

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, JULY 6, 2004

The City of Springfield council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, July 6, 2004, at 7:14 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken, Councilors Ballew, Lundberg, Fitch, Ralston and Woodrow. Also present were City Manager Mike Kelly, Assistant City Manager Cynthia Pappas, City Attorney Joe Leahy, City Recorder Amy Sowa and members of the staff.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. Recognition of Kevin Ko for Ten Years of Service to the City of Springfield.

City Manager Mike Kelly acknowledged Kevin Ko for his ten years of service to the City of Springfield. He talked about the knowledge Mr. Ko brought with him to the city from his past employment and his ability and desire to be fair when working with both citizens and non-profit organizations. He noted changes Mr. Ko has seen over the years and Mr. Ko's accomplishments. The city's Housing Program is very effective and has received national awards due to Mr. Ko's efforts. Mr. Ko has a wide variety of skills and interests outside his job including building guitars. Mr. Kelly presented a plaque to Mr. Ko.

Mr. Ko thanked the Mayor and past and present council for their support for the housing and community development program over the years.

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 5 FOR AND 0 AGAINST.

1. Claims
2. Minutes
 - a. June 21, 2004 – Work Session
 - b. June 21, 2004 – Regular Meeting
 - c. June 28, 2004 – Work Session
 - d. June 28, 2004 – Special Regular Meeting
3. Resolutions

4. Ordinances

5. Other Routine Matters

ITEMS REMOVED FROM THE CONSENT CALENDAR

PUBLIC HEARINGS

1. Proposed Springfield Development Code Amendments.

ORDINANCE NO. 6092 – AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE, ARTICLE 2 DEFINITIONS, SECTION 2.020; AND ARTICLE 21 CI CAMPUS INDUSTRIAL DISTRICT SECTIONS 21.010, 21.020, 21.030, 21.040, 21.050, 21.060, 21.070, 21.090, 21.120, 21.130, 21.140 AND 21.150 AND ADDING SECTION 21.015; ADOPTING A SEVERABILITY CLAUSE AND DECLARING AN EMERGENCY.

City Planner Gary Karp presented the staff report on this item. Last year, the Springfield City Council established the Campus Industrial Advisory Committee (CIAC) to evaluate the siting of new uses and the reuse of existing buildings within the CI District, and to eliminate ambiguities of current Code language.

In March 2003, the City Council established a CIAC to review Article 21 with staff as a result of a Code interpretation. The CIAC consisted of: City Councilor Stu Burge, Planning Commissioner Steve Moe; Jack Roberts, representing the Lane Metro Partnership; David Divini, representing Northbank Properties LLC; and Silva Sullivan, representing Chambers Construction. The proposed amendments apply to the city's two CI District sites, Gateway and the Pierce property. The proposed amendments are based upon suggestions by the CIAC, balanced against the current Metro Plan designation and State-wide Planning Goals 9 (Economic Development) and 12 (Transportation). Staff discussed the proposed amendments with the Springfield Chamber of Commerce's Legislative Committee and the Area Commercial/Industrial Realtors group. Staff also met with representatives from the Oregon Department of Transportation and the Lane Regional Air Pollution Authority. Staff presented the proposed amendments to the Planning Commission at a work session on May 4th and at a public hearing on May 18th where the record was requested to be held open for 10 days. On June 15th, the Planning Commission discussed this issue and voted 5 to 0 with 2 abstentions to forward the proposed amendments to the City Council for adoption. However, the June 15th date did not allow for the completion of the attached Ordinance in a timely manner for the June 21st City Council public hearing. On June 21st, the City Council held a work session and public hearing. At the work session, staff presented the proposed SDC amendments with revisions made by the Planning Commission at their June 15th public hearing. The City Council made no changes to the proposed SDC amendments. At the public hearing, at staff's request, the City Council opened the public hearing and continued it until July 6th to allow for additional public comment on the attached Ordinance. The attached Ordinance includes text revisions based upon public comment and Planning Commission direction. Staff is requesting that the attached Ordinance be adopted using the "Declaration of Emergency" clause due to the listing of the SONY property on the State of Oregon's "shovel ready" sites.

