

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, FEBRUARY 2, 2004

The City of Springfield council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, February 2, 2004, at 7:00 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken, Councilors Ballew, Lundberg, Fitch, Malloy, Ralston and Woodrow. Also present were Assistant City Manager Cynthia Pappas, City Attorney Joe Leahy, Clerk III Trudy Borrevik and members of the staff.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. Human Resources Director Bill Spiry, Recognized Rita Wallace-Ostrosky who received the Human Rights Award as part of the annual Martin Luther King Jr. Community Celebration. Mr. Spiry said the criteria for this award relates to the action and commitment of the individual to the support of equality and respect. Mr. Spiry acknowledged the many committees Ms. Wallace-Ostrosky has served on and her many qualities which all played a part in her receiving this award.

CONSENT CALENDAR

IT WAS MOVED BY COUNCILOR FITCH, WITH A SECOND BY COUNCILOR BALLEW, TO ADOPT THE CONSENT CALENDAR. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

1. Claims
2. Minutes
 - a. January 5, 2004 – Special Work Session
 - b. January 12, 2004 – Work Session
 - c. January 12, 2004 – Special Regular Meeting
 - d. January 26, 2004 – Work Session
3. Resolutions
4. Ordinances
5. Other Routine Matters

- a. Approve the Purchase of Police Dispatch Center Furniture Using 2003 Local Law Enforcement Block Grant Funds.
- b. Approve the Purchase of Police Vehicles for Fiscal Year 2004.

PUBLIC HEARINGS

1. Vacation of Kathryn Street Public Right-of-Way, Between 39th and Olympic Streets (Planning File No. LRP2003-00023), the Firm of Olson and Morris Applicants for the Abutting Property Owners, (2).

ORDINANCE NO. 1 – AN ORDINANCE VACATING THE FULL WIDTH OF KATHRYN STREET RIGHT OF WAY FROM 39TH STREET TO ITS FORMER INTERSECTION WITH OLYMPIC STREET, IN THE CITY OF SPRINGFIELD, LANE COUNTY, OREGON. (FIRST READING ONLY)

City Planner Jim Donovan presented the staff report on this item. The applicants initiated the right-of-way vacation in accordance with the requirements of Section 9.010 of the Springfield Development Code. The Springfield Planning Commission unanimously adopted a recommendation for approval of this request based upon Staff's findings and conditions in accordance with Section 9.030 of the code. If the council agrees with the Planning Commission recommendation, the attached ordinance can be adopted by motion and vote.

The requested area of vacation is an unused section of Kathryn Street right-of-way beginning just east of the 39th Street intersection and extending to the former intersection with Olympic and 40th Streets. The subject right-of-way was dedicated to the City of Springfield on the First Addition to Adam's Plat in 1949. During review and approval of Hammer Industrial Subdivision, Kathryn Street was re-aligned to intersect 40th Street south of Olympic Street and eliminate the three-way intersection. The new street connection has been constructed and accepted by the city of Springfield, the former right-of-way is no longer needed for public access. Remaining utilities can be accessed by retaining a blanket easement over the former right-of-way in the vacation ordinance. Specific easements and/or relocation of existing utilities can be addressed at the time of future development on abutting properties.

The applicant has submitted signatures of the abutting property owners (co-applicants) and owners of 2/3 the property in the affected area in accordance with ORS 271.080. The vacated property will accrue to the abutting properties in accordance with ORS 271.140.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Mayor Leiken thanked staff for their work on this project.

NO ACTION REQUESTED. FIRST READING ONLY.

2. Supplemental Budget Resolution.

RESOLUTION NO. 04-03 – A RESOLUTION ADJUSTING RESOURCES AND REQUIREMENTS IN THE RIVERBEND DEVELOPMENT FUND, AND ASSOCIATED RESOURCES AND REQUIREMENTS IN THE GENERAL FUND.

Councilor Malloy declared a conflict of interest as he is employed by PeaceHealth.

Budget Officer Norma Barton presented the staff report on this item. At various times during the fiscal year the council is requested to make adjustments to the budget to reflect needed changes in planned activities, to recognize new revenues such as grants, or to make other required adjustments. These adjustments to resources and requirements which change the current budget are processed through supplemental budget requests that the Finance Department schedules on an annual basis.

