governor Kitzhaber in June 1995. The provisions of the law transferring supervision of offenders sentenced to less than one year goes into effect on January 1, 1997. Governor Kitzhaber has promised the state will accept offenders subject to SB 1145 if local facilities are not built and ready to accept them in that timeframe.

Q. *Is the \$59 million planned for construction of local facilities enough?*

A. Governor Kitzhaber has acknowledged that the \$59 million appropriated by the legislature is not sufficient to fund construction of new local facilities needed for SB 1145 offenders. A selection committee, composed of local government officials, is reviewing funding applications and will determine the exact amount necessary to build facilities to manage SB 1145 offenders. Governor Kitzhaber will request full funding from the legislature in the special session.

Q. *How does SB 1145 fit in with creating a strong local public safety system?*

A. Senate Bill 1145 is a first step toward the vision of a local public safety system which has a full range of sanctions backed by local jail beds. As Oregon's sheriffs have testified, this is essential to making community programs work. It also provides the first round of state investments in local public safety programs, and provides resources that can be used to manage the entire local offenders population.

LPSCC Committee
M E M O

550 S. Main Street
Lebanon, OR 97355
Phone: 258-3181
FAX: 258-3420

TO: Committee Member
FROM: Keith L. Miller, LPSCC Staff *KL*
DATE: 8/21/96
SUBJECT: Next LPSCC Committee meeting
=====

Sorry you were unable to attend the last LPSCC Committee meeting held August 5, 1996. Enclosed is a copy of the minutes of this meeting for your review.

The next three (3) LPSCC Committee meetings have been scheduled for 4pm to 6pm at the Linn County Jail as follows:

September 16, 1996

October 7, 1996

November 18, 1996

Hope you will be able to attend.

Linn County Local Public Safety Coordinating Council

Committee Meeting Report (Minutes)

Instructions: This form may be used as a substitute for minutes. Send to the Board of Commissioners within five (5) days after each meeting.

Name of Committee: Linn County Local Public Safety Coordinating Council

Date & Time of Meeting: 8/5/96

Place of Meeting: Linn County Jail, Albany, Oregon

Attendance

Committee Members (20)

	<u>Present</u>	<u>Absent</u>
<u>Glen Baisinger</u>	.....	.....X.....
<u>Joe Bispham</u>	.....X.....	.....
<u>Kenneth Brown</u>	.....X.....	.....
<u>David Burright</u>	.....	.....X.....
<u>Jason Carlile</u>	.....X.....	.....
<u>Dennis Dahlen</u>	.....	.....X.....
<u>Grace Gantt</u>	.....X.....	.....
<u>Jim Hamer</u>	.....	.....X.....
<u>Lt. Charles Hayes</u>	.....X.....	.....
<u>Tom Johnson</u>	.....X.....	.....
<u>Glenn Koehrsen</u>	.....	.....X.....
<u>Pat Merina</u>	.....	.....X.....
<u>Jill Morgan</u>	.....X.....	.....
<u>Mark Riley</u>	.....	.....X.....
<u>Blanca Ruckert</u>	.....	.....X.....
<u>Richard Stach</u>	.....X.....	.....
<u>John Tuthill</u>	.....X.....	.....
<u>Debby Wilson</u>	.....X.....	.....
<u>Joe Windell</u>	.....	.....X.....
<u>Senator Mae Yih</u>	.....X.....	.....

Others

<u>Keith L. Miller</u>	.....X.....	.....
<u>Ginger Martin:OR Dept. Correct</u>	.....X.....	.....
<u>Bonnie A. Aseem</u>	.....X.....	.....
<u>Jim Linhart</u>	.....X.....	.....
<u>Carol Bispham</u>	.....X.....	.....
<u>Doug Jantzi</u>	.....X.....	.....
<u>Caprice Plays</u>	.....X.....	.....
<u>L. LaVon Wilson</u>	.....X.....	.....

