

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, SEPTEMBER 17, 2007

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, September 17, 2007 at 7:05p.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, City Attorney Joe Leahy, City Attorney Matt Cox, City Recorder Amy Sowa and members of the staff.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. American Concrete Pavement Association (ACPA) Excellence in Concrete Pavement Award.

Public Works Director Dan Brown presented this item. He introduced Jim Powell, Executive Director of the NorthWest Chapter of the ACPA and Jim Tobin, Director of Construction Services of the NorthWest Chapter of the ACPA. He noted those in attendance who would be receiving recognition from ACPA during tonight's presentation. Mr. Brown said staff would ask that Mayor Leiken accept the award on behalf of the City.

Mr. Powell congratulated the City on an outstanding project. It was a fine example of what could be done when two government agencies cooperate, working with local contractors and materials suppliers. This project was submitted from a four state region and it was a beautiful project. In addition to winning the NW Chapter award, this project won the silver medal in the same category at the National level. They were competing with projects from all of the United States, Canada and Puerto Rico. He hoped the City could send a representative to the award ceremony in Tucson, Arizona in December to receive the silver medal. Mr. Tobin brought the plaques forward.

Mr. Powell presented the first plaque to the City of Springfield and asked Mayor Leiken to come forward to accept the award.

Mayor Leiken asked Project Manager Steve Rodolf from the City of Springfield to also come forward to accept this award. He said he had a lot of admiration for the project managers and staff members that worked on these projects.

Mr. Powell presented a plaque to Sonny Chickering from the Lane County Public Works Department, Engineering Division.

Mr. Chickering said the County was very happy to have been a part of the project.

Mr. Powell presented a plaque to the materials supplier for the project, Eugene Sand and Gravel. Mr. Ben Brown accepted the plaque.

Mr. Powell presented a plaque to the prime contractor for the project, Delta Construction Company. Mr. Lee Babb and Mr. Robert Cooper accepted the award.

Mr. Babb said Delta had been proud to have been the contractor. The roundabout at MLK Parkway was the largest multi-lane roundabout built in the state of Oregon. He mentioned their construction superintendent, Sue Parmer-Boyd and the concrete superintendent, Frank Horn, and Robert Cooper who made all of this happen. He said they were proud to be here. He remarked that the Mayor and Council were smiling and said it was very nice to see.

Mayor Leiken noted that during the tour of Springfield by the Oregon Business Magazine last week, there were a lot of positive comments about Springfield and this project. The people from the magazine asked a lot of questions. He told them this was one of the best examples of a public/private partnership. He thanked City staff, County staff, Delta Sand and Gravel, Eugene Sand and Gravel and PeaceHealth. The award was an honor.

2. National Save a Life Month Proclamation.

Mayor Leiken proclaimed September "Save a Life Month". He read from the proclamation. He noted that the U.S. Conference of Mayor's supported this proclamation.

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

- a. Approval of the July 2007, Disbursements for Approval.
- b. Approval of the August 2007, Disbursements for Approval.

2. Minutes

- a. July 9, 2007 – Work Session
- b. July 16, 2007 – Work Session
- c. July 16, 2007 – Regular Meeting
- d. July 23, 2007 – Special Regular Meeting

3. Resolutions

- a. RESOLUTION NO. 07-40 – A RESOLUTION OF THE CITY OF SPRINGFIELD RATIFYING THE CITY MANAGER'S AMENDMENT OF THE CITY OF SPRINGFIELD, OREGON RETIREMENT PLAN.

4. Ordinances

- a. ORDINANCE NO. 6205 – AN ORDINANCE AMENDING ARTICLE 7 OF THE SPRINGFIELD MUNICIPAL CODE REPEALING EXISTING SECTIONS 7.100, 7.102, 7.104, 7.106 AND 7.108 AND ADDING SECTIONS 7.100, 7.102, 7.104, 7.106, AND 7.108.