This is the second of four scheduled FY04 supplemental requests to come before council. The supplemental budget being presented includes: adjusting resources and requirements in the RiverBend Development Fund; and, associated resources and requirements in the General Fund. This resolution will adjust the current PeaceHealth budget to capture the actual costs of the project. This item was not on the Supplemental Budget One because of the complexity of the project. The overall financial impact of this Supplemental Budget is to increase the total appropriations by approximately \$3,707,613. This resolution is as a result of the Memorandum of Agreement signed last July with PeaceHealth.

The City Council is asked to approve the attached Supplemental Budget Resolution.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ADOPT RESOLUTION NO. 04-03. THE MOTION PASSED WITH A VOTE OF 5 FOR, 0 AGAINST, AND 1 ABSTENTION (MALLOY).

3. Willakenzie Fire District.

RESOLUTION NO. 04-04 – A RESOLUTION DIRECTING THE CITY MANAGER OF THE CITY OF SPRINGFIELD TO TAKE APPROPRIATE ACTION TO SECURE SUFFICIENT ELECTORS TO OBJECT TO ANY DECISION OF THE LANE COUNTY BOUNDARY COMMISSION APPROVING THE PETITION OF WILLAKENZIE RURAL FIRE PROTECTION DISTRICT TO ANNEX ALL SPRINGFIELD TERRITORY INTO THE DISTRICT FOR THE PURPOSE OF SECURING AN ELECTION ON THE ISSUE PURSUANT TO ORS 199.505(1).

Assistant City Manager Cynthia Pappas and City Attorney Joe Leahy presented the staff report on this item. Ms. Pappas referred to two documents that were placed in front of councilors at the beginning of tonight's meeting. The first is a final resolution relating to the Fire District. This resolution has been looked at and approved by the Secretary of State's office. The second document is a new Section 8.5 on pages 10 and 11 of the intergovernmental agreement (IGA).

Negotiations continued on this document until about noon today and there is now satisfaction from all parties.

Ms. Pappas said there are three issues before council. The first is their final signing of the IGA following the public hearing. The second is a resolution about encouraging a vote by the public. The city cannot refer this issue because it is controlled by the county. Council's action is not a referral, but it is a facilitation. The third action before council is to acknowledge and confirm the council's commitment to comply with the section of the IGA that deals with the tax neutrality issue.

Mr. Leahy said the IGA has been brought to council over the last several months in increments as the team has negotiated, discussed and worked with the Willakenzie Board. The document before council tonight has the language in Section 5 regarding governance that the council gave tentative approval for at their last work session. It also includes language in paragraph 10, the real property and buildings section that council tentatively approved in which certain responsibilities are clear in terms of the City of Springfield making some immediate repairs and gender renovations needed to the fire buildings. This section also discusses the long-term of Willakenzie renting the fire buildings with a commitment by the city that if Willakenzie needs to relocate the station at 5th and M, the city would transfer that station, pay the district for the value of that station, or attempt to secure other property. The other section relates to the Natron area and the city committing to use its best efforts to secure a fire station site in that area by working with property owners. With respect to the Natron area, there is no commitment by the city to buy a site and then give it to the Willakenzie District. Section 10 is a compromise between council's position and the Willakenzie Board. Section 8.5 discusses the Public Employees Retirement System (PERS) employees. That language was created through work done by Human Resources Director Bill Spiry and PERS Counsel Everett Moreland. It has been reviewed by the Attorney for Willakenzie Fire District and the leadership of the Fire Union (IAFF).

Mr. Leahy discussed Section 26, the Ad Valorem Tax. Although there is a limitation in this section of the contract, council may want to consider making a positive statement about that during discussions this evening. That motion and vote could then be transmitted to the Lane County Boundary Commission for their hearing on Thursday, February 5, 2004.

