

MINUTES OF THE WORK SESSION MEETING OF  
THE SPRINGFIELD CITY COUNCIL HELD  
MONDAY, FEBRUARY 5, 2007

The City of Springfield Council met in a work session in the Jesse Maine Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, February 5, 2007 at 6:02 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Lundberg, Wylie, Ballew, Ralston, Woodrow, and Pishioneri. Also present were City Manager Gino Grimaldi, Interim Assistant City Manager Mike Harman, City Attorney Joe Leahy, City Recorder Amy Sowa and members of the staff.

1. Application Review of a Springfield Representative to the Metropolitan Wastewater Management Commission.

Environmental Services Manager Susie Smith presented the staff report on this item. The term of Springfield's current lay representative, Doug Keeler, to the MWMC expired February 1, 2007. The City Council needs to appoint a representative to serve the next term, which extends through February 1, 2010. Two applications for the position were submitted and are being forwarded to the City Council for consideration.

The MWMC is composed of seven members. Springfield is represented by one City Councilor, Anne Ballew, and one citizen. Doug Keeler, who works for Weyerhaeuser, has represented Springfield on the Commission since 1997, and currently serves as the President of the Commission.

The vacancy was advertised in the Register Guard and applications were accepted from November 14, 2006, through January 19, 2007. Two applications were submitted by Springfield residents. The two completed applications provide background information and the stated interest of the applicants.

The Springfield appointment is scheduled for discussion and action at the City Council's work session and regular meeting on February 5, 2007.

Councilor Ballew said she had worked with Doug Keeler on this commission for some time. He attended the meetings, brought a lot of engineering background to the commission and was a valuable asset as a member. She strongly recommended re-appointing Mr. Keeler.

Councilor Wylie spoke regarding Ms. Stole, who works for her. She said she was very interested in getting involved with the community and was an excellent person.

Mayor Leiken said he, too, knew Doug Keeler and thought he was an asset to the commission.

Council consensus was to appoint Doug Keeler during the Regular Meeting.

2. Arts Commission Applicant Review.

Library Manager Barbara Thompson and Librarian Carrie Schindele-Cupples presented the staff report on this item. The Arts Commission will have three vacancies on its board due to a term expiration of member Janelle McMahan, and two resignations by Kris Redmond and Rosalee Baker. Ms. McMahan has served one full term and is eligible to re-apply.

In response to the news releases of October 20, 2006 and November 29, 2006, the Arts Commission received six applications to fill three vacancies. The Arts Commission reviewed all applications and met with five applicants during its regular December 11th meeting. One applicant, James Chastain, did not attend the mandatory Arts Commission meeting and was unavailable for contact. His application was withdrawn.

The Arts Commission recommends that Janelle McMahan be re-appointed and that Carol Plaia and Scott Wylie be appointed to the commission, with terms to expire December 31, 2010. Ms. McMahan is eligible to serve another term. The Arts Commission has found her to be a valuable member. Ms. Plaia is a performance artist new to Springfield and has extensive experience with fundraising and art acquisition. Mr. Wylie has served on the Arts Commission before and is eligible to serve again; he is a landscape architect and provided valuable contributions during his prior service on the commission.

Ms. Reade has extensive experience with the arts and most recently served as president of the Emerald Art Association. The commission will encourage her to re-apply for a future vacancy.

Ms. Atkinson has a performing arts background along with marketing experience. The commission hopes to engage her help on some projects but will also point her in the direction of the Wildish Theatre where her talents could be well-used.

The Commission believes all applicants are eligible and well qualified to serve on the Arts Commission. The Council is requested to review the Arts Commissions' recommendations at the Work Session. Council is requested to appoint three candidates at the Regular Session tonight, February 5.

Ms. Barbara Thompson introduced Carrie Schindele-Cupples who will be the new staff liaison for the Arts Commission.

Councilor Pishioneri said he knew D'ann Atkinson. She had very high energy and was a goal oriented person. He would like to have Council consider her application.

Councilor Wylie said her husband really enjoyed being a part of the commission.

Mayor Leiken asked about Shirley Reade, who was an excellent candidate.

Ms. Schindele-Cupples explained why the three applicants were being recommended for appointment and their different qualifications.

Council was comfortable with the three applicants recommended by the commission.

