

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, MAY 1, 2006

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, May 1, 2006 at 7:00 p.m., with Mayor Leiken presiding.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. Symantec and U.S. Bakery Presentation.

Mayor Leiken said the City was always very proud when they had the opportunity to work with businesses that wanted to locate or expand in Springfield. He noted the benefit of corporate citizenship. He discussed the newly expanded Symantec and the new constructed Williams Bakery, by U.S. Bakery. He introduced Keith Sammons from U.S. Bakery; Phil Wheeler from Symantec; Bob Keefer, Superintendent from Willamalane Parks District; Nancy Golden, Superintendent from the Springfield School District; and Jonathan Light, Board Member from the Springfield School District Board. He discussed the Enterprise Zone and the opportunity that had presented itself by the companies offering funds in lieu of payments.

Mr. Wheeler (Symantec) presented a mock check in the amount of \$30,000 to Mr. Keefer of Willamalane. Mayor Leiken noted that the funds helped to complete Kelly Field at the Regional Sports Center Complex. Mr. Wheeler then presented a mock check in the amount of \$30,000 to Ms. Golden of the School District. Mr. Sammons (U.S. Bakery) presented a mock check in the amount of \$30,000 to Mr. Keefer from Willamalane and a mock in the amount of \$30,000 to the School District.

Mayor Leiken thanked staff who had worked on this and the corporate citizens. He thanked both Symantec and U.S. Bakery for their generosity.

Mr. Keefer from Willamalane said without the help of Symantec and U.S. Bakery, the completion of the Mike Kelly Field would not have been possible. He said this funding was instrumental in bringing in the final funding for the field and the lighting. He said he appreciated the donation and the support of the City in helping Willamalane create the sports park on South 32nd Street with the two artificial soccer fields.

Ms. Golden from the School District discussed the partnership between the Wildish Theater and the A3, the Academy of Arts and Academics. The support from Symantec and U.S. Bakery

would allow the Wildish Theater to open. She said it would be such an important part of the School District and she thanked both agencies for their support. In the fall there would be a new theater, a new school (A3) and downtown would be an active place.

2. Health Care Decisions Day Proclamation.

Mayor Leiken proclaimed May 13, 2006 as Health Care Decisions Day.

3. National Hospital Week Proclamation.

Mayor Leiken proclaimed the week of May 8 – 13, 2006 as National Hospital Week. He introduced Karen Shepherd from PeaceHealth Medical Center and Rosie Pryor from McKenzie Willamette Medical Center. He noted the importance of these two hospitals to our community as we continued to grow. He read from the proclamation “Whereas, the American Hospital Association has proclaimed May 7-13, 2006 as National Hospital Week with the theme ‘Where Miracles Happen Every Day’ ”. He gave Ms. Shepherd and Ms. Pryor each a copy of the proclamation and thanked them for attending the meeting for this presentation. He said both hospitals were important to the continued growth and development in the metropolitan area.

4. Recognition of Deb Gilmer for 25 Years of Service to the City of Springfield.

Assistant City Manager Cynthia Pappas acknowledged Deb Gilmer of the Springfield Police Department for her 25 years of service to the City of Springfield. Ms. Pappas noted the many accomplishments of Officer Gilmer and her involvement with the D.A.R.E. Program. She noted what an important role model Officer Gilmer had been to girls in the community as well as a mentor for women considering entering the field of law enforcement. She noted the many fundraising activities Officer Gilmer had been involved with throughout the community.

Officer Gilmer thanked Chief Smith and the City Council for the opportunity to serve her community in so many different ways over the last twenty-five years. She referred to the many duties she had performed over the years. She said she had learned a lot and had done her best to give a lot to the citizens of Springfield. She had many great memories over the years and had the opportunity to work with some outstanding individuals at the Springfield Police Department and the City of Springfield. She thanked the Council for their continued support for her and the entire department.

Mayor Leiken noted that Officer Gilmer had been a role model for all children, boys and girls alike.

CONSENT CALENDAR

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

1. Claims

- a. Approval to Accept the Financial Reports for March 31, 2006.