Mr. Leahy discussed the resolution which includes a letter from the Secretary of State's office. Staff would like to implement council's direction and commitment to the voter's of the city that council would sponsor or encourage an election on this issue. Council indicated to those citizens who spoke on this issue during past public hearings that an election on this matter would be preferable. An election prior to council's vote would have had no impact on the process and may have caused the city to pay for two elections. The only election that could have an impact on this process would occur after the Lane County Boundary Commission makes its decision. If the Boundary Commission finds in favor of the petition, then 100 electors on a petition would provide an election for the citizens of the contemplated district and that election would be binding. In the event the voters decide this is not a good idea, the Boundary Commission decision would have no effect. If the voters endorse the decision of the Boundary Commission, in the event the Boundary Commission was to find in favor of the petition for annexation, the annexation would continue. This resolution gives instructions to the city manager to go out and secure the signatures and insure the process is completed in an expeditious manner. This also provides that the city would reimburse Willakenzie for the election. If the Boundary Commission decides adverse to the petition for annexation, there would be no need for an election. This

provides council the opportunity to have an election which is relevant and meaningful to the decision of the Boundary Commission approving the petition, if that is their decision.

Ms. Pappas said if council does choose to pass the resolution before them tonight, the language in the resolution title that has been approved by the Secretary of State's office would need to be in the motion.

Mr. Leahy said the letter from the Secretary of State's office before council tonight states that the resolution as written is acceptable. If all the city does is secure the election allowing the citizens to vote without expressing an opinion or getting involved regarding which way citizens should vote, it is acceptable. The City Manager can do this, but in the event that the Boundary Commission approves the petition for annexation, 100 signatures are secured and are verified by the County, and this is certified to go to election, the city can take no further action with respect to the election and to a particular point-of-view in the election. The city is bound under Oregon law not to spend taxpayers' dollars endorsing either side in the election. This opinion from the Secretary of State's office makes that distinction. The city can spend taxpayers' dollars to secure an election so the citizens can vote.

Councilor Ballew asked if the city would be able to provide information to citizens regarding the proposed fire district annexation.

Mr. Leahy confirmed that was acceptable, as long as it is neutral information that meets all the requirements related to any election. Elected officials can advocate, but not with city tax dollars.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Mayor Leiken commended the council for moving in this direction. This is a big enough issue that it is important for the voters to make the final decision. The other issue that has gotten lost in some of this is the issue of service. The firefighters union has done an excellent job in the past advocating the service they provide and he hopes that would continue if this goes forward.

Councilor Lundberg said it would be important to state that she would be voting no on this tonight. It is not because she feels this shouldn't go to the voters. This will go to the voters anyway. She agreed with Fred Simmons, who recently spoke before council when he said it would be more advantageous for the yes voters to get the petition out first. She is voting no because she does not feel this is a good way to go for Springfield. It is about the money, but she does not believe in going in this direction. She is comfortable knowing it would be petitioned one way or another. She doesn't like council moving it forward through this resolution because it could assist the proponents in the campaign.

Councilor Fitch commended staff for working on this for the past two plus years. She appreciates staff working on it and being insightful and the unions working with the city. This has been a way to do two things: 1) create stability and have some future in looking at fire and life safety and in looking at Willamalane and SUB, both districts who have done their job well; and 2) finance some of the basic services of the city. It is beneficial for council to have different viewpoints and the citizens will also have differing viewpoints.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO APPROVE THE INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF SPRINGFIELD AND THE WILLAKENZIE FIRE DISTRICT. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 2 AGAINST (RALSTON AND LUNDBERG).

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ADOPT RESOLUTION NO. 04-04. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ACKNOWLEDGE AND CONFIRM THE COUNCIL'S COMMITMENT TO COMPLY WITH THE REQUIREMENTS OF SECTION 26 OF THE INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF SPRINGFIELD AND WILLAKENZIE FIRE DISTRICT MAINTAINING TAX NEUTRALITY FOR THE FIRST YEAR, FISCAL YEAR 2004-2005, OF THE ANNEXATION AND THAT IN YEARS TWO AND THREE THE ISSUE OF TAX BE FORWARDED TO THE BUDGET COMMITTEE FOR DISCUSSION AND A RATE SETTING. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 2 AGAINST (RALSTON AND LUNDBERG).