Ms. Thompson said they felt Ms. Atkinson might be well suited for work with the Wildish Theatre because of her performing arts background.

Councilor Ballew was pleased with the number and quality of applicants. She said she supported the Arts Commission recommendations.

Discussion was held regarding the other applicants getting involved in fund raising for the Library and other events.

3. Code Enforcement Procedures.

Code Enforcement Officer Jackie Murdoch presented the staff report on this item. Ms. Murdoch introduced Cindie Mott, another code enforcement officer with the City, and Dave Puent, Community Services Manager.

Councilor Pishioneri commended the Code Enforcement staff for positive interaction with the citizens.

The Code Enforcement program is responsible for enforcement of land use, nuisance, building code, business licensing, sign code and a portion of the Springfield Municipal Code. In a minority of cases, civil infraction citations are issued for violations and cases are heard in Springfield Municipal Court. With great cooperation from our Municipal Court Judges, the majority of those cases are resolved and compliance is achieved. In a few instances, however, compliance is not achieved even after issuance of citations. Code Enforcement staff would like to implement a process to resolve those cases. This information is being brought forward to provide awareness of the process prior to requesting City Council action on individual cases.

Code Enforcement staff always attempts to achieve voluntary compliance and is more than willing to work with folks and extend time lines as needed. There are those cases, however, which require an extra amount of time and effort and still may not achieve compliance. Because civil enforcement citations are civil, only monetary fines can be assessed. Staff is encountering cases in which the defendant owns the property, does not appear in Court in response to the citation, is found guilty by default, does not pay the fine and does not correct the violations. The City Code already provides for a process to lien properties for money owed because of the defendant's failure to appear, although the City has seldom utilized this process. While imposition of a lien might not result in immediate correction of a violation, it could eventually result in foreclosure. Some cases may be more quickly resolved by being referred to the Office of the City Attorney, whereby the City can obtain a Court order to do the cleanup if the defendant fails to abate the nuisance. It is estimated that it will cost \$3,000 to \$4,000 per case to obtain a Court order. The cost of the actual clean-up plus an administrative fee can be placed as a lien on the property, and costs can be recovered. Our department has a small allocation of resources including \$26,000 in a litigation expense fund and \$7,000 in a repair and demolition account in our current department budget which we are proposing to use. Dollars received from the lien process could be reallocated to support these accounts. Code Enforcement staff desires to implement a more pro-active approach in order to resolve ongoing violations.

Photographs of some of the violations around the City were distributed to the Mayor and Council for their review.

Ms. Murdoch explained the process for responding to code enforcement violations and the options available. She said that Mr. Grimaldi was shown some of the locations with code

enforcement violations when he went on a ride-along with Ms. Mott. Ms. Murdoch said some of these cases could come to Council if liens were involved. Council would determine if it was appropriate to place a lien on the property.

Councilor Ballew asked if the lien would be on the property until the lien was paid or the property was sold.

Ms. Murdoch said either that or it could put the property into foreclosure, which was a long process.

City Attorney Joe Leahy said on the small violations, his recommendation would be to let the lien sit until the City received word the property was being sold and the City would receive the funds at that time. The City would not commence any foreclosure without checking with the Council first.

Councilor Ballew asked if there was an ongoing interest rate on the liens. Yes.

Ms. Murdoch said there was also an administrative fee.

Councilor Woodrow asked if the process was the same for renters.

Ms. Murdoch said in those cases, code enforcement worked with the owner and those were often resolved. The landlords would normally evict the renter or have them clean it up. Code enforcement had developed a good relationship over the years with several property managers and companies in town. If the owner or property manager evicted the responsible tenant, code enforcement would wait until that process was complete.

Councilor Woodrow asked about a particular situation.

Ms. Murdoch referred to the code and how it related to that situation.

Mr. Leahy said in the past, the City tried to deal directly with the renters, but it hadn't been very productive. Current practice was to work with the owner of the property.

Ms. Murdoch said the property owners were notified and kept informed.

Councilor Pishioneri said he was in favor of adding tools to assist with this problem. He said staff needed to track any additional time required when taking these additional steps and make sure the cost for that time was recovered as much as possible.

Ms. Murdoch said the new fines had increased to help cover costs.

Councilor Ballew asked if there were any Measure 37 implications related to this. No.

Councilor Lundberg said Council needed to be prepared when these issues came to Council.