2. Minutes

a. April 10, 2006 – Work Session

3. Resolutions

4. Ordinances

5. Other Routine Matters

- a. Permit a Two-Hour Extension of Construction Activities, from 6:00 p.m. to 8:00 p.m., for a Portion of the MLK Jr. Parkway Project, Only from Station 410+00 (about Mallard Lane) to the South End of the Project (see Attachment D), and for Only a Total of 32 Days Between June 18th and September 10, 2006.
- b. Approval of Liquor License Endorsement for Rani Pal Chevron, Located at 316 42nd Street, Springfield, OR.

ITEMS PULLED FROM THE CONSENT CALENDAR

PUBLIC HEARINGS

1. Prohibiting Nudity and Indecent Exposure in a Public Place or Place Visible from a Public Place.

ORDINANCE NO. 1 – AN ORDINANCE PROHIBITING NUDITY AND INDECENT EXPOSURE IN A PUBLIC PLACE OR PLACE VISIBLE FROM A PUBLIC PLACE. (FIRST READING)

Police Chief Jerry Smith presented the staff report on this item. Council discussed this issue at the April 10, 2006 work session and directed staff to return the ordinance for a public hearing.

The proposed ordinance prohibits public nudity/indecent exposure with exception provided so as to comply with Oregon case law. This ordinance addresses the issue of public nudity because the Oregon Criminal Code is deficient to address issues of public nudity not associated with establishments engaged in adult nude or erotic dancing.

There would be no negative financial impact to the City.

Chief Smith said this ordinance was requested by the Police Department to the City Attorney's office to address this issue. He said he had talked with a citizen who would most likely address Council regarding her suggestions for language changes. Chief Smith said he had talked over the changes with the City Attorney's office and concluded that the changes did not solidify the ordinance any further than what was proposed.

Mayor Leiken opened the public hearing.

1. Shirley Gauthier, 538 West M Street, Springfield, OR Ms. Gauthier said she had sent a cover letter with proposed language changes to this ordinance. She said she hoped the Council had received them and had time to review them. She thanked the Chief for his time in meeting with her and reviewing her suggestions and for Council's time in considering the

changes. She discussed her concerns about the current wording and that it seemed to be written to protect strip clubs and adult entertainment. She said she was also concerned with unintended consequences the City may encounter with the present ordinance in the future. After much research and thought, she felt her concerns had been addressed in her letter. Ms. Gauthier said she did research, including checking other ordinances in other cities. She said she agreed with the need for this ordinance, but felt that by listing them in our ordinance, Springfield was going out of our way to protect strip bars when they were already protected under the constitution. She noted her conversations with the Police Chief. She further discussed the changes she had suggested including a change in the title. She listed establishments that could be exempt, including, but not limited to, doctor's offices and bed and breakfast establishments. She said she had no intention of opening a bed and breakfast. She asked Council to consider those language changes. She said she understood the ordinance would be voted on during the May 15 Council meeting. She asked the Mayor and Council to remove the proposed ordinance for consideration of language changes and reschedule another first reading.

Mayor Leiken closed the public hearing.

Councilor Ralston said he had studied the proposed changes, but saw no substantive reason for the changes. He said he was satisfied with the ordinance the way it was written.

Councilor Pishioneri said he understood Ms. Gauthier's point, but said all the City's laws were based on what was constitutionally protected and what was not. He said no one was trying to protect any places that had any special protections. He said unless the City Attorney's office had a specific need to include that for the benefit of City of Springfield, there was no need to make the changes.

Mr. Leahy said it was the Police Department legislation to see if those things could be included. He said those changes could be made and the ordinance ready for adoption on May 15.

Councilor Lundberg said the purpose of two readings was to make changes and bring it back. She said there was a specific definition of public places and many instances cited were not public places. She said she had no problem clarifying some of it, but did not have an issue with wording.

Mr. Leahy said they would accommodate.

Councilor Woodrow asked Chief Smith and the City Attorney's office to incorporate the changes that would satisfy the ordinance as it was written and to recognize the questions brought up.

Chief Smith said they would look at the ordinance to see if there was anything that added substantially to the ordinance.

