

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY MARCH 7, 2005

The City of Springfield council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, March 7, 2005, at 7:08 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Lundberg, Fitch, Ballew, Ralston, Pishioneri 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

CONSENT CALENDAR

Councilor Lundberg asked to pull item 1.a. from the Consent Calendar because it had disbursement information related to her restaurant.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE THE CONSENT CALENDAR WITH ITEM 1.A. REMOVED. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

1. Claims
2. Minutes
 - a. February 14, 2005 – Work Session
 - b. February 22, 2005 – Work Session
 - c. February 28, 2005 – Work Session
3. Resolutions
 - a. RESOLUTION NO. 05-09 – A RESOLUTION AMENDING SECTIONS 501.2.07, 501.2.12, 501.2.14 AND 502.1 THROUGH 502.3 OF THE CITY STANDARD CONSTRUCTION SPECIFICATIONS AND SECTION 5.02.1 OF THE CITY ENGINEERING DESIGN STANDARDS AND PROCEDURES MANUAL REGARDING REQUIREMENTS FOR STREET LIGHTING.
4. Ordinances

- a. ORDINANCE NO. 6116 – AN ORDINANCE WITHDRAWING CERTAIN REAL PROPERTY KNOWN AS JOHNSON LOCATED IN SOUTHWEST SPRINGFIELD, SOUTH OF DIAMOND STREET, SOUTH OF CENTENNIAL BOULEVARD, EAST OF ANDERSON LANE, SOUTH OF KELLOGG ROAD, AND INVOLVING APPROXIMATELY .24 ACRES IDENTIFIED AS TAX LOT 700 T17S R03W S33 MAP 11; HERETOFORE ANNEXED TO THE CITY OF SPRINGFIELD FROM THE RAINBOW WATER DISTRICT.
 - b. ORDINANCE NO. 6117 – AN ORDINANCE WITHDRAWING CERTAIN REAL PROPERTY KNOWN AS BELL, LOCATED IN WEST SPRINGFIELD, SOUTH OF DIAMOND STREET, EAST OF ASPEN STREET, WEST OF RAINBOW DRIVE, NORTH OF WEST D STREET, AND INVOLVING APPROXIMATELY .22 ACRES IDENTIFIED AS TAX LOT 217 T17S R03W S34 MAP 24; HERETOFORE ANNEXED TO THE CITY OF SPRINGFIELD FROM THE RAINBOW WATER DISTRICT.
 - c. ORDINANCE NO. 6118 – AN ORDINANCE WITHDRAWING CERTAIN REAL PROPERTY KNOWN AS SMITH INVESTMENT/LAURA STREET LOCATED IN WEST SPRINGFIELD, SOUTH OF HAYDEN BRIDGE WAY AND HARLOW ROAD, NORTH OF LINDALE AVENUE, WEST OF LAURA STREET AND INCLUDING LAURA STREET RIGHT-OF-WAY, AND INVOLVING APPROXIMATELY .51 ACRES, IDENTIFIED AS T17S R03W S22 MAP 44 PART OF TAX LOT 7500; T17S R03W S27 MAP 14 PART OF TAX LOT 5000; HERETOFORE ANNEXED TO THE CITY OF SPRINGFIELD FROM THE RAINBOW WATER DISTRICT.
 - d. ORDINANCE NO. 6119 – AN ORDINANCE WITHDRAWING CERTAIN REAL PROPERTY KNOWN AS BLAIR, LOCATED IN NORTH SPRINGFIELD, NORTH OF HAYDEN BRIDGE ROAD, WEST OF 19TH STREET, SOUTH OF YOLANDA INVOLVING APPROXIMATELY 1.75 ACRES IDENTIFIED AS TAX LOT 1100 T17S R03W S24 MAP 34; HERETOFORE ANNEXED TO THE CITY OF SPRINGFIELD FROM THE RAINBOW WATER DISTRICT.
5. Other Routine Matters
- a. Approval of the Liquor License Endorsement for JT’s Place, Formerly Main Street Bar & Grill, Located at 414 Main Street, Springfield, OR.
 - b. Authorize the City Manager to Sign a Contract with Paradise Media in the Amount of \$70,850.00 for the Annual FireMed Ambulance Membership Advertising Campaign.
 - c. Authorize the City Manager to Enter Into Agreement No. 22,114 with the Oregon Department of Transportation (ODOT) to Provide \$640,000 of State Funding for the Reconstruction of 21st Street, Main Street to Centennial Boulevard, Project P20405.

ITEMS REMOVED FROM THE CONSENT CALENDAR

1. a. Approval of the February 2005 Disbursements for Approval.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ACCEPT ITEM 1.A. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSTENTION – LUNDBERG)

PUBLIC HEARINGS - Please limit comments to 3 minutes. Request to speak cards are available at both entrances. Please present cards to City Recorder. Speakers may not yield their time to others.

1. Initiation of Annexation to the City of Springfield of Certain Territory Known as Proden/Corey.

RESOLUTION NO. 05-10 – A RESOLUTION INITIATING ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF SPRINGFIELD KNOWN AS PRODEN/COREY LOCATED IN NORTH SPRINGFIELD WEST OF VERA STREET AND NORTH OF 16TH AND 17TH STREETS AND REQUESTING THAT THE LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION APPROVE THE ANNEXATION.

City Planner Kittie Gale presented the staff report on this item. All owners and registered electors of the subject property, and the city, have requested annexation of Tax Lot 500 17-03-24-31 to facilitate development and improvement of public infrastructure.

The City Council is authorized by ORS 199.490(1)(a) to initiate annexation. The Prodens are the owners of Tax Lots 500 of which lie outside the city limits. The proposed annexation is not contiguous to Springfield city limits, but can be provided with a full range of urban services as described in the attached Annexation Agreement, and also including police and fire protection. Springfield Utility Board and Rainbow Water District have an agreement which enables SUB to provide water service to the property.

Ms. Gale entered the final signed Annexation Agreement into the record.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Councilor Ballew said that as in the past, she would oppose this annexation because it is an island annexation. There have been issues with sewer lines in at least one island annexation in the past.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT RESOLUTION NO. 05-10. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 1 AGAINST (Ballew).

2. Request for a Street Name-Change, City of Springfield, Case Number LRP2005-00002 (Prasad).

ORDINANCE NO. 5 – AN ORDINANCE RENAMING TO PRASAD COURT THAT PORTION OF KAYLEE COURT EAST OF LAURA STREET, WEST OF PIONEER

PARKWAY WEST AS LOCATED IN WILLOWBROOK SUBDIVISION, THE 40.0 FOOT WIDE PUBLIC STREET RUNNING EASTERLY FROM LAURA STREET 400 FEET MORE OR LESS TO THE RIGHT OF WAY OF PIONEER PARKWAY WEST BOUNDARY OF AND LYING WITHIN THE SUBDIVISION OF WILLOWBROOK AS PLATTED AND RECORDED IN C S FILE 38647, LANE COUNTY OREGON PLAT RECORDS IN LANE COUNTY, OREGON, ALL IN TOWNSHIP 17 SOUTH, RANGE 03 WEST, SECTION 27, MAP 10. (FIRST READING)

City Planner Kitti Gale presented the staff report on this item. The City Council may approve, approve with conditions, or deny the request to rename Kaylee Court to Prasad Court.

There is no criterion in the Springfield Development Code pertaining to renaming streets; therefore, ORS 227.120 pertaining to streets within the city's urban services area is used as a guideline. The action shall be processed by the City Council as a Legislative item.

One of the owners of Willowbrook Subdivision has requested that the public street, which he dedicated for the development of the subdivision, be changed to his name sake in honor of his years of development in Springfield. The Prasads are the owners of record of all of the abutting properties and have notified their two tenants of the proposed change. The proposed name has been accepted by the Lane County Street Naming Committee and city staff recommends that Kaylee Court as described above be renamed Prasad Court.