Councilor Fitch referred to the Budget Committee meeting on January 27, 2004 when cuts were discussed. As we look at cutting staff, creating a committee to do something, creates a strain on an already tightened situation. Therefore, she would like to make sure the public has input in future years, if this goes forward. Citizens involved in the Budget Committee are already in tune with what is happening and what is necessary and that is why the Budget Committee would be an appropriate place to look at this taxing issue if there is a need to use some of the freed up funds in the future.

Councilor Ballew said sending the fire department to the fire district is not her preferred option, but fiscal reality means hard decision must be made. This is one way to make the city more financially viable and she feels council has an obligation of continuing to bring options to the citizens. If council doesn't take these actions, the choices cannot be made by the citizens.

Councilor Ralston explained who he voted no on the third item related to the freed up funds. Voters agreed to tax themselves through the levy for a four-year period. He would approve this if it was to remain tax neutral for the remainder of time left on the levies. One year is not enough. Willakenzie Fire District plans to raise their taxes during the second year to build up reserves.

BUSINESS FROM THE AUDIENCE

1. Joan Shea, 1520 Balboa Street, Eugene, OR. Ms. Shea is Executive Director of a not-for-profit that is starting a new program called Oregon Crafted. This program is an economic development program, but she is not here for money. This program is being funded by Oregon Economic and Community Development Department and Oregon Tourism Commission. The program is to develop an art trail system which would be in a booklet. This art trail system would cover a four-county area: Linn, Benton, Lincoln and Lane Counties. It is a pilot program for the state. The trail system would direct tourists on a self-guided tour to the studios of artists and to galleries in the four-county area. They are looking forward to this happening. They recently completed an economic impact survey of artists in the four counties which is being compiled by the University of Oregon. Ms. Shea will

forward a copy of that survey to council members. It has shown that for our area, increasing the income of local artists would increase the economic stability of our communities. The first booklet should be out for the tourist season in the Spring of 2005. Ms. Shea has spoken with development directors including the development director from Springfield. This is a replication of a program in North Carolina called "Hand Made in America" that has been highly successful. This is information only for the council. They are having a community meeting for artists and galleries which council will be invited to attend. It will be held on February 18 at 7:00 p.m. at the Emerald Arts Center.

2. Cindy Mathews, 38239 McKenzie Highway, Springfield, OR. Ms. Mathews is here tonight to discuss a problem regarding the McKenzie River erosion that is affecting her property, home and business. She outlined the events that have led up to this situation. In 1995, her family had the opportunity to build a home and cabinet business on property that has been in their family for over 50 years. They received all permit and followed all requirements, including building 110 feet from the river. In 1996, the business shop was established, but their home had not been built yet. During the 1996 flood, there was no water standing in the area allocated for their home. Construction of their home began in the spring of 1996, building behind an Army Corps of Engineers dyke that was built in 1947. After the flood of 1996, the Natural Resources Conservation Study (NRCS) was allowed with special funding in 1997, to put in jetties upstream from their home to divert water from the north side of the bank to the center of the river. At this time, the construction of their home was complete. In 2002, the river channel changed and they no longer had access to what had been 40 acres of their farm land. In 2003, they lost part of the revetment that was protecting their property and home and the erosion continued. They tried getting help from Lane County, Army Corps of Engineers, and County Commissioner, but none would help. Since December 13, 2003, they no longer have the revetment behind their home, Cougar Reservoir is not operating and Blue River is holding plenty of water. They have evacuated their home and business. Their home is undercut by McKenzie River by fifteen to sixteen feet and hanging over the edge and Lane County has posted their home condemned. They still have no answers. They are no longer concerned just for themselves, but also for the Thurston community downstream. They ask for someone to step up and take some action to save this from becoming a disaster.

Councilor Ralston asked if Ms. Mathews and her family had suggestions for what could be done at this time.

Ms. Mathews said they are dealing with their insurance companies regarding this situation, but this is a situation that has not occurred before so there are still questions.

Councilor Ralston said it is his understanding that if their home does wash into the river, they would be charged to pay for removal of the debris. That is correct. He asked if there was enough time to remove their home.

Ms. Mathews said they met with Lane County January 7, 2004. The County, the Army Corps of Engineers, NRCS and City Planner all came to consensus that this was the homeowner's problem. The Mathews were given a choice to either rebuild the revetment or move their home. Lane County took two weeks to get the permit to them to start the process. Ms. Mathew's family began the process of getting applications for loans to move their home, but time constraints, holidays and icy weather slowed down the process. When the river was to fifteen feet from their home, they were told not to bother with a permit, but to move their

home immediately. At that time it was too late and there was not enough room for the mover to move the home.