NO ACTION REQUESTED. FIRST READING ONLY.

2. Fiscal Year 2006-2007 One-Year Action Plan of the Eugene-Springfield Consolidated Plan for Housing and Community Development (City of Springfield Section).

Housing Manager Kevin Ko presented the staff report on this item. In May of 2005, the Cities of Eugene and Springfield submitted to HUD a five-year Consolidated Plan for Housing and

Community Development, effective July 1, 2005 and expiring June 30, 2010. One-Year Action Plans must be submitted to HUD prior to the beginning of each fiscal year as amendments to the five-year Consolidated Plan, and are designed to indicate how communities intend to fulfill the priorities established in the Consolidated Plan. A proposed amendment to the Consolidated Plan is included in this year's Action Plan, beginning on the bottom of Attachment 1, page 8. The proposed amendment will allow the City, under the direction of the Council to utilize CDBG and HOME funds to purchase distressed, undervalued or beneficial properties.

The City of Springfield receives Community Development Block Grant (CDBG) funds as an entitlement community and HOME Investment Partnerships Program (HOME) funds as a participant in a HOME consortium agreement with the City of Eugene. CDBG funds are awarded to communities who carry out community development activities directed towards neighborhood revitalization, economic development, and the provision of improved community facilities and services. HOME funding is a housing block grant program allocated to communities to be used for housing rehabilitation, new construction, acquisition and tenant based rental assistance activities.

The FY2006-2007 One Year Action Plan includes the CDBG and HOME funding allocations for projects and activities and must be approved by both the City of Springfield and City of Eugene prior to submission to HUD. The City of Springfield section of the document (less final fund allocations) was available for a thirty-day review and comment period ending May 1, 2006. As of April 26th, no written comments have been received. Oral testimony may be provided at a public hearing before the Council on May 1, 2006. The City of Eugene section of the Plan is being adopted separately by the Eugene City Council. The combined Eugene-Springfield One-Year Action Plan is due to HUD on May 15, 2006.

A proposed amendment to the Consolidated Plan is included in this year's Action Plan. Beginning on the bottom of Attachment 1, page 8, the proposed amendment will allow the City, under the direction of the Council, to utilize CDBG and HOME funds to purchase distressed, undervalued or beneficial properties. Occasionally, the City is made aware of available properties that are distressed or undervalued, or whose location and features are such that its acquisition by the City for future use may be beneficial to the community. This amendment will allow the Council to consider using CDBG and HOME funds to assist with the acquisition of such properties. This amendment to the Consolidated Plan will provide the City with greater flexibility under the CDBG and HOME programs and further ensure that these funds provide the greatest community benefit.

Councilor Ralston asked if the amendment would allow the City to set money aside to purchase properties similar to Eugene.

Mr. Ko said Eugene had the ability to land bank and to use CDBG and HOME funds to purchase properties to land bank. The amendment would allow Springfield to do that and would also allow Springfield to purchase properties to develop on their own, or to sell or donate to other agencies.

Councilor Ballew said she would hope the City would not hold the property too long.

Mr. Ko said that would not be staff driven, but would require Council consideration and decision.

Councilor Ballew said she would like a standard on how long a property would be held.

Councilor Lundberg discussed properties bought by the City and she felt it was a good opportunity. She was supportive of the plan and amendment.

Councilor Ralston said this all increased our options. He said Eugene emphasized renters and low-income housing and Springfield emphasized home ownership. He said Springfield put people in a position to do more and get a return on our money.

Mr. Ko said land banking could be for home ownership projects as well.

Mayor Leiken said young families were being priced out of the market and this would be a good opportunity. He said any land purchased would probably move very quickly.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Councilor Fitch complimented Mr. Ko and staff on their good work.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE THE SPRINGFIELD SECTION OF THE FY2006-2007 ONE-YEAR ACTION PLAN. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

3. Amendments to Springfield Municipal Code, Section 5, Public Protection, Section 1.205 General Penalties.

City Attorney Matt Cox and Finance Director Bob Duey presented the staff report on this item. The City Attorney's office, at the request of the Springfield City Council following the work session on April 24, 2006 in which public protection ordinances were reviewed, has made revisions to the ordinances in accordance with the instructions of the City Council.