Ms. Gale said this is the first reading only. The second reading was scheduled for March 21. She said a letter was included in the agenda packet objecting to the name change from Robert Pearson. Mr. Pearson called Ms. Gale this morning and said he would not appear to testify in objection this evening.

Mayor Leiken opened the public hearing.

1. Gyanendra Prasad, Eugene, OR Mr. Prasad said he would like the name changed. He has worked in the community since 1975 as a warehouse worker at Coast to Coast and a maintenance person at Head Start of Lane County. Mr. Prasad has built a number of play structures around Springfield and Eugene and in other communities in Lane County. He discussed the improvements Head Start made to some of the play structures at old schools to make them available for low-income children who were unable to go to Head Start programs. Mr. Prasad has some medical problems, suffering from pancreatic cancer, and would like to leave his name in the community and this is where he could leave it. He would appreciate a chance to leave his name in the community.
2. Promita Bakker, 808 T Street, Springfield, OR Ms. Bakker would like to propose renaming Kaylee Court to Prasad Court because Mr. Prasad deserves this. It would be a small mark to leave in the community. Mr. Prasad has worked hard his whole life and this would be very much appreciated. He has been able to remodel and rebuild to rent out to the public. He is a dedicated man when it comes to things he wants to accomplish, even with his failing health. He cares deeply for the people and likes to help everyone. This would make him very proud.
3. Jerry Thompson, 110 South Garden Way, Eugene, OR Mr. Thompson said he would like to lend his support to Gyanendra Prasad in having the street named after him. He has seen no reason for any objections or why this might invite vandalism more than any other street

name. Mr. Thompson attested to Mr. Prasad's character and the naming of the street would be a small token of appreciation for what he has done. He is very worthy of it.

4. Ron Jacobson, 762 Scotts Glen Drive, Springfield, OR Mr. Jacobson said when he saw the Resolution, he came to the meeting to oppose the name change. He discussed the help he has received from Mr. Prasad. Mr. Jacobson said he had named the court after his niece, Kaylee, who was the Junior Rodeo Princess Representative for Oregon in Orlando, Florida. He no longer opposes the name change.

Mayor Leiken closed the public hearing.

NO ACTION REQUESTED. FIRST READING ONLY.

3. Establishing Liens for Public Improvements to Serve Laura Street, 300 Feet North of Lindale Drive to the South 1170 Feet.

ORDINANCE NO. 6 – AN ORDINANCE ESTABLISHING LIENS FOR INSTALLATION OF SANITARY SEWER AND DRAINAGE, FOR LAURA STREET, 300 FEET NORTH OF LINDALE DRIVE TO THE SOUTH 1170 FEET, PROJECT P20322, IN THE CITY OF SPRINGFIELD, IN LANE COUNTY, OREGON AND DECLARING AN EMERGENCY.

Accounting Manager Valerie Warner presented the staff report on this item. The city has completed a local improvement project for Laura Street, 300 feet north of Lindale Drive to the south 1170 feet, Project P20322. The council is requested to adopt the ordinance assessing the properties for this project in the amount of \$130,362.39. The ordinance contains an emergency clause that makes it effective immediately upon adoption. The emergency clause is being used because we would like to enter the liens on the city docket as soon as possible.

Ms. Warner said that in the last couple of weeks, things have come to the attention of staff, making it more complicated. She referred to a poster on the wall in the council chambers which showed the boundaries of the assessment project. She described how the property was originally divided and how it was now divided. The project was initiated by property owner petition in November 2002 and was completed as a waiver project. A waiver project means the owners, two at the time of this petition, waive the right to protest any irregularities in city processes that follow, including the bid, the notice of construction and the assessment. Copies of the waiver documents were included in the agenda packet. Council adopted the city engineer's report on this project in December 2002, with the total project cost estimated at \$266,200, with \$122,000 to be assessed to the property owners. Council accepted the completed project on May 17, 2004, with final project costs of \$254,337.55, with \$130,362.39 to be assessed to the property owners.

Ms. Warner said that although it has been a relatively brief amount of time between the time the project was completed and tonight, there have been some changes in the property ownership. The bottom lot that was previously one lot owned by Mr. Jacobson is now ten lots, owned by various members of the Prasad family. When the city surveyor allocated the costs of the improvement project to the property within the local improvement district boundary, he first allocated by front foot to the original three lots, as was anticipated, discussed and planned for in the city engineer's report. For the lot that has been subsequently been split into ten pieces, the city surveyor took the front foot and split it equally between the ten lots since each of the ten lots enjoy an equal benefit of having the sewer on Laura Street. This is the city's standard approach for this circumstance

unless other instructions are given. Ms. Warner said council may hear testimony that calls into question whether or not the city had other instructions. Mr. Jacobson recalls instructing, or at least discussing with city staff, the concept of allocating the sewer costs only to the front two lots that abut Laura Street. There is no written documentation about this, and city staff does not recall this request or instruction. City staff does recall a conversation about possible future costs for improving Laura Street being assessable only to the front two lots. That could have been the cause of the confusion. Furthermore, the buyer of the two front lots, Mr. and Mrs. Prasad, do not recall a pending sewer assessment being discussed in their lot purchase deal. Mr. and Mrs. Prasad were under the impression that all of the sewer costs would be paid by the developer and their only pending assessment would be a possible future street improvement on Laura Street.

Ms. Warner said staff has participated in several attempts to resolve this issue of the sewer assessment in Kaylee Court before tonight. In a normal project, the city's obligation would be to send a notice out to the property owners ten days prior to the public hearing. In anticipation of issues on this assessment, staff sent it out earlier to uncover possible issues to try to get it resolved. Public Works and Finance did contact Mr. Jacobson and asked if the lots had changed ownership. Mr. Jacobson confirmed the lots had changed ownership. Staff asked Mr. Jacobson if he had disclosed the pending sewer assessment to the buyers of the lots. Mr. Jacobson said he had not because he thought there would be no pending sewer assessments to the buyers of the back eight lots. Public Works and Finance staff held a meeting with Mr. Jacobson and the Prasad's to clarify everyone's position in the situation and try to figure out if there was going to be a mutually acceptable resolution regarding the issue of who would pay the assessment. At the end of the meeting, there did not appear to be a mutually acceptable solution to the problem. Mr. Jacobson contacted Councilor Lundberg today and presented her with a letter regarding issues with city staff on this project. The letter was distributed to the Mayor and council.

Ms. Warner reminded council this was a waiver project and that was done up front to avoid problems at this time. The city has \$255,000.00 invested in the construction of the sewer and cannot begin to charge interest until liens are placed on the properties. That is why this has come to council with an emergency clause, to allow the city to begin collecting as soon as possible.

Mayor Leiken opened the public hearing.

1. Ron Jacobson, 762 Scotts Glen Drive, Springfield, OR. Mr. Jacobson referred to a letter he had submitted for the councils' review. He described the issues he has gone through with the city in developing this property. He said at a meeting he attended with Mr. Bayberry, the city planner and engineer presented the waiver saying it was the only way Mr. Jacobson could develop the property because he would not be allowed to use the Lindale sanitary. He said they were told that Bayberry Commons could use the facility temporarily, but nothing from the Boundary Commission said it was temporary. The letter from the Boundary Commission said that other properties on Laura Street would be allowed to use the Lindale sanitary line as part of their annexation. In the meeting following approval from the city council, he and Bayberry Commons were told the project would be done by the end of May 2003 and would not affect their project. They did not get that in writing, which was a mistake. The money was there and he wanted it done within timelines to allow him to begin construction. The sanitary and storm was not completed in Laura Street until October 24, 2003, which put him past the wet weather deadline and cost him \$15,000 in over-excavation to dig the road deeper. In the agreement with Mr. Prasad, it stated that if the project was not completed by January 15, 2004, Mr. Prasad would get another lot for \$15,000 less, which again cost Mr. Jacobson.