Mr. Karp has not received any testimony, either written or verbal on this issue.

Mayor Leiken continued 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 ORDINANCE NO. 6092. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

Mayor Leiken said he had discussed this with a member of the CIAC and they expressed gratitude to Mr. Karp.

BUSINESS FROM THE AUDIENCE

1. Alice Verret, 3195 Wayside Loop, Springfield, OR. Ms. Verret said she was here representing herself and her husband. She discussed three of the items referred to in the mailing received by neighbors regarding the Martin Luther King Jr. (MLK) Parkway design. She urged council to insist the county leave Seward Street open after the construction of the MLK Parkway. Many people will be impacted by the MLK Parkway. The residents on Seward Street do not want it to be opened, but they may have to give a little bit to help those on Wayside to get out heading south. She said a seven foot soundwall would not do any good because their property is low, below the grade of the Southern Pacific railway. She would insist on a higher section of soundwall. Ms. Verret said she and her husband are in favor of undergrounding the transmission lines because it would allow the Bus Rapid Transit (BRT) to have a dedicated lane without expanding the seventy-six foot right-of-way.
2. Anne Heinsoo, 35 Lorie Court, Springfield, OR Ms. Heinsoo said she came to the council meeting with a general comment. She said it seems to her and to many people in the community that there has been a kind of blackmail going on by parties beginning with Arlie and Co. dickering with PeaceHealth before PeaceHealth had even let Eugene know it wasn't going to build in Eugene. Moving on to the sale of that property with incorporation of properties the city had already taken option for. She thinks the people of her area had no comment or instrument to allow their wishes to be known other than speaking to council. That is not the way a democracy works. She said if we are part of the urban community we should be entitled to be able to make more comment and to have a vote on whether or not they want to have PeaceHealth in our community and whether or not to have the extension of the Parkway as diagrammed now. It is a gross malfeasance of democracy. She would like the rest of the citizens of the city to have the right to express their opinion on why our own hospital that we built from the ground up is being forced to move out because the council has given permission for PeaceHealth to build on our property. This is a gross injustice.
3. Dave Hancock, 2663 Nova Street, Springfield, OR. Mr. Hancock said he was here previously regarding the eighty-six foot right-of-way. The city voted against the expanded right-of-way, but the county voted to put it through. Citizens do not want this expanded, but would be happy if it could stay at seventy-six feet. They knew when they bought their property that some of it would be taken, but were assured it would stay at four lanes. At the last minute

LTD came in and said they needed the additional lane for the BRT. He referred to another petition that had forty-three signatures representing twenty-nine addresses in this area. He would hope the city could say no to the county on this issue and force them to compromise. He said the extra width they would be taking would require taking down a couple of very large trees. It would be a shame to lose those trees. He urged council not to accept the eighty-six foot roadway.

4. Roxie Cuellar, 739 S. 70th Street, Springfield, OR Ms. Cuellar spoke regarding the Public Safety Facility. She is glad to see the support from the council on this issue. She was struck by the numbers of the poll, including the numbers showing that about a third of the citizens did realize the city was having discussions about expanding our public safety building. She also noticed that only five percent of the people thought the jail and courts were affective and was surprised they could find five percent who thought that, because the jail and court are not affective at all. She knows there is a possible financial strain and that is something only the council can make a determination on, but she would hope they could include a jail in the facility. Sometimes the only solution is to incarcerate someone. She discussed the issues related to not having sanctions. It is up to council if the jail could be included, but a new public safety building is definitely needed.

