

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, APRIL 2, 2007

The City of Springfield Council met in regular session in the Jesse Maine Room (6:32 p.m. – 6:55 p.m.) and the Council Meeting Room (7:00 p.m. – 7:21 p.m.), 225 Fifth Street, Springfield, Oregon, on Monday, April 2, 2007, with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Lundberg, Wylie (by conference phone at 7:00p.m.), 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.

The order of the meeting was changed by Mayor Leiken

The Regular Meeting was called to order by Mayor Leiken at 6:32 p.m. in the Jesse Maine Room.

BUSINESS FROM THE CITY COUNCIL

1. Business from Council

a. Committee Reports

1. Councilor Ballew discussed a letter she, and all the Councilors, had received from State Representative Paul Holvey requesting a letter of support on a certain issue. She felt a protocol should be in place to address this type of request. She would like full Council backing before she sent a letter of support or opposition.

Councilor Pishioneri said he felt that was a good idea so they all knew what each other was doing. There could be issues from other Councilors.

Mr. Grimaldi said one option would be to run these types of requests by Council leadership during their weekly meeting. The Mayor and Council President could then contact each councilor with a position, asking for any comments or objections. If there were concerns or objections, the topic could be discussed at the next Council Work Session or Regular Meeting to deal with it quickly.

Councilor Ballew said she would like a list of Council goals and standard policies for guidance on these requests. She asked for Council's opinion on this letter of request and the issue of replacing the Metropolitan Policy Organization (MPO) and implementing an Area Commission on Transportation (ACT).

Mayor Leiken noted that the MPO was required for federal issues. Transportation Manager Tom Boyatt confirmed that was the case. The ACT would replace the Board of Commissioners on the decision making process on State transportation issues.

Councilor Woodrow said he received a request to write a letter of recommendation as Councilor for Ward 5, for Willamalane for a new park they were proposing on the east end of Mt. Vernon Road. The letter would be to help Willamalane secure funding for this park. The park would not cost the City any money. The developer was donating the land and Willamalane would be building the park.

Council asked to have the request email sent to them for review.

Councilor Lundberg asked if Council could take action on the request to submit a letter (regarding the letter from Paul Holvey regarding the ACT) since it was not on the agenda.

Mr. Leahy said that action would need to take place during a Regular Meeting in the Council Chambers. Mr. Leahy said concerning the letter from Councilor Woodrow for the park funding, Councilor Woodrow could submit the letter on his own behalf as long as he indicated he was speaking personally endorsing the park. If he wanted to endorse on behalf of the Council, action would need to be taken during a Regular Meeting.

Councilor Lundberg referred back to the letter from Paul Holvey regarding the ACT, which came to all of the Councilors. She said it would be appropriate for Council to take a position one way or the other once that was determined.

Councilor Ralston said he wanted information on whether or not there was an advantage to forming an ACT.

2. Councilor Ralston reported on the Housing Policy Board (HPB). He discussed some of the programs offered by the HPB and the City. Currently, the program for first time buyers offered up to \$10,000 towards a downpayment. They had planned to give out to forty buyers, but had only given to fifteen, because people were unable to afford houses due to the high cost of housing. HPB would propose to both Eugene and Springfield City Councils to increase the amount to \$20,000 temporarily for this year.

Councilor Lundberg asked if those funds were repaid.

Councilor Ralston said they were repayable either when the house sold or the title was transferred. Originally, he expressed his initial objections to the HPB.

Councilor Pishioneri asked if someone could use this to accumulate rentals.

Councilor Ralston said it could only be used for first time home owners.

Councilor Pishioneri asked how that was monitored.

Mayor Leiken suggested Housing Assistant Jodi Peterson contact Councilor Pishioneri to answer his questions related to this topic.

Councilor Ballew also asked to have it demonstrated how much difference \$20,000 would make compared to \$10,000 in terms of affordability to the home buyer.

Councilor Ralston said he agreed, but felt it could be effective on a temporary basis.

Councilor Lundberg expressed concern about getting people into houses that were then unable to afford the upkeep and maintenance. She was concerned that by offering a larger downpayment, people that couldn't afford to maintain their home would be allowed to purchase a house.

Councilor Ralston said the numbers showed a very low rate of foreclosure. He explained that the proposal would be worded to include the ability for the HPB to work with developers who were trying to create low income housing.

Councilor Ralston said Eugene had a Eugene Allocations Committee that took proposals for requests for funding. It was pointed out by Roxie Cuellar that Eugene would be raising their park SDC's considerably in May. This would directly affect low income housing apartments. He noted that Willamalane was also raising their SDC's. He would like to discuss this with Willamalane to see if they would consider waiving that extra fee for low-income housing. It would be up to Willamalane.

Councilor Lundberg said Council just discussed the increase in SDC's from Willamalane at a recent Council meeting and Ms. Cuellar supported that increase.

3. Councilor Lundberg reported on the Community Development Advisory Committee (CDAC). She said they had a set aside for downtown for the fourth year. They didn't get a lot of applications for specific downtown projects. She didn't advocate for the private business owner that wanted \$90,000 of the \$150,000. She was looking at downtown and how to combine funds as they became available. That recommendation would be coming to Council soon.

