

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, NOVEMBER 20, 2006

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, November 20, 2006 at approximately 7:00 p.m., with Mayor Leiken presiding.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. Children's Bookmark Winners

Library Manager Barbara Thompson presented the report on this item. Since 1919, educators, librarians, booksellers, and families have celebrated Children's Book Week during the week before Thanksgiving. Children's books and the love of reading are celebrated nationally in schools, libraries, and bookstores – where ever there are children and books.

For 26 years now Springfield Public Library has celebrated Children's Book Week with a bookmark contest for grades kindergarten through middle school. Each year, hundreds of children design bookmarks about books, reading, libraries or the year's theme, which is, this year, "More Books, Please!"

The library has the winners' bookmarks professionally printed and they are given out to library users and children on classroom tours of the library.

Ms. Thompson and Mayor Leiken presented bookmarks to the following winners of the bookmark contest:

- Bradach Peever, Kindergarten, Yujin Gakuen
- Liam Frans, First Grade, Maple Elementary
- Hilary Smith, Second Grade, Homeschool
- Anika Waldorf, Third Grade, Brattain Elementary
- Lacey Bird, Third Grade, Brattain Elementary (not in attendance)
- David Wilson, Fourth Grade, Centennial Elementary
- Nicholas Kyle, Fifth Grade, Brattain Elementary
- Rosa Garcia, Fifth Grade, Brattain Elementary
- Krystina Lightheart, Middle School, Agnes Stewart Middle School
- Megan Fabre, Middle School, Pleasant Hill Middle School

Mayor Leiken thanked the parents of the students for encouraging their children and for bringing them to Council to be recognized.

2. Employee Recognition, Annette Miller, 15 Years of Service.

City Manager Gino Grimaldi acknowledged Annette Miller for 15 years of service with the City in the Police Department. Mr. Grimaldi gave a brief history of Ms. Miller's years with the City and the different roles she has taken with the Police Department. Ms. Miller now coordinates the reserve program with the Police Department and is a court officer. Mr. Grimaldi presented a plaque to Ms. Miller for her years of service.

Councilor Pishioneri said he saw Ms. Miller doing her work all the time. She was very professional and treated prisoners with respect. He said Ms. Miller represented the City very well.

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 of the Financial Reports for September 30, 2006.
- b. Approve the October 2006, Disbursements for Approval.

2. Minutes

- a. November 6, 2006 – Work Session
- b. November 6, 2006 – Regular Meeting

3. Resolutions

4. Ordinances

5. Other Routine Matters

- a. Approval of the Liquor License Endorsement for Jacksons Food Store #112, formerly Mighty Mart, Located at 3375 Gateway Street, Springfield, Oregon.
- b. Approve Entering into an Agreement with Lane County to Act as an Agent for the City for the Appraisal, Negotiations and Acquisition of Real Property Rights.
- c. Approval to Award the Contract for Main Street Storm Pipe Cleaning 2006 Project to Moore Excavation Inc., in the Amount of \$35,856.
- d. Approval to Permit Pipeline Cleaning Outside the hours of 7:00a.m. to 6:00p.m. on Main Street and South A Street from 14th Street to 62nd Street, Subject to Approved Conditions.

ITEMS REMOVED FROM THE CONSENT CALENDAR

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. Proposed Springfield Development Code (SDC) Amendment.

ORDINANCE NO. 1 – AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE, SECTION 36.135 TEMPORARY USE – EMERGENCY MEDICAL HARDSHIP; AND ADOPTING A SEVERABILITY CLAUSE.

City Planner Gary Karp presented the staff report on this item. The Planning Commission directed staff to review this regulation. In 1991, after several requests from the public, the City Council directed staff to add SDC Section 36.135 allowing temporary emergency living quarters when certain medical hardships are identified. Ordinance 5579 allowed a one-time maximum stay of 12 months. In 1994, after receiving a number of requests for timeline extensions, staff amended SDC Section 36.135. Ordinance 5728 allowed staff-approved yearly timeline extensions without limitation and without public notice, based on a letter from a licensed primary care physician confirming the need for the patient to continue to require care. Since 1991, staff has processed 31 Emergency Medical Hardship applications. Approximately one-third of the applicants have requested time-line extensions. Three applications are still active: one was initially approved in 2006, with an expiration date of 2007; two were initially approved in 2002 with yearly timeline extensions since then.

On September 19, 2006, the Planning Commission held a work session on this issue. The Planning Commission directed staff to maintain the current 12-month initial approval timeline and place a limit on timeline extensions - allowing up to two 6-month extension opportunities that can be processed at the staff level. The intent was to define “temporary” as 24 months. However, since there may still be requests for additional timeline extensions at the staff level due to the duration of the patient’s incapacity, a process is established where the applicant would go directly to the City Council. The City Council would have the option to extend the timeline at its discretion using the same criteria as staff at a public hearing.

On October 17, 2006, the Planning Commission held another work session and a public hearing on this issue. The Planning Commission made some minor text revisions and voted 4-2, with one absent to forward the SDC amendment to the City Council. The two no votes represented a point of view that there should be no time limit for this use. Property owners and residents of the three active applications referenced above were mailed notice of the proposed SDC amendment. There was no public testimony at the Planning Commission hearing. The City Council held a work session on this issue on November 13, 2006. The Ordinance has been revised to reflect the City Council’s desire to limit the initial approval timeline to one year with up to two six month extensions and to allow for due process.