5. Other Routine Matters

- a. Authorize the Mayor to Sign a Contract with the Firm of Leahy & Cox for General Counsel Services.
- b. Approval of Liquor License Endorsement for Hole in the Wall BBQ, Located at 1807 Olympic Street, Springfield, Oregon.
- c. Approval of Liquor License Endorsement for South Side Grille, Located at 471 South A Street, Springfield, Oregon.
- d. Approval of Liquor License Endorsement for Gateway Chinese Buffet, Located at 3198 Gateway Street, Springfield, Oregon.
- e. Approval of Liquor License Endorsement for Deerhorn Country Gift Baskets, Located at 342 N 16th Street, Springfield, Oregon.
- f. Approval of Liquor License Endorsement for Sharky's Pub and Grub, Located at 4221 Main Street, Springfield, Oregon.
- g. Approval of Liquor License Endorsement for Mohawk Chevron, Located at 1111 Mohawk Boulevard, Springfield, Oregon.

ITEMS REMOVED

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 Amendment and Reformat of the Springfield Development Code.

ORDINANCE NO. 6206 – AN ORDINANCE AMENDING AND REFORMATTING THE SPRINGFIELD DEVELOPMENT CODE, ADOPTING A SEVERABILITY CLAUSE AND DECLARING AN EMERGENCY.

City Planner Gary Karp presented the staff report on this item. The SDC was adopted in May, 1986. In the 21 years since its adoption, the City has made piecemeal amendments to the SDC to implement both State and local planning mandates and local planning priorities. Over time, these SDC amendments have resulted in a document that has become cumbersome and difficult to understand for both staff and potential developers.

In order to address these issues, the City contracted with Eaton Planning Services to perform an audit of the SDC in early 2005. That project was funded by the Oregon Department of Land Conservation and Development (DLCD) with a Technical Assistance Grant. The results of the audit were reviewed by the Planning Commission and Council in Spring 2005. Staff was authorized to proceed with the SDC Edit and Reformat Project in order to make the SDC more contemporary and user-friendly. Staff established a technical advisory committee to assist with the project.

The proposed reformatted SDC is generally based on a layout used for the "Model Development Code for Small Cities" and converts the current 44 articles into 6 chapters. The proposed reformatted SDC also places current text describing various standards into tables, combines Subdivision and Partition regulations into one Section and reduces redundant language, for example, "consistency with the Metro Plan" is placed in one location and deleted from each individual zoning district description.

The proposed reformatted SDC does not include any "policy" changes, such as additions to use lists or new development standards. These issues will be addressed later this year or early next year, in work sessions with the Planning Commission and Council.

On June 5, 2007, the Planning Commission held a work session and public hearing on this matter. There was no public testimony. The Planning Commission voted 5-0, with 2 absent to advise the Council to approve the proposed SDC amended and reformatted Ordinance.

In July, due to the size of the document, staff provided the Council an opportunity to become familiar with the reformatted SDC in advance of this scheduled public hearing. Staff is requesting the adopting Ordinance include an emergency clause for this reason and in order to meet the time line for Lane County adoption, which is scheduled in October. Lane County must adopt amendments to the SDC as specified in the Intergovernmental Agreement which gives the City zoning authority between the city limits and the urban growth boundary.

Mr. Karp said this was discussed during the work session and asked if Council had further questions. He said adding headings to the document would not affect the ordinance.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT ORDINANCE NO. 6206. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

Mayor Leiken noted the amount of information in this code and acknowledged the positive feedback he received from a citizen who commended staff on their quick response to their call.

2. Public Hearing and Adoption of Resolution Amending Fees for Fiscal Year 2007-2008.

RESOLUTION NO. 07-41 – A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD ADOPTING AN AMENDED MASTER SCHEDULE OF RATES, PERMITS, LICENSES, AND OTHER FEES AND CHARGES AS ESTABLISHED BY THE SPRINGFIELD MUNICIPAL CODE.