Councilor Ralston asked if they could burn the house rather than have it go into the river and pay for the removal of debris.

Ms. Mathews said they are waiting for their insurance to determine their options. She said there are people in Thurston concerned about this situation. A Geological Engineer visited their property and told them the river would be moving down further.

Councilor Fitch asked if the building permits were granted through Lane County. That was correct. She asked what the response from the Lane County Commissioners was regarding this situation.

Ms. Mathews said they did not assist.

Councilor Fitch asked for clarification whether or not the city has jurisdiction on this property.

Mayor Leiken asked City Engineer Al Peroutka to come forward to address this and the issue of what could occur downstream.

Mr. Peroutka said they looked at the issue regarding washed away revetments on the south side of the river. There was concern at that time that the flooding could affect the properties east of the city and the urban growth boundary, and could cut across and enter into the drainage ways leading into Thurston. There were numerous meetings with the Corps of Engineers and Lane County. One of the issues is that the Corps is not taking any jurisdiction or responsibility on replacement or maintenance on certain types of revetments. There is an environmental issue as to whether or not they can replace these revetments. The river shifted to a path that was no longer a threat to the city and the Corps said that shift was set in place. At that point the city pulled away from further investigation. The city is trying to work with the Corps through another study that is called the Metro Waterways Study that would look at impacts of flooding on Cedar Creek and potentially look at re-doing the floodway mapping through that area. There will need to be a different way to manage the river because they have moved away from using revetments, but do not have a good replacement in its place at this point. The Corps formerly took full responsibility for these revetments, but are now backing away.

Ms. Mathews said that was in 2002. Now the revetment is not there and Cougar is not operating and if there is any high water, there is nothing to prevent the water from going into those low lands. There is not enough time to analyze it and decide what to do in a year. Something needs to be done now.

Mayor Leiken asked if the Mathew's had brought this to the attention of Congressman DeFazio's office and if so, what was his answer.

Ms. Mathew's said Congressman DeFazio was the first person they went to regarding this issue. They received a letter from him. Congressman DeFazio had contacted Lane County Commissioner Peter Sorenson and their consensus was that if Lane County felt that was a threat, the county would contact the Army Corps of Engineers. The Army said they would

step in if Lane County called them to assist. The Mathews received this letter before the holidays and felt that something would be done. They arranged the meeting on January 7th, 2004 and the county and the Corps made the determination there was nothing they could do and it was the problem of the Mathews.

Mayor Leiken asked if there were any steps the city could take from the city jurisdiction.

Mr. Kelly said the answer would be no from a jurisdictional standpoint because the property is not within the city's jurisdiction. Council could be a concerned body to work with other jurisdictions to provide a more lasting solution. Rivers do change due to erosion and other issues and no one jurisdiction has responsibility for those. Those who manage the waterways are changing the way they manage them by allowing them to go back to a more natural state. This issue tonight may need a multi-jurisdictional approach, not just in Lane County, but statewide. The County may be reluctant to get involved in this because of the multitude of properties they have that abut the rivers and what they do for one, they would need to do for all. There are a lot of flooding issues along creeks and rivers throughout Lane County. They do not have the money or resources to assist all homeowners who are affected by water. Council could pledge to be a partner to work on a solution, if not to assist this home, to assist others in the Thurston area.

Councilor Fitch said this issue should be brought to the Joint Elected Officials meeting on February 10, 2004 and slated for a meeting to discuss options. It may not be in time to assist the Mathews, but perhaps other homeowners. It would be beneficial to discuss this with the other jurisdictions.

Ms. Mathews thanked council for their concerns and hoped they would be able to assist.

Councilor Malloy asked who did the work upstream.

Ms. Mathews said the NRCS was allowed to put it in with special funding which they received from the 1996 flood.