2. Gyanendra Prasad, Eugene, OR Mr. Prasad said he had six different bills for the assessment and he does not understand what was going on. Each bill was for \$3300. When he bought the lots from Mr. Jacobson, they had an agreement that the lots were to be sold without liens. When he went to take out loans for these lots, he found there were liens on them and that was the first he knew of this. He said there should not be any liens on any of the lots he purchased.

Mayor Leiken closed the public hearing.

Councilor Lundberg said she had spoken with Mr. Jacobson. She asked to postpone putting the liens on this project to try to get questions answered and clarification about what occurred. She would like to try to get this resolved for all concerned. She asked for a postponement on this until the next available council meeting. She hoped the parties involved could have discussion and city staff could put together some information for the council and parties involved regarding what we can do to make this situation better.

Councilor Woodrow agreed to second the motion and advised Mr. Prasad and Mr. Jacobson to sit down together and work this out.

Councilor Ralston said someone owes nearly \$34,000, whether it is divided ten ways or two ways. He hoped the property owners could work something out.

Councilor Pishioneri asked if staff was going to be involved.

Mr. Kelly said the city would be happy to host a meeting, answer any questions the property owners have and bring back options to the council. Staff will do their best to do what can be done within our confines as the contracting agent who has incurred the cost and now needs reimbursement. If there is not agreement, based on council action, it may become a civil action between the two parties.

Councilor Pishioneri said he wants to be sure the city did the right thing at the right time. If not, it would need to come back to council for further discussion.

Mr. Kelly said staff would confirm that. In his review, Mr. Kelly felt that the city did everything correct, but there was a change in ownership which caused confusion. He will double check and make sure there are no legal issues in regard to the city's role.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO POSTPONE THIS ITEM UNTIL THE MARCH 21 COUNCIL MEETING. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

Mr. Leahy asked if the Mayor would reopen the public hearing on this item on March 21.

The Mayor said they would re-open the public hearing on March 21.

4. Standards for Outdoor Café Seating in the Downtown.

ORDINANCE NO. 8 – AN ORDINANCE CREATING AN OUTDOOR CAFÉ PERMIT,
ESTABLISHING STANDARDS FOR THE GRANTING OF SUCH PERMIT,
AUTHORIZING THE CITY MANAGER TO ISSUE PERMITS, ADDING SECTION 7.900
THROUGH 7.908 TO THE SPRINGFIELD MUNICIPAL CODE AND ESTABLISHING
AN EFFECTIVE DATE. (FIRST READING)

Councilor Lundberg declared a conflict of interest because she has a restaurant downtown and will have outdoor seating. She excused herself from the discussion on this item.

Technical Services Manager Len Goodwin presented the staff report on this item. Council has reviewed a draft ordinance permitting the establishment of sidewalk cafes in the downtown area. Staff has revised that draft to reflect comments and discussion with council.

Last summer, it came to the attention of staff and council members that some Downtown restaurants had placed settings of tables and chairs outside their establishments without obtaining the required permits. The violation was unintentional, but it brought attention to the existing procedures governing outdoor café seating. The general consensus was that tasteful outdoor seating should be encouraged, but that the city had a responsibility to establish guidelines for such seating to assure that the safe use of the sidewalk by the public was guaranteed.

Council reviewed a draft ordinance in work session on February 14. The attached draft includes the following revisions based on the discussion at that work session:

1. The exclusion of alcoholic beverages has been eliminated, since service of such beverages outdoors is regulated by the Oregon Liquor Control Commission.
2. A certificate of insurance has been included as an alternative to agreeing to hold the city harmless.
3. Language concerning drawings that must be filed has been simplified to ensure a consistent interpretation.

Mr. Goodwin said staff determined the amount of staff time it would take to process each application would require a fee of about \$25.00. Staff would be coming back with confirmation on that amount at a future council meeting.

Councilor Ballew asked what action would be taken if people encroached into the area not allowed.

Mr. Goodwin said it would be on a complaint basis, as most code enforcement issues. If something was brought to the attention of staff, staff would check into it and work first with the owner of the establishment to see if they could get back into compliance. If there was no way for the business owner to comply, the city would revoke their permit.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

NO ACTION REQUESTED. FIRST READING ONLY.

5. Establishing Liens for Public Improvements to Serve 21st Street, East of Harrison.

ORDINANCE NO. 6120 – AN ORDINANCE ESTABLISHING LIENS FOR
INSTALLATION OF SANITARY SEWER, FOR 21ST STREET, FROM HARRISON
AVENUE EAST 100 FEET AND VICINITY, PROJECT P20328, IN GLENWOOD, LANE
COUNTY, OREGON AND DECLARING AN EMERGENCY.

Accounting Manager Valerie Warner presented the staff report on this item. The city has completed a local improvement project for 21st Street, from Harrison Avenue east 100 feet and vicinity, Project P20328. The council is requested to adopt the ordinance assessing the properties for this project in the amount of \$12,932.48. The ordinance contains an emergency clause that makes it effective immediately upon adoption. The emergency clause is being used because we would like to enter the liens on the city docket as soon as possible.

Ms. Warner referred to the map in the council packet showing the property for discussion. This sanitary sewer project was initiated in January 2003 due to a septic tank failure at 3845 East 21st Street. The council adopted the city engineer's report on this project in February of 2003. The total project cost was \$14,500.00. The council accepted the completed project in June of 2003. The final project costs totaled \$14,932.48, with \$12,932.48 to be assessed to the property owners. Ms. Warner said this project has been straight forward with no complications. Any objections that may have accompanied this project have been discussed and resolved at previous meetings.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6120. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

6. Assessment of Special Benefit for Vacation of Right-of-Way.

ORDINANCE NO. 9 – AN ORDINANCE AMENDING SECTIONS 3.200, 3.202 AND
SECTION 3.204 AND ADDING SECTIONS 3.203 AND 3.205 TO CHAPTER 3
“STREETS” OF THE SPRINGFIELD MUNICIPAL CODE TO PROVIDE
COMPENSATION TO THE CTIY OF SPRINGFIELD WHERE VACATION OF A CITY
RIGHT-OF-WAY RESULTS IN A SPECIAL BENEFIT TO ABUTTING PROPERTY
OWNER. (FIRST READING)

City Attorney Joe Leahy presented the staff report on this item. Presently, the City of Springfield simply charges a fee for the cost of the processing of a Vacation Application. There is no compensation to the city for either the value of the property vacated or the special benefit to abutting property which occurs as a result of the Vacation of the right of way.

This Ordinance provides a mechanism for the city to recover the value that accrues to the property owner and specifically the property owner's abutting property as a result of the Vacation.

Council reviewed a draft ordinance in work session on February 28, 2005. In response to questions from members of the council, staff noted that while the ordinance will be uniformly applied to all requests for vacation, each request must be judged on its individual merits. There may be many cases where the value to the property owner's property does not have a significant change in value as a result of the vacation of the abutting right of way, in which case little special benefit would occur, and only a small fee would be appropriate. In other cases, the increase in value could be significant, and the fee would be assessed accordingly. The ordinance does contain provisions allowing the council to waive the fee for an important public purpose.

Mr. Leahy said this ordinance provides a process and a fee to be charged when the city processes a vacation application. In addition, it provides compensation to the city for the added value back to the remaining property that results from the vacation. Current law charges a fee for the application, the city processes the vacation and the council determines whether or not the property should be vacated. This ordinance would add to this law that when the application comes in for a vacation, there will be a process where the value that the vacation adds to the neighboring properties is determined. That value may be charged by the council in the vacation application process. Council would not need to charge this fee, but in some situations, they may determine to charge the fee.