Councilor Pishioneri asked Mr. Leahy if there was an attractive nuisance ordinance.

Mr. Leahy said some violations could be attractive nuisances, but the ordinance was in place for health and safety.

Councilor Pishioneri asked if there was any integration between an attractive nuisance clause that could be used to expedite a clean-up.

Mr. Leahy said if the City felt there was an immediate threat to health and safety, the City could go to court for an immediate injunction. This wasn't usually done because policy of the Council was to give citizens notice and the ability to clean up. If it was an absolute emergency, the City would go to court and get it resolved.

Councilor Pishioneri explained an attractive nuisance for the rest of the Council's clarification.

Councilor Ralston pointed out issues when a landlord was not able to evict a renter for an extended period of time. He asked what the process was in those situations when the property owner was doing all they could, but couldn't get the occupant evicted for some time.

Ms. Murdoch said she would take that into consideration. Sometimes the judge would order the property owner to remove the garbage and deal with the eviction separately.

Councilor Wylie discussed the concern of mosquito born illnesses and asked if stored tires were being monitored.

Ms. Murdoch said tires were considered used materials which were required to be stored inside a building. There was a section in the nuisance ordinance that referred to stagnant water.

Mayor Leiken commended staff for their good work.

#### 4. Council Communication Options.

Information Technology Director Rod Lathrop presented the staff report on this item. The City engages in primarily paper-based communications with the Mayor and City Council. There is no mechanism for the City to send electronic mail, electronic meeting notifications, online agenda packets or electronic documents to elected officials. This hampers the ability of the City to communicate with elected leadership during the conduct of regular business, and could be a constraint during an emergency.

Staff communication with elected officials was raised as an issue during the December 4, 2006 City Council Emergency Management work session. Concerns were raised by Council that the City has no avenue other than privately furnished telephone service for communicating with elected leadership in times of emergencies. Discussion occurred about the possibility of the City providing technology enhancements in the form of a Blackberry device (generically identified as a Smartphone) or perhaps a laptop computer with Internet and e-mail capacity to create additional communication channels. One-time costs for hardware range from \$200 up to \$3,000, for each interested elected officials. Ongoing monthly costs for digital service range from \$30 up to \$90 for each device. Implementing this capability would create additional communication options during an emergency, and would create highly efficient options for regular staff communications with elected leadership.

Mr. Lathrop referred to the four options listed on the issue paper. He explained a policy put into place for managers in the City regarding a cell phone allowance that could be an option for Council as well. A smart phone, such as the Blackberry, was another option. He explained that a smart phone worked as a cell phone and could also track meetings and retrieve and send emails. He referred to the option of a laptop computer for each Councilor and the Mayor. He explained how electronic agendas would be accessed on laptops with a monthly internet service allowance and features to allow making notes on the agenda. He discussed the financial impacts for each option. The costs included annual charges as well as the costs involved for the equipment. He explained some of the legal ethics restrictions when the City furnished equipment and some of the options. He noted those actions which were allowed and which actions were prohibited on City owned equipment. The Council needed to be careful that they didn't conduct a public meeting using electronic devices by speaking on a chat room or something similar which would constitute a quorum.

Mr. Leahy said when Council members were on devices noted in option 3 or 4 that would be a public record. He referred to an incident several years ago where Council emails were requested by a local newspaper.

Councilor Woodrow discussed the smart phone. He asked if they would be standard cell service or satellite, and if they would be accessible if cell phone frequencies went down.

Mr. Lathrop said they were like standard cell phones requiring towers, not satellite.

Councilor Woodrow noted that with standard cell phone service out, the smart phone would not provide added benefit.

Councilor Pishioneri thanked Mr. Lathrop for his work. He said it made sense that councilors could go into this where comfortable. He said he liked the ability for each councilor to purchase their own personal digital assistant (pda) and get refunded from the City for air time for City business. He said the laptop was a great idea. He explained. He said he was in favor of the options and having each councilor sit down with the staff from Information Technology (IT) to see what would fit each one the best.

Mr. Leahy said if Council were communicating on the pda for public use, those messages would be subject to public disclosure. If there was an issue regarding what messages were public and which were not, it would need to be turned over to a judge to determine if the private messages were indeed exempt from public disclosure.

Councilor Ballew confirmed it could be an individual choice. She said she didn't intend to go electronic.