3. Artemio Paz, 86950 Cedar Flat, Springfield, OR. Mr. Paz said he was here representing Randy and Cindy Mathews because they are just east of the urban service boundary. The Eugene-Springfield Oregon Metropolitan Waterways project describes certain watershed issues, and the east Springfield area and Cedar Creek subdivision is potentially in danger of a possibly catastrophic change in the river flow. When the Mathews' built their home it was 110 feet from the water and ten days ago it was 24 feet from the water. Mr. Paz referred to a photograph of the Mathew's property and home which he handed out to the council. There is a well established filbert orchard approximately one quarter of a mile away from this property towards the City of Springfield. This orchard has lost 36 trees and the farmer indicated last week he expected to lose another row of trees. The water is now visible in that area from Highway 126 where it was never visible in the past. He noted that the permit they were issued was in the last several years and if these areas are so problematic, the multi-jurisdictional governance should establish moratoriums. If they are not ready to establish moratoriums, they need to be ready to have better tools for the evaluation of properties near or adjacent to the riverways. The Mathews had a number of people from the Corps of Engineers, as well as the NRCS, who visited their property, but did not proceed as if there was imminent danger, which was obvious. The river flow has been dramatically changed by certain manmade elements and exacerbated by the fact that the storm systems are not

operable today. Cougar Dam is not holding any storm water, so there is a higher flow on the river. The Eugene Water and Electric Board (EWEB) canal is under construction, so consequently there is no water going down its normal canal route. He discussed the impact that could occur with a three to four day rain storm or temperatures that warm and melt the snow pack. He discussed the change the river's direction has taken which has caused the river to flow faster than in the past. The sheriff's rescue office that visited the property on Friday, January 30, 2004, indicated that normally in the summertime, the river flows at three to five miles per hour. It is currently flowing between fifteen and eighteen miles per hour. This is something council should see first hand to see the forces that are acting on this property. It is a multi-jurisdictional issue, yet the multi-jurisdictional representatives never gave an articulate evaluation of the danger and the potential for danger at this site. We have the technology and the expertise to monitor these things, yet they are not being applied. He discussed the house movers that were brought to the site. The house was ready to be moved last Thursday, but the mover said it was too dangerous as the water was too close to the house.

Mayor Leiken asked why Cougar Dam is not operating.

Mr. Paz said he does not know the particulars, but there is evidently some type of maintenance project that is occurring.

Mayor Leiken confirmed that Cougar Dam is under the jurisdiction of the Army Corps of Engineers and the Federal Government. There has been a lot of frustration over this issue for the past four years and the fact that the Corps has not come up with any solutions. Someone's life will have to be ruined before something gets done, but maybe others will be saved.

Mr. Paz said he wants to alert council that this could impact the Springfield community.

CORRESPONDENCE AND PETITIONS

1. Correspondence from Arnold Buchman, Spokesman for People Against a Casino Town (PACT), P.O. Box 978, Florence, OR Regarding Proposed Gambling Casino in Florence.
2. Correspondence from Hillary Wylie, President, LTD Board of Directors, P.O. Box 7070, Eugene, OR Regarding Martin Luther King, Jr. Parkway Design.
3. Correspondence from Casey Woodard, 40 South 6th Street, Cottage Grove, OR Regarding the Proposed RiverBend Master Plan.
4. Correspondence from Elizabeth Chambers, General Manager, Silvan Ridge Hinman Vineyards, 27012 Briggs Hill Road, Eugene, OR Regarding the Proposed RiverBend Master Plan.
5. Correspondence from James M. Daubenspeck, Springfield, OR, Regarding Comments Made by City of Springfield Employee.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ACCEPT AND FILE THE CORRESPONDENCE. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BUSINESS FROM THE CITY COUNCIL

1. Committee Appointments

a. Library Board Appointment.

Library Director Bob Russell presented the staff report on this item. The Library Board has one vacancy, due to the resignation of Al Monce. The person appointed to this vacancy will serve a term that expires December 31, 2004.

To be eligible for appointment to the Library Board, applicants must be registered voters and live within the city limits. (One member of the board may live outside the city if he or she owns property within the city.) All four applicants are registered voters living within the city limits.