Councilor Ballew said she thought it was a good idea.

Councilor Lundberg said she doesn't feel it is a good idea, because it is the owner's property. The only reason she will support this is because council will see the vacations and have a chance to choose at that time what appropriate action to take.

Mr. Leahy said this is similar to a process used in the City of Eugene.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing

NO ACTION REQUESTED. FIRST READING ONLY.

7:45 p.m. The Mayor called for a five minute recess.

8:00 p.m. The Mayor resumed the meeting.

BUSINESS FROM THE AUDIENCE - Limited to 20 minutes. Please limit comments to 3 minutes. Request to Speak cards are available at both entrances. Please present cards to City Recorder. Speakers may not yield their time to others.

1. Curtiss Greer, 357 55th Street, Springfield, OR Mr. Greer said Measure 5 was passed to send a message to government. He said it now seems the government is trying to find ways to circumvent the will of the voters. He said if the city believes the Utility Tax is good for the people, they should put it to the people for a vote. He said if this is a good measure, why did the city go to an out-of-city Public Relations Company to try to sell it to the people. He and others feel the city is only trying to benefit a select group of people in the city.
2. Roxie Cuellar, 739 South 70th Street, Springfield, OR Ms. Cuellar said does not yet have a position on the Utility Tax. She is concerned about the jail. A lot of people put time and effort into getting the bond measure passed in November and a lot of citizens voted to support the jail. She felt it would be a disaster if the jail was tied to a money measure that was soundly defeated. If you try to sell the Utility Tax by saying that the jail operations would be funded by the Utility Tax and it fails, she would be concerned the headlines would read "Springfield Voters Refuse to Fund the Jail". A long-term funding source needs to be found for the jail, not by levies that need to be renewed each year. The Utility Tax may be the way to do that or there may be other options. She said she had made a lot of phone calls over the last couple of weeks and she doesn't feel the Utility Tax will be successful. Once defeated it is no longer an option. She suggested the city take the Utility Tax off the ballot and sit down with the citizen opposition group and utilities and find something everyone could live with. If they could manage to do that, there would be a way to fund the jail and there would be no opposition.
3. Bob Kramer, 1020 South 42nd Street, Springfield, OR Mr. Kramer thanked council for hearing him and he distributed some handouts to the Mayor and Councilors. Mr. Kramer said he was there to speak about the South 42nd Street Project. He was on the Citizen's Advisory Committee (CAC) that met for four or five sessions in the fall. The CAC agreed and endorsed the ultimate plan submitted by the city and brought before council on December 6, 2004 and agreed upon by the city. Stakes that have been placed in his yard indicate that the design, size and/or placement have all changed and are not acceptable to those in the neighborhood. The size of the roundabout is considerably larger and dangerously close to his home and his neighbor's home. He described how close the roundabout would be placed to his home and his neighbor's home. He described the devaluation of his property and his neighbor's property with this large roundabout. He discussed the number of trucks who use the intersection each day. He said Lane County will only compensate the property owners for the value of their land, not any diminishment of the value of the properties. His business, the Little Red Farm Nursery, will see a large drop in its 2005 revenue due to the construction this summer by about \$30,000. The nursery is still heavily in dept because of the Jasper Road widening project that occurred in 1997. He noted a vacant five acre lot north of his home. He feels that moving the roundabout towards that vacant lot would solve the placement problems. He requested the City Council explore this idea which is less intrusive or look at a different design. He invited council to come out and see the site for themselves. He explained the overlay map which he distributed.
4. Brian Shoettle, 4202 Cole Way, Springfield, OR Mr. Shoettle said he was at council to speak on the 42nd Street roundabout. Mr. Shoettle distributed pictures to the council to review that showed his home, his yard and the traffic that is near that area. He noted that the large trucks, with this roundabout design, would be within twelve feet of his house. He worries about the safety of his children and wife. Roundabouts will slow down those that are already going slow, but the cars that are going faster will just go even faster. There are a lot of young

drivers in that area. He noted that the corner of his house is the bathroom. He is concerned that one time a driver may go too fast, fail to negotiate the corner and take out his bathroom, one of his children could be in there. He referred to another picture of a roundabout in Eugene where an accident occurred because one of the drivers was unable to negotiate the roundabout. Traffic does not stop in a roundabout and children will not have an opportunity to cross the street safely. He would like the council to come to his home and see the situation.

5. Gayle Kramer, 1020 South 42nd Street, Springfield, OR. Ms. Kramer said she is not opposed to the roundabout. She has lived near that intersection for seventeen years and it is a very dangerous intersection. She agrees that a roundabout is a good solution to a tricky intersection. Although she is in favor of the roundabout, she is not in favor of where it has been moved to and is now going to being placed on their property. She said she was ready to give up a portion of their property, but not the amount that is now being proposed. She asked council to please consider moving it northwest to the vacant lot. She said she knows it will delay the project, but it would be worth it. She agreed with Brian Shoettle that the intersection is too close to their homes and a driver that missed the corner could end up in their home. She said having a roundabout would slow down some people, but there will still be the speeders late in the night. She asked council to please reconsider this project.
6. John Brown, 1260 Charnelton Street, Eugene, OR Mr. Brown thanked the council for their service to the community. Mr. Brown discussed the problems with trash on the riverbanks in Glenwood. He commended the City Attorney, city management and staff for their responsiveness to his concerns that he brought forward in December of 2004. He said he hoped he could commend them on their effectiveness. He distributed pictures taken last week showing large amounts of trash along the river on the Springfield side of the river. He described the trash shown in the pictures. He said there was more trash in this area now than when he started speaking out on this issue. He does not understand why it is continuing to go on. It is also going on across the river in Glenwood and he said he would be speaking before the Lane County Commissioners next week. He said this may have gotten cleaned up after his last visit before council and this is new, or it did not get cleaned up. This is only one hundred yards from the Parks Department and is going to the water. He hoped council could help to resolve this problem.
7. Fred Simmons, 312 South 52nd Place, Springfield, OR Mr. Simmons said he received calls all afternoon from people complaining about the Utility Tax issue. He said council had two options; either to rescind the Utility Tax ordinance or to put it on the ballot and watch it go down. He recognizes the need for income, but suggested not attaching it to the jail. There is a need for a funding source for the jail, but he does not believe this tax is a good avenue. If council chooses to go to election, he and his political action committee will be prepared to fight and he thinks they will win. The danger he sees in going to the election and defeating the Utility Tax is that it may stimulate anti-Springfield governmental moods that are not productive for the community. He requested council rescind the ordinance.
8. Nancy Judy, Sprint, 902 Wasco Street, Hood River, OR Ms. Judy said she was speaking on behalf of Sprint, Nextel, T-Mobile, Verizon Wireless, and Cellular Telephone Association. She said they sent an email to the Mayor and council. She said they would encourage council to rescind the Utility Tax for reasons she had previously given at a past council meeting. She asked if the city could clarify when the tax would go into effect. There has been confusion as

to whether it would go into affect April 1 or after the election. She said they would encourage the city to wait until after the citizens have had an opportunity to vote. As a public policy matter, they believe there is a legal issue there as well. A legal site was included in the email which their attorneys felt was on point. She said it could be difficult, also, from an administrative standpoint to put the tax into affect and then take it away if it was voted down.

9. Steve Tofflemoyer, P.O. Box 147, Springfield, OR Mr. Tofflemoyer presented a letter and map to the City Recorder who distributed them to the Mayor and council. Mr. Tofflemoyer said he was before council to discuss his 42nd Street improvement that affects his property that he has owned since 1984. He said the city has proposed to put a drain across his property for run off of the 42nd Street improvements. In 1989, there was a formal hearing to determine where the urban growth boundary (UGB) was supposed to be and it was determined that the FEMA maps were incorrect and the flood plains was put in the wrong area. He referred to the map that was distributed with his letter showing where the UGB should have been. The hearings official found an error and the only way it could be corrected was if a UGB amendment was initiated by the council. If the city wants to put a drain across his property, he would ask that the council initiate a request for the UGB amendment to change it back to where it was.