Budget Officer Bob Brew presented the staff report on this item. At the May 21, 2007 City Council meeting, Council adopted an amended Master Schedule of Rates, Permits, Licenses, and Other Fees and Charges as Established by the Springfield Municipal Code. The Grading Plan

Check Fee for other than Single Family/Duplex, and the Grading Permit Fee for other than Single Family/Duplex in Exhibit 1 contained typographical errors resulting in fees being adopted at a much higher rate than was intended. The attached resolution corrects those typographical errors.

Councilor Ballew asked what the error included.

Mr. Brew explained. Mr. Brew said staff would be coming back to Council for new fees and charges at a later date.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT RESOLUTION NO. 07-41. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BUSINESS FROM THE AUDIENCE

1. Curtiss Greer, 357 55th Street, Springfield, OR. Mr. Greer discussed the position posted on Craig's List for a Latino Liaison in the Library. He discussed the issue of people speaking their own language and not learning the English language. He noted the cost of this position and disagreed with encouraging people to speak their native language rather than learning English. He made reference to a higher power on which this country was based and the book inspired by that greater power. The founders created a nation of one language, one culture and one loyalty, which he felt was based on Genesis 11:6 from the Bible. He quoted that verse. He recited from four quotes from President James Madison, President Theodore Roosevelt, Winston Churchill, and Vaclav Havel. He said he could only surmise that staff and Council felt the citizens were more powerful than the government.
2. Fred Simmons, 312 South 52nd Place, Springfield, Oregon. Mr. Simmons spoke on the Downtown Urban Renewal District. He referred to the July meeting and said there seemed to be a difference in opinion regarding the direction from that meeting. Staff said they were directed to include the largest boundary out to 23rd Street, but he didn't recall it that way. There was a substantial avoidance of the financial reality of the urban renewal district. The numbers were confusing. There had been no public hearing on this process since the data had been presented. The boundaries didn't include the south portion of the Booth Kelly property, yet the SEDA Board would still include two County Commissioners. He felt the boundary should expand to the south because it could be beneficial to them in the future. He was not sure if he should support the urban renewal district because of the validity to the community or oppose it due to the lack of information and facts. Citizens deserved to have the facts.
3. Jeff Thurn, North Star Coin and Jewelry, 643 Main Street, Springfield, OR. Mr. Thurn said he understood Council was voting, and indeed had already voted, on the Used Merchandise ordinance tonight. He said he sent an email to the Council today with his feelings about that ordinance. He said it was a fine thing that they were doing and he commended everyone on their professionalism. He did have concerns about the second hand ordinance and the fees. He

said it was tough to raise taxes these days, but it was easy to raise fees and service charges. He didn't feel fees and charges were a permanent way to run the government.

4. Julian Walker, 158 18th Street, Springfield, Or. Mr. Walker said he had a business called Numbers Aglow, a curb painting service. He felt his business was being discriminated against by Developmental Services, which refused to grant a solicitor's license. He said his business was a service that aided the ambulance, fire and police department. He said the police knew him well and called him their curb painter. He said if there was a law against helping police and fire, he would like to know what it was. He discussed the history of curb painting. He said he started in this business in California following a fire at an apartment building. He said he was a responsible business operator, offered guarantees for his work and asked only for donations. His business was the first to have fluorescent numbers. He said he was a solicitor and wanted a solicitor's license and would like to be treated in a democratic fashion.

Mr. Grimaldi said staff would look into this issue and report back to Council.