The Library Board conducted applicant interviews at its January 8 meeting. (Mr. LePine was unable to attend, due to illness.) The Library Board felt that all three of the applicants interviewed were excellent candidates. After much discussion, the Board voted unanimously to recommend the appointment of Mark Danburg-Wyld. The Board also suggested that Ms. Rice and Ms. Stubbs be encouraged to join the Library Foundation, and/or to reapply when the next Board vacancy occurs.

At the January 20, 2004 Work Session, staff presented the Library Board recommendation to council.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO APPOINT MARK DANBURG-WYLD TO THE LIBRARY BOARD, TO SERVE A TERM EXPIRING DECEMBER 31, 2004. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

b. Budget Committee Appointments.

Budget Officer Norma Barton presented the staff report on this item. The Budget Committee has a vacancy in Ward 5 as Daniel Bowie's term expired on December 31, 2003. The person appointed will serve a three-year term, which will expire December 31, 2006. Ward 6 has a vacancy due to the resignation of Roxie Cuellar. The new person appointed will serve a three-year term which will expire on December 31, 2006. In response to the news release, applications were received for the Budget Committee vacancy in Ward 5 from Daniel Bowie and Fred Simmons, and in Ward 6 from Rita Castillo.

All candidates were interviewed by the City Council on January 26, 2004. Those candidates selected by council to serve as members of the Budget Committee for Wards 5 and 6 must be appointed to the positions and their appointments ratified.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO APPOINT DANIEL S. BOWIE TO THE WARD 5 BUDGET COMMITTEE POSITION WITH A TERM EXPIRING DECEMBER 31, 2006. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO APPOINT RITA R. CASTILLO TO THE WARD 6 BUDGET COMMITTEE POSITION WITH A TERM EXPIRING DECEMBER 31, 2006. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

2. Business from Council

a. Committee Reports.

1. Councilor Woodrow informed the council that along with Mr. Kelly and members of the Springfield Chamber of Commerce, he took a trip to Florida for the Economic Development Council meeting. There was a lot of information about partnering with other forces to continue to look at either a civic space, convention center or some type of meeting space for Springfield. He will try to get that information to the other council members. It is very important, especially now as the Clarion Hotel, the only building in Springfield with a large meeting space will be closing.
2. Councilor Ballew attended a conference in Portland that was co-sponsored by the Local Government Commission. Discussion was held regarding current code being an obstacle when a city tries to have smart growth. That is not necessarily true for Springfield. Our staff has been out front on this and has made some accommodations to allow smart growth. There was also a presentation on the GIS system where an economic forecasting tool was added in such places as Chicago and Sacramento. This would allow them to forecast what type of development would occur between residential, commercial and industrial, but would also give the return on investment analysis. She has some materials if other councilors would like to look at them.
3. Councilor Ralston said that for the past year he has served as the Chair for the Human Services Commission. Prior to him holding this position, two other Springfield councilors served terms as Chair. They have now appointed Betty Taylor from Eugene as Chair of this commission. He did get information regarding the contributions of the three jurisdictions to the Human Services Commission. He offered councilors a copy of that information if they were interested. He gave some of the highlights from that report. Springfield contributes a very small percentage compared to the other jurisdictions. That will be one of his arguments as they go into Budget Committee meetings and discuss cuts to this agency and others. He is hoping to get detailed information regarding these contributions.

Councilor Mr. Kelly said that although Lane County and the City of Eugene put in more money than Springfield to the Human Services Commission, the numbers are not as skewed as what appears there. He explained the council's goals of economic growth and the other agencies we support in that endeavor. Springfield is trying to create prosperity and family wage jobs in Springfield so we don't have as much of a need to contribute to the social side of things. In the issue of Human Services, our money and expenditures towards economic development opportunities needs to be taken into account. Lane County and Eugene do not contribute as much to these areas.

b. Other Business

1. Mayor/Council Committee Assignments.

NO ACTION WAS TAKEN. ITEM WILL BE RESCHEDULED.

BUSINESS FROM THE CITY MANAGER

BUSINESS FROM THE CITY ATTORNEY

1. Responding to the LUBA Remand of City Decisions Amending the Eugene-Springfield Metro Area General Plan and TransPlan in Ordinance No. 6022.

ORDINANCE NO. 6074 – AN ORDINANCE RESPONDING TO THE REMAND OF
ORDINANCE NO. 6022 AND DECLARING AN EMERGENCY.