Councilor Ralston referred to the map and asked where the error occurred.

Mr. Tofflemoyer explained where the original line was located.

Councilor Ralston asked where the UGB line would have been located if they hadn't make the error.

Mr. Tofflemoyer said it would have been at the solid black line noted on the map.

Councilor Woodrow asked Traffic Engineer Brian Barnett about the 42nd Street roundabout. He asked if there were alternatives to this design.

Mr. Barnett said they could use a traffic signal or relocate the roundabout further to the northwest. He said the consequence of moving the roundabout would be a schedule delay for one year.

Councilor Woodrow said one of the main reasons they reconstructed 42nd Street was to relieve the danger to children. He asked if we were now putting others in danger.

Mr. Barnett said he and Civil Engineer Jeff Paschall met with the Kramers on Tuesday, so he is familiar with that site and where the stakes have been placed. He said he is not familiar with where the stakes were placed on the other property. He said the current roundabout design shows the circulating roadway for truck traffic within the existing road right-of-way. The right-of-way that is necessary on the Kramer's side would be for the sidewalk and for the southbound departure lane from the roundabout to South 42nd Street. The large volume of traffic would be within the current right-of-way. The additional land would be to make that connection between South 42nd and the roundabout.

Councilor Woodrow asked if there was a meeting scheduled with the neighbors.

Mr. Barnett said there was a meeting scheduled for Wednesday, March 9 at 6:00pm in the Library Meeting Room.

Councilor Woodrow asked if he could receive minutes or results from that meeting.

Mr. Barnett said they have considered ideas and options to discuss with the Kramers.

Councilor Ralston said he went out and looked at this site. He said it is hard to believe it is so different than what was originally approved. Looking at the site, the location of the stakes for the roundabout is unacceptable. He said it should have been known long before now that it would end up this way and brought back to council for approval. He asked staff if this was their property would they have designed it the same way. He said when that question was asked, the answer was no. He asked why it was still going forward. The stakes are placed in a totally different area than was originally approved. He would rather see an effective use of money to build something that is efficient and works for the community even if it delays the project for a year. It is his opinion that the roundabout could easily be moved north and west and accomplish the same thing without taking additional property.

Councilor Lundberg said she would be interested in seeing what costs are involved in changing the design and postponing for a year.

Councilor Ballew asked Mr. Barnett to make it clear on a map how everything is still in the current right-of-way when they bring it back to council. Staff agreed.

Councilor Pishioneri asked about the map distributed by Mr. Kramer and if it was accurate.

Mr. Barnett examined the map and said it looked like a collation of information that the city produced at different points in time. It was his first look at this map.

Councilor Pishioneri asked about the lines representing the property lines.

Mr. Barnett responded. The actual property lines may not be aligned properly on the map. He said staff could produce a map that showed the accurate location of the property line relative to the different design.

Mayor Leiken asked about the meeting on Wednesday.

Mr. Barnett said it is an open house. Mr. Paschall had sent the notice to each of the property owners that front the project.

Mr. Leahy said the recitation that the damages were determined by the value of the feet taken should be revisited by staff with the county staff. His understanding of damages in these situations is that it is the value of the feet taken plus any diminution in the value to the remaining property. There may be confusion between the county and the property owner. The property owner may be entitled to more.

Councilor Ralston encouraged all councilors to go out and look at this site personally.

Councilor Fitch asked if this would come back to council for a more formal review.

Mr. Barnett said it would.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

2. Correspondence from Nick Shevchynski, 2445 Skyline Blvd., Eugene, Oregon Regarding Street Donation Behind 2315 and 2347 Marcola Road Measure 37 Claim Notice.
(See attached memo from Mike Kelly.)
3. Email Correspondence from Regina Claypool-Frey, 4085 Ferry Street, Eugene, Oregon Regarding the Issue of Autism in our Community.
4. Email Correspondence from Donna "Marie" Ralstin-Lewis, University of Oregon , Graduate Teaching Fellow, Department of Sociology Native American Event Coordinator, Office of Admissions, 717 PLC Hall, Eugene, Oregon Regarding the Issue of Autism in our Community.

Councilor Woodrow pulled item #1 for further discussion.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ACCEPT THE CORRESPONDENCE FOR FILING WITHOUT ITEM #1. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

Councilor Woodrow asked Greg Mott what councils' options were regarding the issue stated in the letter from Earnest D. Tyndall, Charles Glaspie, Robert W. Ritzdorf, and Alex Kuderoff.

Planning Manager Greg Mott said that would be council's choice. He said there were two options. The issue is identical in terms of evaluating the request to change the zoning with a plan diagram amendment whether it is initiated by the council or the property owner. The outcome for either option would not be known until the work was completed. The outcome would be the same for either option.

Councilor Woodrow asked if the cost to initiate the zone change would be about \$6500. That was correct.

Councilor Woodrow said the question is whether or not the council initiates the zone change and charges the residents or initiates the zone change and absorbs the cost.

Mr. Mott said the residents request is that the city absorbs the cost.

Councilor Ralston asked what the actual cost was of initiating a zone change.

Mr. Mott said it can vary substantially depending on circumstances and broader effects on the community. Sometimes these situations are contained and a lot of analysis is not required. In that regard, theoretically, if the property owner hired a land use attorney, staff would only have to evaluate the materials turned in. If they were accurate and staff concurred, the costs would mainly be to conduct and notice the meeting before the Planning Commission and the City Council. In other cases, the city has much more time invested and it costs more than that amount.

Councilor Ralston asked if this property had the opportunity to be rezoned in the past at the city's expense.

Mr. Mott said there are similar circumstances similar to this around town. At the time the City Council adopted the Refinement Plan, the property owners that were involved had the opportunity to choose the new plan diagram zoning and go forward with that development. Because of market variables, some people didn't want to do that, but to retain their old zoning. This property is different because this property was zoned industrial and there was no choice. In the past, manufactured homes were permitted in industrial zones, but that is no longer the case.

Councilor Pishioneri asked if zoning changes would refer to consistency tests. If the city falls out of consistent application of the zones, would that open the city up for litigation or challenge throughout the area?

Mr. Mott said it is possible others that own property who have plan zone conflicts could challenge that status based on other issues, not this move. There is no plan zone conflict in this case, but a property owner's preference. He explained. Right now, there is zoning in the plan diagram that disregards the use. The use is a temporary circumstance that presumably over time would be corrected. This property has had twenty years for that to occur and that has not yet happened.

Councilor Pishioneri asked if this property was to have new streets put in as discussed at a previous meeting on South 31st.

Mr. Mott said this property is located off of South 34th Street. He referred to a map showing these properties.

Mr. Kelly said there are no pending improvements to this area. Improvements have already been made. He said staff has met with Mr. Tyndall. He described the limitations this zoning has left on the property owners. He referred to the cost estimated by Mr. Mott of \$6500 to rezone this area. Mr. Tyndall and his neighbors would like the city to initiate this change because of their income levels and because they feel a mistake was made. Several of the owners are more recent owners than when the property was zoned. The question for council to consider is how much of the area to designate to residential besides the three or four lots that have requested this consideration. This area has a mixture of residential and industrial and some may choose to remain industrial zoned. There is no easy solution and it is up to council. This area has and will continue to be in transition between residential and industrial. The owners are directly impacted and have asked the council to waive the fees and initiate the change. He reminded council that if they did choose to initiate this change there may be other property owners who would come forward with this same type of request.

Councilor Fitch asked what the dwellings were zoned when they were first put on the land.