Councilor Ralston said he wasn't excited about any of the options. He said he didn't own a cell phone personally. He didn't want anything that would cost him anything extra. He wanted his agenda packets on paper only. People knew how to contact him either at work or at home and they could leave messages.

Councilor Wylie said she worked full time and was on a lot of statewide committees, traveling to Portland and Salem frequently. The smart phone intrigued her. She said she was ready for it and felt it could be beneficial.

Councilor Lundberg said she was intrigued with the smart phone. She said it was evident that each Councilor was interested in a different level of service. She asked if each councilor should contact IT to discuss preferences and additional information.

Mr. Lathrop said he would be comfortable to meet individually with councilors or could bring back more detailed information to another work session. He said he would instruct the Executive Team (ET) to put funding for this in the FY08 budget for possible use. That would allow the councilors that were interested to try different options.

Councilor Woodrow asked Mr. Lathrop to find out the costs for satellite phones and service. He said it would be worthwhile for emergency purposes.

Council asked to have staff schedule 2 on 2 meetings with councilors that were like minded on this subject to discuss their preferences.

Councilor Ralston asked to have the overall cost when it was done.

#### 5. Public Records Request Policy.

City Recorder Amy Sowa presented the staff report on this item. Under the Oregon Public Records Law (ORS 192.420), every person has a right to inspect nonexempt public records of a public body in Oregon. Under this same law, it is noted that the custodian (City) of the records may adopt reasonable rules necessary for the protection of the records and to prevent interference with the regular discharge of duties of the custodian. The Public Records Law also authorizes a public body to establish fees "reasonably calculated to reimburse the public body for the public body's actual cost of making public records available".

Actual cost may include a charge for the time spent by the public body's staff in locating the requested records, reviewing the records in order to delete exempt material, supervising a person's inspection of original documents in order to protect the records, copying records, certifying documents as true copies, or sending records by special methods such as express mail. Actual cost also may include the cost of time spent by the public body's attorney reviewing, redacting and segregating records at the public body's request. See Attorney General's Public Records and Meetings Manual.

The City does not currently have a city-wide public records request policy in place, although a system has been used that allows access to public records by the public with some cost recovery to the City. It is in the City's best interest to have a set policy for such requests. The attached resolution puts in place a policy that reflects current practices. A Public Records Request Form is also attached.

Councilor Pishioneri said it was a great idea. He would like to see the City get as close to one hundred percent cost recovery as possible. He asked where it showed proof of the inability to pay.

City Attorney Joe Leahy said the requestor would submit an application letter to the City Manager.

Ms. Sowa said she only recalled one incident when someone requested a reduction of fees. There was no set criteria for determining inability to pay.

Mr. Leahy said he liked the resolution because it put together a series of policies that had been in place in the past and made it uniform across the departments. They were a collection of how the City had done things in the past.

Councilor Ballew said it was a good idea to have a policy in place. She asked about the one-half hour of free time.

Ms. Sowa said it had been standard practice.

Councilor Ballew said it was a difficult line, because the public had the right to be informed, but it sometimes moved over the line to become personal use. She felt a half an hour seemed rather generous. She said where she used to work, the policy was that the charge for the first page was higher than the others since the first copy included time getting to the copier and setting it up.

Ms. Sowa said the City did not charge for the first five pages and the charge for pages beyond that was .10 per page.

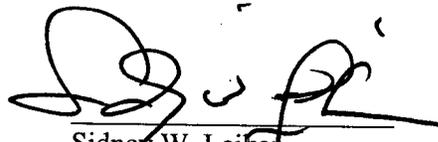
Mr. Leahy said staff was trying to be consistent and provide minimal copies for those citizens that just come in for one or two copies on occasion. The charges came when the citizen wanted more service and wanted more things done that would take the employee away from their job for a longer duration. It could be argued that part of the job was to provide documents to the public.

Ms. Sowa said this would be going to Council during tonight's regular hearing as a public hearing. They would be voting on the attached resolution.

#### ADJOURNMENT

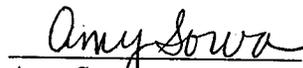
The meeting was adjourned at 6:53 pm.

Minutes Recorder – Amy Sowa



Sidney W. Leiken  
Mayor

Attest:



Amy Sowa  
City Recorder