Councilor Ballew asked for imaging of what could be done downtown for redevelopment.

Mr. Grimaldi said that would be part of the urban renewal discussion for downtown and part of the planning effort. A lot of work had been done regarding downtown plans, but the City had not adopted a single plan.

Councilor Ballew said she would like to see grand ideas and then discussion could be held regarding cost for those ideas.

Mr. Grimaldi said they would also discuss the appropriate sequence.

4. Councilor Ballew said the two Fiber Consortiums had been struggling financially. Lane County Commissioner Faye Stewart, the Chair of the other consortium, Linda Lynn and Milo Meechum were going to get together to consider bringing the two consortiums into one through a Memorandum of Understanding (MOU). A firm that the consortium provided services for left owing money, causing part of the financial struggle.

5. Mayor Leiken said he, Development Services Director Bill Grile, and Planning Manager Greg Mott would be going to Salem tomorrow to testify on Representative Terry Beyer's bill. The hearing would be held tomorrow afternoon. The bill included language making periodic review very clear to cities and also addresses the separation of the urban growth boundary (UGB). He said the legislators needed to hear what this Council had been conveying for a long time. The bill strengthens the regional planning concept because if it didn't happen, Springfield would consider going their own way and dissolving regional planning. This bill would give strong autonomy to the cities and more of a say in what each city wanted to do. Eugene did not want to expand the UGB, but Springfield did. Mr. Leahy had looked through the bill and Mr. Mott and Mr. Grile had done a great job working with Representative Beyer. Representative Beyer and Senator Morrisette were both in favor of this bill. He noted those, along with City representatives, that would be there in support. The bill gave a common sense approach and helped to avoid a legal battle. Once more information was available, the Mayor would talk with Mr. Grile and Mr. Mott about drafting a memo to the Council.

BUSINESS FROM THE CITY MANAGER

None.

BUSINESS FROM THE CITY ATTORNEY

None.

The Mayor called for a five minute recess at 6:55p.m.

The meeting reconvened at 7:00p.m. in the Council Chambers.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. Employee Recognition, Tana Steers, 20 Years of Service.

City Manager Gino Grimaldi acknowledged Tana Steers for her twenty years of service to the City of Springfield in the Police Department. He reviewed some of the history of her career with the City, including five years when she moved to Woodburn as a police officer. Her main duty with the Police Department has been in Crime Prevention.

Mayor Leiken said Ms. Steers was a wonderful asset to Springfield and a great face for the City and Police Department.

2. Child Abuse Prevention Month Proclamation.

Mayor Leiken proclaimed April as Child Abuse Prevention Month. Rodger Terrall, Relief Nursery Board Chair, received the proclamation from Mayor Leiken.

Mr. Terrall discussed this campaign and displayed the blue ribbons that would be handed out to remind people about this important topic. He thanked Springfield for all that the Council had done in support of the Relief Nursery.

CONSENT CALENDAR

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

1. Claims
2. Minutes
 - a. March 12, 2007 – Work Session
 - b. March 19, 2007 – Regular Meeting
 - c. March 26, 2007 – Work Session
3. Resolutions
4. Ordinances
5. Other Routine Matters
 - a. Award the Subject Contract to Migson Contracting, Inc. for Project P20252: Maintenance Shop Vehicle Washrack, in the Amount of \$132,168.98.

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.

BUSINESS FROM THE AUDIENCE

1. Curtiss Greer, 357 55th Street, Springfield, OR Mr. Greer first complimented the Public Works Maintenance staff for their project coordination in taking care of a problem with the sidewalk and tree near his home. Mr. Greer then spoke regarding policies and actions by the City and Springfield Utility Board (SUB) that concerned him. He discussed honesty and integrity, and felt that procedures had been put in place to defeat liberty and freedom. He said he would be happy to give his time to explain his testimony to the Mayor, Council or staff at any time. He spoke of Hitler, Pearl Harbor, and 9-11, the policies that were in place that caused these actions and similar policies put in place by the City. The leaders had been entrusted to preserve our freedom and liberty. Those who do not know history were destined to repeat it.

2. Gail Stator, 546 F Street, Springfield, OR Mr. Stator discussed problems he and his family had with a pack of dogs in their neighborhood. A woman riding her bike was chased by one of the dogs and had to flee through an intersection. Luckily there were no cars. When Mr. Stator called in the incident, the animal control officer was sympathetic but said the woman on the bike would need to call. Mr. Stator noted three more confrontations with the pack of dogs in his yard. The dogs were loose and tried to bite him twice on his own property. He said he was concerned for his grandchildren. The third complaint regarding these dogs led to a court hearing. The Judge filed an order that if one more violation, the dog would be destroyed. Mr. Stator said if the proposed amendments to the ordinance would make animal control more protective, he would be supportive. He hoped there would be language regarding complaints against being chased. He was hopeful it would become less likely that people were attacked by vicious dogs in the future. There were a lot of dogs wandering around and it was a problem.
3. Joan Schryvers, 6810 North C Street, Springfield, OR Ms. Schryvers spoke regarding vicious dogs. She discussed how four dogs that used to live next door to her, broke through the fence into their yard. When she arrived home that evening, she couldn't tell what had happened because it was dark, so she called the Police. The Police found that the dogs had broken through the fence and gotten into her rabbit cage and killed one of her rabbits. She discussed other incidents with the same dogs. The fourth time animal control was called regarding these dogs, in November of 2006, animal control took the dogs. She said the dogs barked often and were often left alone for days. Neighbors were afraid to contact Police because the neighbors were as vicious as the dogs. She explained some of the criminal offenses of the people living in the house. When Ms. Schryvers did call animal control, she found that there had been other anonymous calls regarding these dogs. She said it would be helpful if Police could identify a dog as vicious when it broke through a fence.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