Mr. Mott said they were probably Light Medium Industrial (LMI).

Councilor Fitch asked how permits were given to put dwellings on those properties if it was zoned incorrectly.

Mr. Mott said at that time it was not zoned incorrectly.

Mr. Kelly said manufactured homes were permitted on that type of zoning at that time.

Mr. Mott said up until about 1986 mobile homes were a permitted use in that zoning. In the mid-to-late 1980's, the mobile home industry took on as an earnest objective a different opinion about their product. They gained a much higher standing in the housing industry. They were no longer considered private personal property. The city changed its codes and said they were no longer appropriate for industrial zoning. The ones that were already there were allowed to stay as pre-existing, non-conforming. It is very difficult to refinance pre-existing, non-conforming.

Councilor Woodrow asked if there was a way to track the actual cost of the zone change.

Mr. Mott said that was possible by using special accounting codes.

IT WAS MOVED BY COUNCILOR WOODROW TO ASK THE PROPERTY OWNERS TO INITIATE THE ZONE CHANGE AND THE CITY WOULD BEAR HALF THE COST, IF THE PROPERTY OWNERS WOULD BEAR THE OTHER HALF OF THE COST.

THE MOTION DIED DUE TO A LACK OF A SECOND.

Councilor Ballew said that in the fees the city is now charging for various things, we are not collecting one hundred percent at this time, but more like thirty-three percent. She asked if that meant the actual cost to the city was more like \$20,000.

Councilor Lundberg said she would like more information about actual costs and what it would take to run this process through.

Mr. Kelly said if that is council's wish, staff could track it and charge fees that were appropriate. He referred to the costs discussed by Mr. Mott. The costs are often less only if the applicants hire their own consultants and the city has only to review the documents. The owners of these properties are not able to fund those costs; therefore the costs to the city would be closer to the \$6500 quoted by Mr. Mott.

Councilor Lundberg asked how many manufactured homes sit on industrial lands in Springfield at this time.

Mr. Mott said he does not have that information, but there may be a data source with that information.

Councilor Lundberg said she is concerned that this could be a bigger issue in Springfield.

Mr. Mott said if it is concentrated anywhere it will most likely be in this area. There is a lot of industrial zoning on these lots. Typically on these types of properties, mobile homes or modest homes with a business in it are located.

Mr. Kelly explained the process in changing the refinement plan.

Councilor Ballew said council needs to look at the highest and best use of these properties.

Mr. Tyndall requested to speak.

Mayor Leiken said the opportunity to speak under Business from the Audience had already occurred. He asked Mr. Tyndall to continue his dialog with staff. Council would try to sort this out with staff, also.

Councilor Pishioneri said he was skeptical of what council might be setting themselves up for and would not support any of this until they determined if council was setting themselves up for past practice and other claims. He agreed that it was important to encourage more discussion between the citizens and staff.

Mr. Kelly said staff would continue discussions with the property owners and would get information to council. Staff could provide council with a map showing the non-conforming uses and indicate where natural boundaries might be if council chose to initiate a zone change. This information could be provided in a Communication Packet item. Staff could provide additional information if council would like to reconsider this at a future meeting.

1. Correspondence from Earnest D. Tyndall, Charles Glaspie, Robert W. Ritzdorf, and Alex Kuderoff, of Adams Platt, Springfield, Oregon Regarding Rezoning from Light-Medium Industrial (LMI) to Low Density Residential (LDR).
(See attached staff response.)

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ACCEPT THE CORRESPONDENCE FROM EARNEST D. TYNDALL, CHARLES GLASPIE, ROBERT W. RITZDORF, AND ALEX KUDEROFF. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BIDS

ORDINANCES

BUSINESS FROM THE CITY COUNCIL

1. Business from Council
 - a. Committee Reports
 1. Councilor Ralston said the Human Services Commission budget increased by three percent, but the Governor has recommended a six point seven percent increase. Councilor Ralston said Eugene has suggested adding another member to the Lane Regional Air Pollution Authority (LRAPA) Board. The Board is looking at their options. Apparently for each additional 25,000 over 35,000 in population, each entity could appoint another member. Because of Eugene's population, they are entitled to another representative. In doing this, it would make an even number of Board Members. Another member would have to be added to bring it back to an odd number. Springfield is only 3000 from qualifying for another representative, so the Board is negotiating whether or not to wait until Springfield can also add a member.

2. Mayor Leiken said he, Councilor Woodrow and Ms. Pappas went to Washington DC for the United Front trip. He said the big news was the earmarked funds from the House, Transportation for the I-5/Beltline. Last year the earmark was \$15M and this year it is \$20M. It will go to the senate next. The good news is that the Administration on the Senate side is closing that gap. Mayor Leiken had a good discussion with Wally Shew from Senator Smith's office, and there is still reason to be optimistic regarding funding for the Wildish Theater. They are still very interested in working with the city on this project. There was no answer regarding the Army Corps of Engineers.

Ms. Pappas said Congressman DeFazio said he would have another discussion with the Corps after the United Front delegation left. She received a call from Kirk Bailey of Smith Dawson who said there was a likelihood that there would be an additional \$3M for the Middle Fork Willamalane Bike Path. Altogether in the Metro Area, \$33M was received for transportation issues.

Mayor Leiken said overall it was a very productive United Front Trip. There was a good reception on the Bus Rapid Transit along the Martin Luther King Jr. (MLK) Parkway. The county is watching the county repayment issue very carefully. The state on the whole seems very supportive. The budget is extremely tight at the federal level.

BUSINESS FROM THE CITY MANAGER

1. Bid Award for Martin Luther King Jr. Parkway Sanitary and Storm Trunk Sewers Package 2 – Project P20422.

City Engineer Al Peroutka presented the staff report on this item. Bids have been received on the subject project and award by council is now necessary to move to construction. A funding gap of approximately \$850,000 has been estimated to complete the sewer trunk project. Staff is in process of negotiating a sharing of funding for this gap with PeaceHealth. Staff recommends award of the project if negotiations with PeaceHealth are successful; otherwise we recommend removing this action from the agenda. Based on our current proposal, a \$450,000 transfer of funding from the Jasper Road Trunk Sewer project would be needed to pay the city share and allow award of this contract and completion of the MLK Parkway Trunk Sewer.

The recommended contract award involves the installation of sanitary and storm trunk sewers on the Martin Luther King, Jr. (MLK) Parkway and Game Farm Road South, from the Riverbend intersection with MLK Parkway to the existing 24 inch diameter sanitary sewer trunk on Game Farm Road South. The project is of joint benefit to provide storm sewer for the Martin Luther King Jr. Parkway project, to extend the city sanitary sewer system, and to provide storm and sanitary service to properties owned by PeaceHealth in the Gateway area.

Shared funding for the project is being negotiated with PeaceHealth based on the share of benefit of the project. PeaceHealth has already deposited \$720,020 with the city as an estimate of their share of cost for the storm sewer portion of the work, included in Bid Package 1 and this bid package. The city has sufficient funds in the MLK Parkway accounts to pick up the remaining share of cost of the storm sewers attributable to the MLK Parkway. PeaceHealth has already contributed \$600,000 towards the cost of the sanitary sewer extension planned for this area,

matching the city's \$600,000 budgeted for the sewer. However, the total cost of the sanitary trunk system (including the costs in Bid Package 1, Bid Package 2 and city share of cost for sewer extension in Riverbend Drive) has been estimated at \$2,050,000, leaving an \$850,000 estimated gap in funding. The city has proposed to PeaceHealth that the city share the fund gap in the following manner: PeaceHealth will not request city participation in cost of the sewer they will build in Riverbend Drive, which is being built larger because it has a shared function as the trunk line and as part of their collection system. The estimated savings to the city is \$400,000. The city will transfer \$450,000 from the \$1,350,000 currently available in the Jasper Road Trunk Sewer project to cover costs of the city's share of construction of the trunk sewer. If staff can reach agreement with PeaceHealth prior to the March 7 meeting, they would recommend going forward with award of this contract, if council concurs with the transfer of funds from the Jasper Road sewer. Lacking an agreement with PeaceHealth, we recommend pulling this item from the council agenda.