City Attorney Meg Kieran presented the staff report on this item. In November 2001, at the request of the Oregon Department of Transportation (ODOT), the Eugene City Council initiated amendments to the Metro Plan, TransPlan and the West Eugene Wetlands Plan to facilitate construction of the West Eugene Parkway. On July 15, 2002 the City Council adopted Ordinance No. 6022, amending the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) to include the entire West Eugene Parkway within the 20-year financially constrained roadway project list and to make related amendments; amending the Eugene-Springfield Metro Area General Plan (Metro Plan) to adopt exceptions to statewide Planning Goals 3, 4, 11 and 14; and adopting the severability clause. The City of Eugene, Lane County and the LTD Board took similar actions making the requested changes. The plan amendments addressed the changes in the West Eugene Parkway alignment that were made to minimize impacts of the projects (MA).

On March 24, 2003, LUBA issued its decision upholding the local government actions on most of the issues raised by the petitioners, but remanded the actions based on four issues. On August 27, 2003, the Court of Appeals affirmed the LUBA decision. The petitioners did not seek review of this decision by the Oregon Supreme Court.

The four issues that LUBA remanded are: 1) Adequacy of exceptions taken to Goal 3 (agriculture); 2) Accessibility concerns related to Goal 3 and the change in the alignment; 3) Questions about OAR 660-012-0035(5)(c) (use of alternative standards in place of the Vehicle Miles Traveled reduction standard); and 4) impact of the planned transportation corridor designation on Goal 5 resources. The fourth issue refers to the West Eugene Wetlands Plan and is not relevant to the City of Springfield's action.

City legal staff has worked with City of Eugene, Lane County, LTD and ODOT attorneys to respond to all of these remanded issues. Exhibit A, included in the agenda packet, explains the adopted findings in the Resolution, provides arguments and describes evidence in the existing record to address all of these issues. Responding to the remand issues does not require re-opening the record for additional evidence. The City of Eugene, Lane County and LTD Board have approved a Resolution with the same response and explanation of findings document.

Councilor Ralston said this seems to be thrown at them suddenly. He said he had voted against this and feels this is wrong and that council needs more information.

Ms. Kieran said the City of Springfield has not been actively involved so as not to incur additional expense in terms of attorney fees. The City of Eugene attorneys have taken the lead in the briefing of this appeal and the West Eugene Parkway is located in west Eugene. Most of the

issues are of greater concern to Eugene. The reason Springfield was involved initially is because of requirements in the TransPlan that all three jurisdictions have to approve of this type of project.

Councilor Ralston said part of the issue was that funds were used for buying property to reestablish habitat and the land can not be used for anything else. That was the issue. He still cannot support this because he doesn't feel that has been resolved.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ADOPT ORDINANCE NO. 6074. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 1 AGAINST (RALSTON).

2. Update on LUBA Remand of City of Springfield's Decision on PeaceHealth, Goal 12.

City Attorney Meg Kieran gave the update on the LUBA Remand of the City of Springfield's decision on PeaceHealth, Goal 12. Last time she spoke to council about the LUBA appeal of the PeaceHealth plan amendment, she asked for direction whether or not the City of Springfield should appeal the LUBA decision. Before the appeal deadline had expired, counsel for Jacqua's filed an appeal and a petition for judicial review. The city is the respondents and they filed a cross petition for judicial review. It's an expedited briefing schedule and the briefing will be complete at the end of February. The last brief will be filed March 1 followed by oral argument and a decision from the court of appeals. Ms. Kieran and Mayor Leiken testified in front of the Land Conservation and Development Commission (LCDC) which met Thursday and Friday of last week to urge them not to authorize the filing of an amicus brief by the DLCD, which is the state agency responsible for land use. From this testimony, the commissioners did not weigh in on this in a judicial proceeding, but rather in a rule-making context.

Mayor Leiken agreed that the result of their testimony was a good result. The city was blind-sighted and only had three days to respond. He said there were lots of phone calls made and he commended State Representative Terry Beyer for her phone calls to agencies regarding this issue. He also commended Ms. Kieran and the City Attorney's office.

ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

City Recorder