BIDS

ORDINANCES

1. Amendment to the Springfield Development Code Article 9 Vacations by Adding New Right-of-way Vacation Criteria for Certain Vacation Proposals.

ORDINANCE NO. 6191 – AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE ARTICLE 9 VACATIONS ESTABLISHING NEW CRITERIA TO APPLY TO COUNCIL INITIATED VACATIONS OF PUBLIC RIGHT-OF-WAY WHERE THE RIGHT-OF-WAY WILL BE RETAINED IN PUBLIC OWNERSHIP BUT USED FOR AN ALTERNATIVE PUBLIC PURPOSE (Jo. No. LRP2007-00002).

Planning Manager Greg Mott presented the staff report on this item. The City Council initiated this amendment in January to provide a procedural and factual basis to consider right-of-way vacations for reasons other than the transfer of ownership from the public to abutting private property owners. The existing vacation criteria do not recognize the possibility of alternative

public purpose use of right of way. The Council may only consider uses contemplated by transportation related documents.

The proposed criteria expand the consideration beyond this either-or model and allow the Council to place other public purposes on par with transportation objectives because the Council will retain public ownership. Consistency with provisions of the Transportation Planning Rule (OAR 660-012) will apply as will the need to ascertain that a greater public benefit will occur from the vacation rather than from retaining the right-of-way in its present status (added by the Planning Commission on March 13, 2007).

On March 19, 2007, the Council conducted a public hearing on this proposal; no one appeared to testify. The Council voted 4-2 to add "vehicles" to criterion C so that "providing reasonably direct routes" was not limited exclusively to bicyclists and pedestrians. The revised criterion now reads: "Approval of the vacation would be consistent with provisions of safe, convenient and reasonably direct routes for cyclists, pedestrians and vehicles as provided in OAR 660-012-0045(3)." This is consistent with the exact language of the Rule, which states: "The purposes of this section are to provide for safe and convenient pedestrian, bicycle and vehicular circulation...".

He discussed the change to the ordinance related to vehicles and noted that it would be consistent with Oregon Revised Statute (ORS) on this subject.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR PISHIONERI TO ADOPT ORDINANCE NO. 6191. THE ORDINANCE PASSED WITH A VOTE OF 4 FOR AND 2 AGAINST (Ballew and Lundberg).

2. Vicious Dogs Ordinance.

ORDINANCE NO. 6192 - AN ORDINANCE AMENDING SPRINGFIELD MUNICIPAL CODE (SMC) SECTION 5.402, DEFINITIONS REGARDING THE SMC'S DEFINITION OF "VICIOUS DOG" AND SMC SECTION 5.456 REGARDING THE MISDEMEANOR OFFENSE OF OWNING A VICIOUS DOG.

Matt Cox from the City Attorney's office presented the staff report on this item. The proposed ordinance was brought to Council for discussion and review on February 26, 2007 during their work session. Several recommendations were made during that meeting regarding clarification of several definitions. A first reading was held on this ordinance on March 19, 2007.

Adoption of this amended ordinance would add to the existing Springfield Municipal Code definition of vicious dog as well as add new definitions including "Control of Dog," "Controlled Property," "Physical Injury," and an exception to the Class C Misdemeanor, "vicious dog," regarding illegal trespassers. Adoption would also provide specific and clear language for identification and determination of a vicious dog through Springfield Municipal Court action.

This ordinance's purpose is to provide clearer SMC language to the definitions and offense of owning a vicious dog.

No Financial Impact.

Mr. Cox noted that City Prosecutor Dave Logan was available tonight for questions.

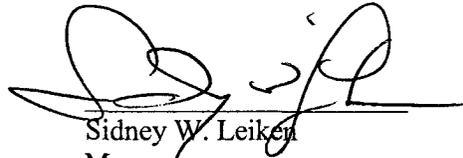
Mayor Leiken thanked the citizens who came to speak before Council on this topic. He said the City had received a lot of calls regarding this ordinance.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT ORDINANCE NO. 6192. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

ADJOURNMENT

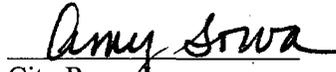
The meeting was adjourned at approximately 7:21 p.m.

Minutes Recorder Amy Sowa



Sidney W. Leiken
Mayor

Attest:



Amy Sowa
City Recorder