Bids for the project were received and opened on January 27, 2005, as shown on Attachment A. Emery & Sons Construction Inc. is the low bidder on this project. Staff recommends award of subject contract to Emery & Sons Construction Inc in the amount of \$1,476,443.00.

Mr. Peroutka referred to a memo regarding this subject from Public Works Director Dan Brown to Mike Kelly dated March 4, 2005 which was distributed to council. Mr. Peroutka said Bid Package 2 which is being considered is part of a strategy staff came up with to provide sanitary sewer service for the PeaceHealth/Riverbend area and further north. Staff has worked cooperatively with PeaceHealth. Because of the high bid that came in originally, staff had broken it down into three Packages. Bid Package 1, which was already awarded, would hook to GameFarm Road and Beltline and further north, slightly into the PeaceHealth site. Bid Package 2 for the sanitary sewer project brings the sewer from the fire house site on Game Farm Road over into the MLK Parkway and up to the PeaceHealth site. The plan was that PeaceHealth was redesigning their sanitary sewer system. They already had a pipeline in Riverbend Drive to serve their property and now they are upsizing that system and reconfiguring it to serve their service, but also as a link between the two packages the city is building. The estimate for PeaceHealth to upgrade their sewer to serve the trunk line need would be about \$400,000 additional. The shortfall was estimated at \$850,000 and the city made a proposal that the city would be willing to split the difference. Consistent with council direction, the city would get their funding by transferring funds from the Jasper Road Trunk Sewer Project, another important project for the city. PeaceHealth would then absorb the cost of upsizing their sewer.

Mr. Brown had a discussion with Jim Werfelmann, the Riverbend project manager with PeaceHealth, on this issue. PeaceHealth said they would be willing to forego the \$400,000, but with conditions. The city said that PeaceHealth's sewage flows are greater than was originally anticipated when the budget was calculated. PeaceHealth is willing to lower that \$400,000 if there is some portion that might be related to their increase in flow and could be forgiven costs by the city. If there are additional costs caused by increases in sewer costs or inflation, PeaceHealth would like an opportunity to get some recognition of that in the future such as system development charge (SDC) credits, which would be appropriate. The problem with sanitary SDC credits is that PeaceHealth might not be able to use all of them, because they already have some SDC credits. There will be other costs in the future and PeaceHealth would be willing to work with any of those. This is not the only item the city has been negotiating with PeaceHealth on in terms of infrastructure costs. Interpretations of annexation agreements are also being negotiated. All of these issues could be clarified at the same time.

Staffs recommendation would be to move forward with reward of the contract. The trunk line needs to be put in prior to the construction of the MLK Parkway.

Councilor Lundberg asked about dewatering and why it was such a difference in cost.

Mr. Peroutka said there are two very large bore pits which must be dewatered for a substantial period of time. The figures were the best estimate by the city's consultants.

Councilor Fitch said she appreciated that PeaceHealth was willing to share the cost.

Mr. Peroutka said if council chose to go ahead with this contract award, they would also be approving the transfer of funds from the Jasper Road Trunk Sewer Project.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE TO AWARD THE SUBJECT CONTRACT TO EMERY AND SONS CONSTRUCTION, INC. IN THE AMOUNT OF \$1,476,443.00. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

2. Springfield Tomorrow Update Stakeholders Board.

Senior Management Analyst Bob Brew presented the staff report on this item. The City of Springfield has agreed to name five candidates to the Stakeholders Board for the Springfield Tomorrow Update, including three lay-representatives, one business representative and one Councilor.

The four partner agencies of TEAM SPRINGFIELD (City of Springfield, Springfield Utility Board, Willamalane, and Springfield School District 19) have determined it is worthwhile to update the coordinated planning effort known as Springfield Tomorrow through the development of a Stakeholders Board.

Each of the TEAM SPRINGFIELD agencies agreed to name five members to the Stakeholders Board, including one elected official, one business representative and three other community members. Based on council direction, staff has developed a list of Springfield and Glenwood residents representing several different stakeholder groups. Springfield staff are coordinating with staff from the partner agencies to develop a diverse panel representing a broad range of community interests.

Mr. Brew reviewed discussion that was held during the Work Session on March 7 regarding this Board. He distributed a master list from all agencies and a list for Springfield. He said council would be asked to appoint a member from the council and the four other representatives.

Mr. Brew noted that the Springfield Public Schools had recommended School Board Member Al King, businessman Art Paz and educator Stan Paine. They would be appointing the other two members at a later date. Their philosophy in naming their candidates was to have a Board Member, a citizen at large and a professional educator.

Mr. Brew said the Springfield Utility Board had appointed their board representative and their resident, but are still considering a large list of business representatives. They hope to have a decision by their Wednesday night meeting.

Mr. Brew said Willamalane Parks and Recreation appointed Greg James as their Board representative and their four other community representatives. They wanted diversity in terms of age, so they appointed one senior citizen and one teenager.

Mr. Brew referred to the matrix of City of Springfield candidates. Two candidates listed live outside the city limits, but in the urban growth boundary (UGB). He noted that Dave Carvo was on the city's list of possible candidates, but was also named by the SUB. Steve Moe is on the city's list, and is also being considered by Springfield Public Schools. He said council may want to appoint their council representative first.

Councilor Fitch said she would be interested in serving on this committee.

Council consensus was for Councilor Fitch to represent the City Council on this committee.

Councilor Ralston asked about a deadline.

Mr. Brew said the next TEAM Springfield meeting is scheduled for March 14. If council wanted to wait, they could make their decisions on March 21.

Councilor Woodrow said he had suggested Diana Garcia for a member and Darnell Manning as the business representative.

Mr. Brew said he had heard from Mr. Manning, but not from Ms. Garcia.

Chief Smith said he spoke with Ms. Garcia and she would be happy to serve.

Councilor Ballew recommended Gayle Decker as a possible representative. She has served on various committees with Ms. Decker and she would make an excellent representative.

Councilor Ralston recommended Bonnie Ullman, even though she is outside the city limits. She has been actively involved in issues in the GameFarm Road area and would give a broad perspective.

Councilor Pishioneri recommended Steve Moe.

Ms. Pappas said council could wait to appoint the remaining representatives until the other agencies have finalized their lists.

Councilor Fitch said she would like to wait and appoint all next week during a Special Meeting on March 14, 2005 if one is scheduled or on March 21 during the Regular Meeting.

Mr. Brew asked council if they would like him to contact those he had not yet been able to reach.

Council consensus was to follow-up with all candidates.

BUSINESS FROM THE CITY ATTORNEY

1. Utility Tax Referendum to Ballot.

RESOLUTION NO. 3 – A RESOLUTION REFERRING TO THE ELECTORS OF THE CITY A MEASURE REPEALING ORDINANCE NO. 6105 AUTHORIZING SPRINGFIELD TO LICENSE AND IMPOSE PRIVILEGE TAX UPON UTILITIES DOING BUSINESS IN THE CITY.

Assistant City Manager Cynthia Pappas presented the staff report on this item. A successful referendum campaign was completed in opposition to the Utility Tax ordinance adopted by the City Council on December 6, 2004. The City Council must now pass a resolution to put this measure on the May 17, 2005 ballot.

On December 6, 2004 the City Council adopted Ordinance No. 6105 to provide for licensing of utilities and imposing a privilege tax upon utilities doing business in the city with an effective date of April 1, 2005.