CORRESPONDENCE AND PETITIONS

BUSINESS FROM THE CITY COUNCIL

1. Committee Reports

- a. Councilor Fitch said the Fourth of July event at Island Park was wonderful and a great success.
- b. Councilor Ballew said the Finance and Taxation Standing Committee is doing their legislative drafting for the program. She read off the titles and asked council to let her know if there is something additional that should be included. The titles were: financial stability, both state and local; property tax exemption; state shared revenues; unfunded mandates; PERS System; and workforce costs.
- c. Councilor Ralston said the D.A.R.E. golf tournament is scheduled for August 20 and the cost is \$65 per person. If interested contact Dave Ralston or Officer Deb Gilmer.
- d. Mayor Leiken said the groundbreaking for the new LTD EmX (formerly the BRT) was last week. Councilor Fitch and Councilor Woodrow were also able to attend. It was a nice groundbreaking and Senator Ron Wyden and Congressman Peter DeFazio both made some nice comments about the collaboration of the two cities.

Mayor Leiken had breakfast this week with Senator Smith. Senator Smith is in tune with many of our local issues. Senator Smith has within his parameters \$800,000 toward the McKenzie Theater, which he calls his Economic Development Initiative. He chooses three projects statewide and this is one of the projects he has chosen. It may be after the November presidential election before we hear on these funds and the transportation bill.

BUSINESS FROM THE CITY MANAGER

1. Martin Luther King Jr. Parkway Concurrence with Lane County Board of Commissioners.

RESOLUTION NO. 04-30 – A RESOLUTION SUPPLEMENTING RESOLUTION NO. 04-12 AND ADOPTING THE ALIGNMENT, RIGHT-OF-WAY WIDTH AND DESIGN ELEMENTS FOR THE MARTIN LUTHER KING JR. PARKWAY PROJECT.

Transportation Manager Nick Arnis presented the staff report on this item. The City Council and Lane County Board of Commissioners must approve conceptual design elements in order to move forward with the final design process for the Martin Luther King Jr. Parkway project.

The Martin Luther King Jr. Parkway is a \$9.3 million arterial road project that is scheduled for construction beginning in 2005. Through an intergovernmental agreement (IGA) with Lane County, the county is acting as the project consultant for the city and is responsible for the final design process, acquiring right of way, bidding the project, and implementing the construction. Lane County is also contributing \$5.2 million for the project. The City Council approved resolution 04-12 concerning the alignment, right-of-way widths and other design elements for the Parkway project on April 5, 2004 and referred the resolution to the Lane County Board for their concurrence according to the provisions in the IGA.

The Lane County Board of Commissioners conducted a public hearing and approved Order No. 04-4-14-14 on June 16, 2004. The significant difference between the city resolution and the Board Order concerns the right of way in the southern segment (Hayden Bridge Way to the PeaceHealth site) of the project. The Board Order established an eighty-six foot right-of-way in the southern segment for an exclusive Bus Rapid Transit (BRT) lane for Lane Transit District (LTD) with conditions and contingent upon the City Council's concurrence. The City Council had approved on April 5th 2004 a seventy-six foot right-of-way in the southern segment.

Mr. Arnis said this was a supplemental resolution with the seven points the Lane County Board of Commissioners wanted to put into the project. Most changes were very small, with the exception of the right-of-way. One minor issue included sidewalks and better connections near the roundabout. They were consistent regarding the roundabout at Hayden Bridge/Harlow intersection, the soundwall height of seven to nine feet, removing about one thousand feet of parking on Hayden Bridge, and utility location. The major difference was the size of the right-of-way; the city approved seventy-six feet of right-of-way and the county approved eighty-six feet of right-of-way. If council accepts the resolution, the project goes forward. If council does not accept the resolution, the city would have to go back to the Lane County Board of Commissioners to negotiate these issues. There must be a joint resolution to support the alignment, the right-of-way width, and design elements for the project. The project is still scheduled for 2005. Staff is working on utilities and other elements.

Councilor Woodrow asked if the County Commissioners gave a rationale of why they chose the eighty-six foot right-of-way

Mr. Arnis said they wanted to support the exclusive lane for the Bus Rapid Transit (BRT) System to run up the southern segment of the corridor. They held a public hearing and heard from people from LTD. It was important for them to have the exclusive lane.