The ordinances discussed at the work session were revised and included in the agenda packet. A summary of the revisions that have been made follows:

- Ordinance No. 1 – A revision was made correcting a scrivener's error as to what had been ORS 153.121. It was now ORS 153.151 in the revised ordinance.
- Ordinance No. 2 – no changes
- Ordinance No. 3 – Revised by splitting unlawful use of a weapon into two categories. First, unlawful use of a firearm incorporated the definition of firearm pursuant to the Oregon revised Statutes as can be seen in the revised ordinance. This is further described as a Class A misdemeanor pursuant to the recommendation of the Council. Secondly, unlawful use of a weapon including paint ball gun, spud gun, BB gun, etc. has been revised to be described as unlawful use of weapon and is described as a Class C misdemeanor.
Regarding the term "firing squad", the City Attorney's office looked through the Uniform Code of Military Justice as well as encyclopedia information and has, at this point, replaced it with the term "honor guard".

The City Attorney's office has information to provide to the City Council in regards to the definition of firing squad and/or honor guard. This can be discussed if necessary; otherwise, if the Council does in fact want the term "firing squad" placed into this ordinance, that can be done quickly and easily without necessary public notice as it is a minor change and only in regards to a definition.

- Ordinance No. 4 – no changes
- Ordinance No. 5 – A change in regards to adding the phrase "noncriminal" in front of 'offenses' in the title/caption and body of the ordinance. Furthermore, the word "minor" has been stricken and replaced with "juvenile" with an explanation of under 18 years of age.
- Ordinance No. 6 – no changes
- Ordinance No. 7 – no changes
- Ordinance No. 8 – no changes

Mr. Leahy said the City Attorney's recommendation for method of proceeding was to take each ordinance one at a time. Open the public hearing and receive any comment for each ordinance. He said unless requested, they would dispense with the staff report on all but Ordinance No. 3, and No. 5. Public comments had been received that they would like to address on those three ordinances.

Mayor Leiken requested that comment also be made on Ordinance No. 6.

Mr. Leahy said they would also comment on Ordinance No. 6. He noted that Court Administrator Kathy Cunningham and Judge Strickland were also present in the audience if Council had questions of them.

ORDINANCE NO. 1 – AN ORDINANCE AMENDING THE SPRINGFIELD MUNICIPAL CODE (SMC) SECTION 5, PUBLIC PROTECTION, TO ADOPT BY REFERENCE PORTIONS OF OREGON REVISED STATUTES (ORS CHAPTER 153) THEREBY ADOPTING STATE ENFORCEMENT PROCEDURES FOR VIOLATIONS (FIRST READING).

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

ORDINANCE NO. 2 – AN ORDINANCE AMENDING SECTION 5.104 "MISDEMEANORS AND VIOLATIONS – STATE STATUTES ADOPTED" OF THE SPRINGFIELD MUNICIPAL CODE (SMC) TO ADOPT BY REFERENCE, OREGON REVISED STATUTES (ORS) CHAPTER 181 THEREBY ADOPTING STATE ORS CRIMINAL STATUTES (FIRST READING).

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

ORDINANCE NO. 3 – AN ORDINANCE AMENDING SECTIONS 5.058 “DISORDERLY CONDUCT” AND 5.059 “HARASSMENT” OF CHAPTER 5 OF THE SPRINGFIELD MUNICIPAL CODE (SMC) TO DELETE THE SMC LANGUAGE REGARDING THESE SECTIONS AND ADOPT THE OREGON REVISED STATUTES (ORS) REGARDING THESE CRIMES; DELETING FROM SECTION 5.604 ANY REFERENCE TO DISORDERLY CONDUCT AND HARASSMENT AS CIVIL INFRACTIONS; AND AMENDING SECTION 5.118 “FIREARMS” TO LIST UNLAWFUL DISCHARGE OF A WEAPON AS AN A OR C MISDEMEANOR (FIRST READING).