Mr. Karp discussed two issues that arose during the November City Council work session. The first related to due process and the other was the desire of the Council not to be involved in the timeline extension process. He referred to page 2 of the ordinance, section 3(a), which included reference to Type II procedure. The Type II procedure was a staff review with public notice. If there was an appeal of the staff decision, it would go to the Planning Commission. Typically, the Planning Commission was the last body in the City to hear the appeal before it went to the Land Use Board of Appeals; however, the Development Code was set up to allow the Council to step in if it chose, to consider this type of appeal. The second issue discussed during the work session

was the language referring to the City Council review of the timeline extension. He referred to page 4 of the ordinance, section 7 and noted that the City Council was now left out of that process as requested.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

NO ACTION REQUESTED. FIRST READING ONLY.

BUSINESS FROM THE AUDIENCE

1. Donald Mainwaring, 681 48th Street, Springfield, OR. Mr. Mainwaring discussed some bad relations he had experienced with the Springfield dog catcher. He said he often saw dogs loose in his neighborhood. He said he was block captain for his neighborhood and he went to a home to pick up some paperwork. The neighbor had a pit bull and it attacked Mr. Mainwaring's dog that he had with him on a leash. Mr. Mainwaring contacted the dog catcher, but felt she didn't do the right thing. He thought the owner of the pit bull would be responsible for the vet bills for his dog, but was told that was not the case because Mr. Mainwaring was encroaching on their property. He noted other items he delivered to his neighbors in his role as block captain. He said the neighbor did not have to pay anything and the City would do nothing for him. He noted another incident that occurred about a month later. He was preparing to walk his larger dog when it got away. The dog returned shortly, limping. Someone had seen the fight between his dog and another dog. Mr. Mainwaring said he was cited for having a dog at large and he didn't feel that was right.

Mayor Leiken asked Chief Smith to meet with Mr. Mainwaring to discuss this matter.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

1. Correspondence from Thurston High School's Peer Group Leaders Inviting the City Council Members to Challenge Day on Thursday, November 30, 2006 from 8:50 – 11:35am.
2. Correspondence from Glen Love, Conservation Committee, McKenzie Flyfishers to the Lane County Board of Commissioners, and CC'd to the Springfield City Council Regarding their Support for Efforts to Acquire the 1,200 Acres of the Wildish Land Company along the Middle Fork of the Willamette River.

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

1. Committee Appointments

a. Budget Committee Appointments.

Budget Officer Bob Brew presented the staff report on this item. The Budget Committee has a vacancy in Ward 2 due to the election of Hillary Larson-Wylie to the Ward 2 Council position. Mr. Molina will serve until December 31, 2007, at the expiration of the current three-year term for this position. He will then be eligible to re-apply for a full three-year term beginning January 01, 2008.

The Budget Committee has a vacancy in Ward 6 due to the term expiration of Rita Castillo. Ms. Castillo has reapplied for her second term and will serve until December 31, 2009.

Interviews of Mark Molina and Rita Castillo were conducted by the City Council on November 13, 2006. The candidates selected by council to serve as a members of the Budget Committee for Wards 2 and 6 must be appointed to the position and their appointments ratified.

Mr. Brew referred to Council's directive to re-advertise and recruit for the Ward 5 position. He said they had re-advertised for the position and he hoped to bring candidates to the January 8 Council meeting for interviews and appointment on January 16. He noted that he contacted Bryn Smeltzer about this position, but he lived in Ward 4. He said he also had a call into Diana Garcia, but had not heard back yet.

Councilor Lundberg asked if Mark Molina, as a new member of the Budget Committee, would receive a copy of the priorities list.

Mr. Brew said he had planned to have the existing Budget Committee members do the initial review, but he would get a packet to Mr. Molina as well.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPOINT MARK MOLINA TO THE WARD 2 BUDGET COMMITTEE POSITION WITH A TERM EXPIRING DECEMBER 31, 2007. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO REAPPOINT RITA CASTILLO TO THE WARD 6 BUDGET COMMITTEE POSITION WITH A TERM EXPIRING DECEMBER 31, 2009. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

2. Business from Council

a. Committee Reports

1. Councilor Woodrow reminded Council and the staff that the Holiday Parade and Tuba Carole Concert would be held on December 2. The concert would be held in the parking lot on Main Street and 6th Street and was free. He encouraged everyone to attend.

BUSINESS FROM THE CITY MANAGER

BUSINESS FROM THE CITY ATTORNEY

1. City Representatives to the Wildish Theater Gala Event, December 1, 2006.

RESOLUTION NO. 06-47 – A RESOLUTION AUTHORIZING CITY COUNCIL REPRESENTATION TO THE WILDISH THEATER GALA EVENT FUNDRAISER ON DECEMBER 1, 2006.

City Attorney Joe Leahy read the resolution.

Councilor Ballew asked if there was a conflict of interest in Council voting on their own representation to this event.

Mr. Leahy said there was not. Given the amount of energy and enthusiasm this Council had put in the downtown, given the priority this Council has made of the downtown, it was appropriate for the Mayor and Council to attend the event and to put the official stamp of representation by the City on this event.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT RESOLUTION NO. 06-47. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

ADJOURNMENT

The meeting was adjourned at approximately 7:23 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

City Recorder