Councilor Woodrow asked Stef Viggiano from LTD if the dedicated lane was necessary for the federally funded portion of this project.

Mr. Viggiano said that was difficult to answer. They are in a very competitive environment in terms of qualifying for federal funds. With the type of funding they were applying for they needed to demonstrate productivity and user benefit of a new system. Part of that is very detailed modeling that needs to occur. If there were delays in the system, that does affect the quantitative measures they use in the application. Potentially, it could affect the funding, but it is hard to say until they go through the analysis.

Councilor Woodrow asked if LTD had discussions with Springfield Utility Board (SUB) about putting the power lines underground.

Mr. Viggiano said there have been discussions. The cost is about \$4M, which is more than the LTD board was willing to pay. Also, SUB does not want to underground the lines. Putting lines underground would only save about two or three feet of the right-of-way.

Councilor Ballew referred to Attachment A, page 2 where it stated "Whereas the estimated five feet of additional right-of-way to an eighty-six foot width in the southern segment for a BRT lane impacts county residents;" She asked if that was correct.

Mr. Arnis said the five feet refers to each side for a total of ten feet.

Councilor Ballew asked how much that additional ten feet would cost.

Mr. Arnis said LTD would be responsible for the costs of the additional ten feet of right-of-way as well as any impacts from securing that additional right-of-way. There would be an intergovernmental agreement (IGA) with the City of Springfield, Lane County and LTD to determine who is responsible for costs. Lane County will serve as the purchasing agent, purchasing all of the right-of-way and establishing the appraisals. There have been early estimates. A Lane County right-of-way agent is doing some appraisals to determine the impact of the right-of-ways. As more knowledge is gained they will know more about the cost.

Councilor Ballew asked about the cost of paving the additional ten feet.

Mr. Arnis said they may or may not be paving that additional BRT lane at this time. If they are, there are additional costs such as moving transmission lines.

City Attorney Joe Leahy said the intent was that any additional costs necessitated by the BRT would be paid by LTD. A friendly amendment could be made to make that clear. The cost for the additional five feet on each side would depend on each property and the impact on each regarding sewer lines, septic systems and other issues. That also needs to be reflected in the process and the discussions with LTD.

Mr. Arnis said when the city went to county for funding of this project, they had a prospectus of what they thought the right-of-way would be, the number of lanes they thought they would be building, where the utilities would go, etc. If the budget increased because of additional right-of-way, LTD would be responsible to incur those costs. The IGA would come back to council for approval.

Ms. Pappas said the LTD Board action also included the cost for mitigating the additional right-of-way purchase. That would cover moving septic lines, fences, etc.

Mr. Leahy said the change (underlined) could be added on Attachment A, page 5 of 12, paragraph one under AND THE COUNCIL FURTHER RESOLVES. “. . . the financial responsibility for negotiating, acquiring, and any necessary condemnation for such additional right-of-way and the construction shall be borne by LTD . . . “ It should be clear that it is the intent that if council passes this that LTD bears the additional cost. There may be additional costs not yet known.

Councilor Ralston asked what our vote was on the original resolution.

Mr. Arnis said council unanimously approved the whole resolution, but there were sections that were voted on separately.

Discussion was held regarding the decision made by the county and the affected property being located in the county.

Councilor Lundberg said it is annoying that the people have been told of certain expectations which have been changed at the last minute. The county overrode what the city recommended. It is there prerogative because it is county property, but she is not supportive of adding the extra ten feet because of the impact to the neighbors. She discussed why she feels it is not necessary to add the extra ten feet.

Councilor Fitch said timing means it is critical to move forward with this and she is in favor of moving forward. Rather than changing the wording in the resolution regarding LTD being responsible for the additional cost the extra ten feet would incur, it should be made clear in the IGA. It should include any unforeseen costs.

Mr. Leahy said that would work as well. Council would not sign the IGA until it had the approved language.