Matt Cox from the City Attorney’s office discussed the issue in this ordinance regarding military funerals. The City Attorney’s recommendation was to leave the language “as salutes by honor guard at military funerals”, but that “or memorials” be added. He said a citizen had pointed out the event when the Vietnam wall came through, which was not a military event. He said that additional language would be added if Council approved. Mr. Cox referred to the section regarding discharge of weapon. He said the School District raised the issue of the Archery Class held at the high schools. He offered some suggestions to remedy that situation, including requiring staff approval through the application process, getting approval from the City Manager, or listing exceptions in the ordinance.

Councilor Woodrow asked about the language in Section (2) which stated that “This subsection shall not apply to the discharge of weapons on any target trap or skeet range, paint ball facility, or shooting area which has been approved by the City . . . “. He asked if the school’s Archery Range was already approved by the City.

Mr. Leahy said the School District may not get approval by the City for their curriculum and the Archery Range was part of the Physical Education course. He said it was the same for Willamalane.

Mr. Cox said if an exception was to be made regarding this activity taking place on the school ground or at the park, staff wanted it related to school or park functions.

Councilor Pishioneri agreed. He said it would be very difficult to write in all the exceptions. Having good communication and receiving letters from each agency advising the City of their curriculum would be sufficient. This would allow the Police Department to know what was happening and whether or not something was an event through the School District or Willamalane.

Councilor Ralston said he didn’t see a need for any substantive change because of the language already included in the ordinance.

Mr. Leahy said it would be in the record that the School District and Willamalane were acceptable.

Councilor Lundberg said she wanted the exception to mean an event was only run by Willamalane or the School District. She said an approval process would be helpful.

Mr. Cox said it could be specific to a Willamalane or School District function or otherwise approved by the City.

Councilor Ralston suggested 'approved by City or other authorized entities'.

Ms. Pappas said the City currently had a process in place for special permits for festivals and re-enactment days due to other implications, such as traffic and parking.

Mayor Leiken opened the public hearing.

1. Curtiss Greer, 357 55th Street, Springfield, OR Mr. Greer said he could cover all items with his testimony. He said he sent an email to all Councilors expressing nine concerns regarding the proposed changes. He referred to a response he received by one of the Councilors that referred to Mr. Greer as the above normal interested citizen. He noted this statement and referred to Neville Chamberlain. He said normal interested citizens were what built this nation as well as this City and all it took for evil to come in was for men to stay quiet. He said there was one common thread regarding the proposed changes in these ordinances. Every one of them tried to control an inanimate object rather than the person. He said Council needed to change their attitude from the inanimate object to the problem. He said he worked with Willamalane on these same issues ten years ago.
2. Fred Simmons, 312 South 52nd Place, Springfield, OR Mr. Simmons discussed the language in Section (2) in Ordinance No. 3 stating "on any target or skeet range, paint ball facility or the like". He said the City did not have an approval mechanism other than licensing. He referred to the Bow Rack, which currently had an indoor bow range in their store. He said under the licenser process, if adding the weapons as defined in Section B of this ordinance, it went into bows and arrows. He showed a toy bow and arrow and said it could be illegal. He referred to slingshots. He discussed the Archery Class at the high school which was conducted in the gymnasium. He said to the discussion by Council to allow the school to do certain things was not in the copy of the ordinance that was included in the packet on Thursday nor advertised in the newspaper on Friday. He said the issue of discharge of a weapon was very complex. He explained. He said he could not find the definition of discharge a weapon. He asked Council to give a sixty day period for additional comments in this process. He said the intention was good, but there were still issues. He thanked the City Attorney's office for their response regarding the military honors process. He said there were a number of other issues that needed to be clarified. He referred to a state provision that could be used for this ordinance. He discussed cellar or basement ranges. He said there was a problem with the way this was interpreted. Certain things were not in the City's right to regulate. He would like a month or two to work out details to eliminate liability issues.

Mayor Leiken closed the public hearing.

Councilor Ralston said he understood what Mr. Simmons said regarding toy guns. He discussed the language regarding the intent of the use of an item as a weapon. He asked if it was possible for a private citizen to have a target range in their basement, backyard or cellar.