On December 8, 2004, Chief Petitioner, Fred Simmons filed a Prospective Petition of Local Referendum Measure and accompanying documents. Mr. Simmons gathered the required number of signatures and completed a successful referendum campaign in opposition to the Utility Tax. The Springfield Municipal Code Section 2.245(2) states that *“When any petition circulated and filed in the exercise of the initiative and referendum as provided in this chapter calls for a special election or for the submission of the measures contained in the petition at the next regular city election, it shall be the duty of the council . . . to call by resolution an election to be held on the date specified in the petition to submit to the legal voters of the city the measure contained in any such petition for approval or rejection”*.

The ballot title for this measure reads as follows: REPEALS ORDINANCE AUTHORIZING CITY TO IMPOSE PRIVILEGE TAX ON UTILITIES.

A Resolution calling for an election regarding the Utility Tax Ordinance is attached for council consideration and approval.

Ms. Pappas said the council could also choose to repeal or rescind the ordinance.

Ms. Pappas reminded council that the Emergency Medical Services (EMS) fund is facing a significant shortfall of about \$800,000. In response, the council authorized a financial analysis of the EMS fund to determine how best to maintain a healthy fund and make recommendations back to council from a consultant hired to perform this analysis. Staff and the consultant will bring options to council in April to address this shortfall. The choices will involve increasing existing fees and/or implementing new fees. In response to that shortfall, staff is suggesting the Utility Tax revenue be earmarked for public safety; in the short-term to stabilize the EMS fund and once the jail is built, to fund jail operations.

City Attorney Joe Leahy said the resolution is self-explanatory and needs to be referred to the Lane County Elections Department sixty-one days before the May 17, 2005 election. Therefore, it must be filed with Lane County by March 17, 2005 to meet that deadline.

Councilor Lundberg said there was a lot of support from the community to build a public safety facility. We have major issues with how to pay for everything. She made a motion to rescind the Utility Tax.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR RALSTON TO RESCIND THE UTILITY TAX.

Further discussion was held.

Councilor Fitch suggested holding any action on this item until Monday, March 14. The League of Oregon Cities (LOC) was involved in discussions with Qwest on a statewide approach. She said she had not seen any updates on the state moving toward a statewide Utility Tax. If council were to rescind the ordinance tonight, there would be nothing left to negotiate with to make it a level playing field. If the city was to back down and nothing happened at the state level, the city's revenues would continue to decline. She said she hasn't heard how that part of the population wants to help local government. By waiting a week to make a decision, council may get information from LOC regarding progress on negotiations. The communications people approached LOC for a statewide proposal and some sort of agreement would be great.

Mayor Leiken asked Mr. Goodwin if he had an update from LOC.

Mr. Goodwin said discussions continue and involve Qwest but not the wireless companies. It is important to have the wireless companies at the table. He said there are extremely difficult issues involved, issues that could make it difficult for him to come to council with a positive recommendation. As long as people are discussing the issue, there is always a possibility for a solution. At this time, however, there is no agreement among the cities, Qwest, land line providers and wireless providers.

Councilor Pishioneri said he would consider rescinding this ordinance as he felt it would do more damage going to a vote at this point. People are going to be tired of the city asking for more money. He would support rescinding at this time.

Councilor Ralston asked if a statewide Utility Tax would require a vote of the people.

Mr. Goodwin said a statewide decision would only be legislative authorization. It would allow each city, by ordinance, to adopt a Utility Tax. That decision would be subject to referral.

Mr. Kelly said his role is not to advise council on political issues. Council passed the Utility Tax after two public hearings. There was little conversation from the public during those public hearings regarding this issue. There were no calls or letters to the City Manager's Office regarding the Utility Tax. The council already passed the Utility Tax, and discussions were held with the Chamber. He discussed funding of the proposed jail. If it were funded through levies, the city would have to go back to the voters every four years for renewal, which would not be a permanent stable funding source. Specialized funding or general taxation would need to be used through user fees. The Utility Tax was passed by council in December 2004.

Councilor Ralston said he didn't support the Utility Tax when council passed it in December 2004. He said he is not opposed to referring it to the voters. If it is referred to the voters, the money from the Utility Tax revenue should be earmarked for the jail, but not for EMS. He does

have concerns that if the Utility Tax does not pass, it will reflect negatively on what council is trying to do.

Councilor Lundberg said she is not concerned about the state level Utility Tax. She feels strongly that the city would have a lot of trouble passing the Utility Tax. She noted that it didn't take much to complete a successful referendum. She said that someday the city will figure out a way to tax wireless. She said the citizens approved a jail. If the city had to go back to the citizens every four years to fund it through a levy, the people would understand. Whether or not she feels she would change her mind next week, is not the issue. She said she is comfortable voting tonight.

Councilor Fitch asked Finance Director Bob Duey about the upcoming budget and if the Utility Tax was included.

Mr. Duey said it had been initially included at \$200,000 but was removed because of the referendum. It would be brought back for discussion if necessary following the election.

Councilor Fitch discussed the General Fund and the deficit the city would be facing in the coming year. Decisions would need to be made regarding cutting programs again because of this deficit. Council passed the Utility Tax to address this issue. The citizens want to put the Utility Tax before the voters. She discussed dedicating the funds to the General Fund or the Jail operations. She said she would be hesitant to have construction of the jail begin if there were no identified funds to run the jail. She discussed the referral process. Funding needs to be found to pay for services. She said it may not matter whether the decision was made during this meeting or postponed for one week. She said the city is losing options for funding services.

Councilor Ballew said council is faced with increasing costs and no revenue. She would be opposed to earmarking the revenue from the Utility Tax. This is a general purpose tax and should be available for whatever needs arise in the General Fund. She said the new tax is on wireless, and would be replacing franchise fees on wirelines. She said council was in the position to refer this to the voters and that is what should be done. Issues like this should be put before the voters. The public has to accept that if they don't provide financial support, there will be city services that are no longer available.

Councilor Ralston asked if there would be more information from the state in one week.

Mr. Goodwin said it was not possible to predict. He said he had a conference call at noon on Tuesday, March 8. He discussed Creswell, Oakridge and Portland and how action taken in those cities could affect the state discussion.

Councilor Ralston said he is more than happy to put this to a vote. He said he would rescind his second if it would make a difference.

Councilor Lundberg said Mr. Goodwin felt he could not recommend the proposal for a statewide tax that was under discussion at this time. They may have had further discussions with Qwest that could bring about more changes and the wireless companies are not yet at the table.

Councilor Woodrow asked who the conference call would be with.

Mr. Goodwin said with LOC and other delegates. He said Oakridge and Creswell passed a Utility Tax and Portland considered, but decided not to adopt a similar tax in December. Portland is now moving ahead with their version of the tax as part of their budget process.

Councilor Woodrow suggested scheduling a special meeting for next week.

COUNCILOR RALSTON REMOVED HIS SECOND.

Mayor Leiken asked Mr. Goodwin about the franchise fee suit.

Mr. Goodwin said it only involved Qwest.

Mayor Leiken asked what the telecom companies want. They want lines for free. Comcast has been a good partner in our community, but not the other wireless companies. No other wireless companies were represented at the council meeting. He said he would hope that whatever comes of this we get more corporate citizenship. Our budget is shrinking and we are looking for ways to help. He said he was fine waiting a week. Voters may vote against this, but this is a democracy. Next week council would decide to rescind or put it to a vote. Waiting a week may be prudent. He asked what it would take to get the wireless companies involved.

Ms. Judy from Sprint said they just needed an invitation.

Mayor Leiken said that was good to hear. This issue may take some time to resolve.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR RALSTON TO HOLD A SPECIAL COUNCIL MEETING ON MARCH 14, 2005. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

ADJOURNMENT

The meeting was adjourned at 9:42 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

City Recorder