The meeting was called to order by: Joe Bispham

Agenda: (Attach Exhibits, Schedules, or Reports, if necessary)

1. Item: Call the meeting to order and approve the July 8, 1996 meeting minutes.

Action Taken: Brown moved to approve the July 8, 1996 minutes as presented. Tuthill seconded the motion and it carried.

2. Item: Discuss work-plan for the new biannual Community Corrections Plan including plan outline, time lines for request for proposal applications, application cut off, and plan completion date.

Action Taken: Miller reviewed time lines for the next biannual plan.

Tuthill advised the committee that the VORP is currently over budget. Stach moved to fund the last six months of the biennium at a level calculated by taking what each provider has spent through 12/31/96 and subtracting this from the total 2 year budget. The difference will be available to the provider for the last 6 month period of the biennium (1/1/97 - 6/30/97). Brown seconded the motion and it carried by a unanimous vote.

The following time lines were established for the next biannual plan:
9/3/96 Current providers will have their updated plan for the last 6 months of the current biennium turned in to the Commissioners' office by 5:00pm.

The following Subcommittee was appointed to review plans submitted by the current providers: Ken Brown, Richard Stach, David Burright, Jason Carlile, Mae Yih, Chuck Hayes, and John Tuthill.

9/16/96 September LPSCC Committee meeting to review current providers updated plans.

10/1/96 Request for proposals (RFP) advertised for the next biennium.

11/8/96 RFP's for the next biennium turned into Linn County Commissioners' office by 5:00pm.

11/18/96 November LPSCC Committee meeting to review next biennium RFP's.

It was announced that the LPSCC Committee will be invited to the Children and Family Services Advisory Committee's next meeting on 8/21/96 at 4:00pm to discuss performance based measures.

3. Item: Report from the Sub-committee that reviewed the Corrections Grant Budget to determine where the \$14,000 would come from to cover the expense associated with staffing the LPSCC Committee.

Action Taken: John Tuthill reviewed an amended budget the Sub-committee had approved. This budget prorates the \$14,000 equally among the programs based on the percentage(%) each program is of the total budget. Stach moved to accept the proposal as presented. Ken Brown seconded the motion and it carried unanimously.

4. Item: Report from the Sub-committee that reviewed the LPSCC Benchmarks for clarification and definition.

Action Taken: Jason Carlile reviewed the mission statement and benchmarks. The Committee agreed to support performance based measures versus process based measures.

It was requested that the Juvenile Justice Sub-committee address how runaway and curfew violation statistics should be treated in measuring juvenile crime.

Stach moved to accept the mission statement and benchmarks. Carlile seconded the motion and it carried by a unanimous vote.

5. Item: Other Business

Yih talked with Dave Cook head of Oregon Dept. of Corrections, about cost effective alternatives to incarceration. Cook provided her with a lot of information. Yih suggested Barbara McGuire, Oregon Dept. Corrections, make a presentation to this Committee on this topic. Ginger Martin and John Tuthill offered to do it instead. Yih agreed. This will be on the October meeting agenda.

Ginger Martin briefed the group on the funding for the next biennium. How funds will be distributed has not been completed. Also, no decision has been made about dealing with bed space needs for inmates with sentences of less than 12 months, where the county doesn't have space ready on 1/1/97.

Action Taken: No action necessary.

6. Next Meeting:

Date and Time of Meeting: The next 3 meetings are scheduled for September 16, 1996, October 7, 1996, November 18, 1996 at 4:00pm

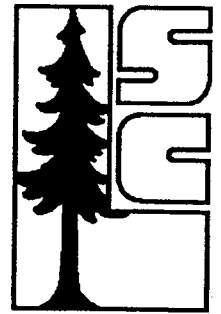
Location: Linn County Jail

Keith L. Miller
Keith L. Miller, Staff

AGENDA ITEM 13



SENIOR AND DISABLED SERVICES
LEBANON SENIOR CENTER
585 PARK STREET
LEBANON, OREGON 97355
(503) 451-7481 Fax 258-7386



ADVISORY BOARD MEETING JULY 24, 1996

The meeting was called to order by Chairman, Linda Learn. Members present included Amanda Anderson, Patty Basey, Barbara Radtke, Gene Shannon, Margaret Spaeth, Stan Usinger, and Charles Wilson. Lou Ann Grosch, Program Manager; Dave Menzies, Wal-Mart Assistant Manager; and John Richard, Councilman were also in attendance.