Mr. Leahy said the City Attorney's office could check into that. Because of the complexity of putting these together in order to help the Municipal Court address the processes and procedures and making things clearer, language was not changed from the Code except where necessary for process. He said the language was not changed, aside from the suggestions from the work session. The issue regarding the discharge and the bow in the backyard had been in the Code for many years. He discussed prosecutorial discretion and common sense in enforcement. He said the City Attorney's office would look into some of the suggestions and bring them back on May

15. If Council was not satisfied at that time, they could put it off for as long as they chose. This was not new language or information on discharge and was what the Police Department had worked with for many years.

Councilor Lundberg said common sense had to prevail. She said this was a first reading and there was still time to resolve some issues and provide more clarity. There was enough time between now and the second reading to make those adjustments.

Mr. Leahy said they would go over the information presented and consult with the Police Chief. If there were areas to improve the language for more clarity, those changes would be made.

Councilor Pishioneri suggested looking at changing “Discharge of Weapon” to “Unlawful Use of a Dangerous Weapon”. The Oregon Statutes defined a dangerous weapon and that statute could be referred to in the ordinance.

Councilor Ballew said everything couldn’t be listed. The best thing was to create general guidelines that were commonly understood, rather than explaining every detail.

Mayor Leiken agreed.

ORDINANCE NO. 4 – AN ORDINANCE AMENDING SECTION 5.624 “SCHEDULE OF FORFEITURES” AND SPECIFICALLY SECTION 5.624(4) OF THE SPRINGFIELD MUNICIPAL CODE CHANGING THE ASSESSMENT OF A FORFEITURE FOR A CIVIL INFRACTION FROM NOT EXCEEDING \$250 TO NOT EXCEEDING \$1,000 FOR CLASS 1 CIVIL INFRACTIONS AND FROM NOT EXCEEDING \$150 TO NOT EXCEEDING \$500 FOR CLASS 2 CIVIL INFRACTIONS (FIRST READING).

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

ORDINANCE NO. 5 – AN ORDINANCE AMENDING CHAPTER 5, PUBLIC PROTECTION OF THE SPRINGFIELD MUNICIPAL CODE TO CLEARLY DESIGNATE ALL NONCRIMINAL OFFENSES AS EITHER VIOLATIONS OR CIVIL INFRACTIONS (FIRST READING).

Mr. Cox discussed several issues regarding this ordinance. He said a paragraph was missing at the bottom of Section 5.284 which included the Willamalane exception. The language would be included in the final ordinance. He read the section that was missing. He discussed comments from the public regarding this ordinance and the reference to radios. He said he talked with Chief Smith about this issue. One possible remedy would be to incorporate the noise violation (Section 5.220 Unreasonable Noise) and add the words “in violation of Section 5.220”, following “. . . or other similar device”. He read Section 5.220. He discussed firearms possession Section 5.286 and noted that the language in that section was written incorrectly back in 1995. He read from that section of the code. The City Attorney’s office suggested striking the duplication and the reference to courthouses and City halls in that section.

Mr. Leahy said if Council agreed to the amendment to Section 5.286 of the Code, the City Attorney's office would prepare a separate ordinance to be brought back for Council approval at the May 15 Council meeting so everything would be consistent.

Mayor Leiken asked about disturbing noise. He asked who made the judgment on what constituted disturbing noise.

Mr. Cox said it would be at the discretion of the police. He read through the disturbing noise code language and definitions.

Discussion was held regarding what constituted loud noise.

Mr. Leahy said this was language already in the Code. He said it was based on citizen complaint based on repetition and could end up in Court where a judge would need to make a determination.

Chief Smith said police may be called to a noise violation. If it was obvious, the police could take action with the citizen as the complainant. He discussed other instances that were not as clear and which would need to be determined in Court. It would be a complaint generated by citizen.

Mayor Leiken noted situations involving music.

Chief Smith said it would be an issue with the citizen and the Police would document the situation.

Mr. Leahy said law was the alternative to chaos. The City needed to give the citizens the opportunity to voice concerns.

Councilor Ralston said the term "disturbing" was subjective.