Councilor Fitch said she would not like to lose another season. There are compromises and this is one.

Councilor Ralston said he is not in favor of changing it to eighty-six feet. If he were a property owner there, he would be very upset. That extra ten feet is too much of a cost to the neighbors. There is no need for a dedicated lane in that area. Council has told the neighbors they would keep it at seventy-six feet and they have received public input. Council needs to stand by their decision whether it postpones the project or not.

IT WAS MOVED BY COUNCILOR BALLEW WITH A SECOND BY COUNCILOR FITCH TO ADOPT RESOLUTION NO. 04-30. THE MOTION PASSED WITH A VOTE OF 3 FOR AND 2 AGAINST (Ralston and Lundberg).

Mr. Leahy said that staff is assuming the instructions with the respect to LTD's contribution in the negotiations.

2. Council Initiation of a Proposal to Begin the Public Hearing Process Necessary for the Adoption of, as a Refinement Plan to the Metropolitan Area General Plan, the Willamalane Park and Recreation Comprehensive Plan, 2004.

Planning Manager Greg Mott presented the staff report on this item. Willamalane Park and Recreation District is responsible for the development of park and recreation planning for the City of Springfield in compliance with State-wide Planning Goal 8 RECREATIONAL NEEDS. This compliance is achieved by utilizing Willamalane's comprehensive plan as a refinement plan of the Metro Plan for the City of Springfield.

Willamalane has prepared a new comprehensive plan to replace the existing plan adopted in 1980. In addition to being antiquated, the current plan: was adopted without benefit of state acknowledgement for compliance with Goal 8; was adopted 2 years before the first Metropolitan Area General Plan; has continued to be the City's and Willamalane's policy document for park planning in spite of two major updates to the Metro Plan; and, has not incorporated the effects of 12 legislative sessions and numerous appellate cases influencing land use and park planning. The new plan, in addition to being contemporary, will address the relevant statewide planning goals and administrative rules.

Councilor Lundberg said Willamalane spent as long as TransPlan to get to this point. It is worth moving up a wrung and getting it as an actual plan that is adopted.

Mr. Mott said they are hopeful it would be adopted by the end of 2004.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO APPROVE INITIATING THE PUBLIC HEARING PROCESS REQUIRED FOR THE ADOPTION OF THE WILLAMALANE PARK AND RECREATION COMPREHENSIVE PLAN, 2004, AS A REFINEMENT PLAN TO THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

Councilor Ralston asked Chief Smith to give an overview on the new speed limits in the school zones and its affect to Springfield residents.

Chief Smith prepared a written response to this question. He said there are three categories; A, B and C. Category A is where the speed limit is 30 miles per hour (mph) or less. In those areas the speed limit would always be 20 mph in the school zone if it is posted correctly. Category B is where the speed limit is 35 mph or more. When the hours are posted for the 20 mph and there are flashing lights, the 20 mph is in affect. Category C is where crosswalks exist, but are not contiguous with school property, such as on South 42nd Street. If it is posted, if there are children present and the hours are posted or lights are flashing, the 20 mph speed limit is in affect. There was good intent by the legislature, but it will take some time to get accustomed to this and signs need to be posted. Police is working with Public Works regarding posting signs.

Councilor Ralston said those signs and lights need to be paid for somehow. He asked about enforcement.

Chief Smith said that during the school year and during school hours patrol pays close attention to these areas and will continue to do so.

Councilor Lundberg said it would be helpful to get public information regarding this issue. People are interpreting it in a lot of different ways.

Chief Smith said once he gets the document prepared for council, he will put out a media release. He said it is a little premature because they do not yet have signage and there are other issues that need to be discussed with the School District.

BUSINESS FROM THE CITY ATTORNEY

Mr. Leahy said the Comprehensive Plan from Willamalane is due and represents the culmination of earlier efforts. It is a tribute of council's efforts through TEAM Springfield.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

City Recorder