Absent: Helene Emry, Cheryl Wagner, ENP Manager, and Father Steve Norcross, St. Martins Episcopal Church.

Minutes of the June 26, 1996 meeting were approved as read.

Introductions: Visitors, Donna Shewey of Gerontological Consultants and Joan Haller from Disability Services were welcomed.

REPORTS

ELDERLY NUTRITION PROGRAM - No Report.

NATIONAL SENIOR CENTER STANDARDS & GUIDELINES

- ◆ Donna reported that the committee is on target to complete the Standards & Guidelines process by August.
- ◆ Donna will also be back in October to present the Standards & Guidelines document to City Council for approval. After City approval the document will go to the National Council on Aging who will send a certificate to the Center recognizing completion of the first step toward certification.

STAFF

SENIOR SERVICES TRUST

- ◆ The Senior Services Trust Report. Revenues for June 1996, were \$1,291.44 while expenditures were \$1,257.35, leaving an ending balance of \$57,192.80.

PROGRAMS/ACTIVITIES

- ◆ **3RD ANNUAL LINN/BENTON SENIOR PICNIC** - Wednesday, August 14th from 5-7PM is sponsored by Lebanon Senior Center this year. Reservations must be made by Tuesday, August 6th, as this is a catered event by Ben King's Kafe. Triple Shot, a three piece C&W band will be this year's entertainment. The tickets are on sale **NOW** at \$5.00 per person, covering transportation, entertainment and the meal.

CHAIRPERSON REPORTS

UNFINISHED BUSINESS

- ◆ **VOLUNTEER RECEPTIONISTS NEEDED** - in the Dial-A-Bus office, contact Joyce.
- ◆ **STRAWBERRY SHORTCAKE BOOTH** - The Senior Center and Library Building Committee has been selling Strawberry Shortcake at the Lebanon Concerts in the Park. We made \$50.50 - 7/10/96, \$70.00 - 7/16/96, and \$48.25 - 7/24/96, for a total of \$168.75. Library volunteers are scheduled to sell Shortcake during Founder's Day activities.
- ◆ **ADVISORY BOARD MEMBERS VOLUNTEER** - to be greeters and activity coordinators at this year's Annual Linn/Benton Senior Picnic.

NEW BUSINESS

- ◆ **NCOA GRANT** - NCOA is offering 15 grants to start Senior Action Networks to help disseminate Area Agency on Aging, local, state and national level legislation, as well as Oregon Association of Senior Center information state-wide. Lou Ann has applied for one of the \$5,000 grants, to cover costs of equipment and phone lines so that Lebanon could be the hub for an Oregon State Information Network. Information would be sent out through FAX and/or E-MAIL to all members, which could include others, such as Residential Centers, not just Senior Centers. There will be a minimal fee for membership so that everyone can afford this service.

OPEN DISCUSSION

- ◆ **SALT TEL-A-TEND** - is similar to the Center's Telephone Reassurance Program. It is now funded and will operate from the Police Station. Soon they will be sending out information, via newspapers to local residents.

NEXT MEETING: WEDNESDAY, AUGUST 28, 1996

LOCATION: Lebanon Senior Center, 10:00 a.m.

AGENDA ITEM 14

COUNCIL MEMBERS INTERESTED IN SERVING AT THE
CENTURY PARK IMPROVEMENT CELEBRATION ON
THURSDAY, SEPTEMBER 26TH, FROM 4:30 TO 6 P.M.