Councilor Pishioneri said the motor vehicle code had a definition regarding decibels, etc.

Mr. Leahy said in terms of enforcement, Code enforcement could record the noise to provide evidence.

Judge Strickland said this was a difficult issue, but he would use the "reasonable man standard".

Mayor Leiken opened the public hearing.

1. Fred Simmons, 312 South 52nd Place, Springfield, OR Mr. Simmons said he realized the ordinances were not new, but that didn't make any difference. He said what mattered was that there had been some changes in the law and case precedence had been applied. He referred to Section 5.110 which stated that "unless the juvenile has obtained the age of majority by marriage". He discussed the exceptions regarding minors that have been emancipated. He said those issues remained. He referred to the medicine and drug sample issue in Section 5.112. He said that was governed by the FDA and Board of Pharmacy. He said he understood the intent, but those rules were now governed by a different agency. He referred to the section regarding alcoholic beverages, and said it was subjective enforcement the way it was written. He asked what right the City had to regulate alcoholic beverages in

closed containers. He also referred to the sound amplification issue. He said in some of the sections there were little changes that should be made.

Mr. Leahy said they would look at some of those suggestions. He said the goal was not to clean up every section of the Code. He said that was normally done when brought to their attention, and these suggestions would be considered.

Mayor Leiken closed the public hearing.

ORDINANCE NO. 6 – AN ORDINANCE AMENDING SECTION 1.205 “GENERAL PENALTIES” OF CHAPTER 1 OF THE SPRINGFIELD MUNICIPAL CODE TO ADOPT THE OREGON REVISED STATUTES (ORS) IN REGARDS TO CRIMES AND PUNISHMENTS, SPECIFICALLY “JAIL TERMS FOR MISDEMEANORS” AND ORS “FINES FOR MISDEMEANORS” AND REVISING THE FINE FROM NOT EXCEEDING \$500 TO NOT EXCEEDING \$720 FOR NON-CRIMINAL OFFENSE OR VIOLATION OF THE SPRINGFIELD MUNICIPAL CODE OR ANY OTHER CITY ORDINANCE (FIRST READING).

Mayor Leiken opened the public hearing.

1. Fred Simmons, 312 South 52nd Place, Springfield, OR Mr. Simmons asked if these funds would be directed to the jail fund. He said in the case of modifying the misdemeanors as applied to firearms discharge, under ORS166.180, it cited six months in jail and a fine of \$500. He said the City ordinance puts a Class A misdemeanor at \$6,250 and a one year jail sentence. He said the affect of the ordinance could be greater than what was in the State statute. He asked that these be looked into carefully so the City did what was right.

Mayor Leiken closed the public hearing.

ORDINANCE NO. 7 – AN ORDINANCE AMENDING CHAPTER 6, VEHICLES AND TRAFFIC, DELETING SECTION 6.070 AND ADDING SECTION 6.560 OF THE SPRINGFIELD MUNICIPAL CODE SO AS TO PROVIDE THAT THE PENALTY SECTION OF CHAPTER 6 APPLIES TO THE ENTIRE CHAPTER 6 (FIRST READING).

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

ORDINANCE NO. 8 – AN ORDINANCE AMENDING SECTION 5.418 “GENERAL REGULATIONS,” “CONTROL OF DOGS AND OTHER ANIMALS,” SECTION 5.448 “KILLING AND CHASING OF LIVESTOCK,” SECTION 5.450 “DANGEROUS ANIMALS,” SECTION 5.456 “VICIOUS DOGS,” SECTION 5.460 “CRUELTY TO DOGS OR OTHER ANIMALS, SECTION 5.462 “POISON,” AND SECTION 5.472 “RESISTING AN ANIMAL CONTROL OFFICER OR PEACE OFFICER,” TO CLEARLY DESIGNATE CERTAIN OFFENSES AS CLASS C MISDEMEANORS (FIRST READING).

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

NO ACTION REQUESTED. FIRST READING ONLY.

Councilor Ralston asked about the section regarding “killing without legal privilege any dog, farm animal or domesticated animal”. He asked about the humane killing of a wounded animal.

Mr. Leahy said Mr. Cox’s experience with the DA’s office was that the Police wouldn’t cite for that.

Councilor Pishioneri referred to the use of a firearm if that was the item used to kill the animal.

BUSINESS FROM THE AUDIENCE

1. Dave Carvo, 4010 East 16th Avenue, Eugene, OR. Mr. Carvo referred to the Work Session in which the contract for fire services with the Glenwood Water District was discussed. He said several times the term “18 months” came up. He wanted to clarify that during the 18 months, the Glenwood Water District was asked to let it ride to wait for a Fire District. He said he felt the Glenwood Water District was being blamed for taking 18 months and that was not true. He said when the new contract first came to the District, they were told there would be no negotiation. He said all contracts had negotiations. He said the attitude from Council was to take it or leave it. He said he understood that 12 percent had nothing to do with funding, but was a penalty for citizens outside the City for not annexing into the City. He said the two other districts rolled over and agreed to the terms of the original contract. He said on behalf of Glenwood citizens, the District did not collect taxes to put into the City’s General Fund. He said the 12 percent collected from the District was to go into the City’s General Fund and he didn’t feel that was appropriate. Glenwood Water District and the City had worked hard to come to agreement on this contract. He said it was brought up by the City at a meeting the maybe something could be worked with the Springfield Economic Development Agency (SEDA). He said there had been no reply on that offer and he was later told that offer was removed. He said the District had worked through this in good faith.
2. Fred Simmons, 312 South 52nd Place, Springfield, OR Mr. Simmons referred to the Mayor’s presentation at the Library Kick-Off Event and presented a gift membership to the Friends of the Library to Mayor Leiken.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

1. Correspondence from Susan Stevenson, 3422 Jacobs Lane, Apt. 12, Eugene, OR Regarding a Proposed State Prison in Junction City.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ACCEPT THE CORRESPONDENCE FOR FILING. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BIDS

ORDINANCES

BUSINESS FROM THE CITY COUNCIL

BUSINESS FROM THE CITY MANAGER

1. Glenwood Fire Service Contract.

Staff Report: In FY04, the City Council authorized updated fire and emergency services contracts with the Willakenzie Fire District, the Rainbow Water District and the Glenwood Water District (Glenwood). The Willakenzie and Rainbow contracts have been in force since that time. Glenwood took no action for just over 18 months and then since that time have remitted all payments for services in a timely manner under the provisions of the previous contract. The City has continued to bill Glenwood during this period under the provisions of the new contract. The difference amounts to approximately \$17,000 annually (equaling the 12% out-of-city charge that Council requested to be included in all fire and emergency service contracts).

The contract as proposed includes concessions by both agencies. Staff is recommending that the proposed contract's effective date is July 1, 2005. The cost of fire services for FY03/04 and FY04/05 would be considered under the previous contract terms and no additional funds would be owed for those two years. Staff removed any reference to joint capital project funding. Staff has also developed a formula within the pricing mechanics that recognizes and addresses the effects of tax increment financing for the Glenwood Urban Renewal District on the taxing structure of Glenwood. The proposed contract does include the inclusion of the 12% out-of-city charge for the current and future years.

The Chair of the Glenwood Board has indicated that Glenwood will be approaching the SEDA Board to ask for their support in having a future SUB water project in Glenwood, for which the water district would be cost-sharing, declared an eligible project for SEDA funding. The Glenwood Board may view this action as necessary for contract approval. The City staff believes that these two issues are separate at this time.

Mayor Leiken said because this had been discussed thoroughly during the Work Session, there was no need for Mr. Duey to present the staff report verbally.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE THE GLENWOOD FIRE SERVICE CONTRACT AS PRESENTED AT THE WORK SESSION WITH THE STIPULATION THAT IT BE APPROVED BY THE GLENWOOD FIRE BOARD PRIOR TO MAY 31, 2006. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BUSINESS FROM THE CITY ATTORNEY

Mr. Leahy thanked Kathy Cunningham and Bob Duey for their help with the amendments for the many ordinances. He said they would take into consideration comments made by the public and staff and come back with any changes.

ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

City Recorder