5. Norm LeCompte, 180 East 11th Avenue, Eugene, OR. Mr. LeCompte was an attorney with Herschner Hunter and represented the prospective purchaser of the Weyerhaeuser Springfield Plywood Mill. As part of the proceeding for closing that sale, some old real estate restrictions were discovered that affected the use and operation of that property and that would derail this transaction unless the City was willing to waive the restrictions. Both Weyerhaeuser and he had been in contact with City Attorney Joe Leahy over the last couple of weeks to discuss this. Mr. Leahy suggested Mr. LeCompte come to Council to give background on the people buying that mill and their plans for the mill. Assuming the limitations were released and the sale closed, the mill would become part of Pacific States Industries companies. That was a privately owned group of forest product companies headquartered in San Jose, California. The original business was called Redwood Enterprises. This company was founded in 1971. He described some of the products manufactured by the different divisions and noted that they owned timberland in northern California. The first entry into Oregon was Bald Knob Veneer in Creswell about three years ago. Since ownership by Pacific States, production and jobs had increased and they had been a good citizen of Creswell. The company hoped to acquire Weyerhaeuser's Springfield Plywood Mill.

Although the three minute time limit was up, Mayor Leiken invited Mr. LeCompte to continue and asked that he remain for the rest of the Council meeting in case questions came up when they discussed this item. Mr. LeCompte said he would be glad to stay.

Mr. LeCompte continued with his presentation. He said Pacific States had an excellent reputation and fit well with their other operations. Initially, their plan was to start up the drying facility and employ 25-50 people. Longer term, they planned to restart plywood production and would expect to employ 80-85 people, which was about the number of employees Weyerhaeuser had when it owned the mill. Pacific States had no expansion plans, although they did plan to open a sales office at that site which would service that site as well as the Bald Knob site and another mill in northern California. Mr. LeCompte said his association with the company went back to 2004, and he had been very impressed with them as individuals and business people. He felt they would be good corporate citizens for Springfield.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

1. Correspondence from O.B. Biggs, Best Cash, 1840 Main Street, Springfield, Oregon Regarding the Second Hand Dealers Ordinance (see attached staff response).
2. Correspondence from Tami Metzger, Springfield, Oregon Regarding Fireworks' Sales in Springfield.
3. Correspondence from Greg and Linda Shaver, Springfield, Oregon Regarding Downtown Renewal/Revitalization.
4. Correspondence from Pat Hocken, President, League of Women Voters of Lane County, 338 W. 11th Ave, Ste. 101, Eugene, Oregon Regarding the Draft *Ridgeline Area Open Space Vision and Action Plan*.
5. Correspondence from Charley and Ruby Purcell, 1029 Oak Meadows Place, Springfield, Oregon Regarding the Centennial/Mohawk Shopping Center.

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

BIDS

ORDINANCES

1. Vacation of One Block Segment of B Street Public Right-of-Way Between 4th Street and Pioneer Parkway East, Case No. LRP2007-00019.

ORDINANCE NO. 6207 – AN ORDINANCE VACATING A 66 FOOT WIDE BY 264 FOOT LONG PORTION OF PUBLIC RIGHT OF WAY SHOWN IN BOOK 1, PAGE 1 OF PLAT RECORDS OF LANE COUNTY, OREGON, DATED APRIL 5, 1872.

City Planner Andy Limbird presented the staff report on this item. On July 16, 2007, City Council concluded a public hearing on a request to vacate public right-of-way for the segment of B Street between 4th Street and Pioneer Parkway East. City Council accepted the recommendation of the Planning Commission and gave second reading to the vacation ordinance (Attachment 2). City Council directed staff to prepare findings and conclusions in support of the vacation action. Testimony submitted opposing the vacation action and staff responses are addressed in the final findings. If approved by Council, the findings and conclusions will be appended to the vacation ordinance that will effect the vacation action.

The subject right-of-way is a 66-foot wide by 264-foot long, one-block segment of public street running east-west along the northern edge of the existing police and courts parking lot. The City owns all abutting tax lots that have frontage on the public right-of-way proposed for vacation. Vacation of the one-block segment of public right-of-way is required to achieve full construction of the Justice Center site option selected by City Council on February 28, 2006.

Mr. Limbird explained the attachments outlining the findings.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR PISHIONERI TO ADOPT ORDINANCE NO. 6207 THE MOTION PASSED WITH A VOTE OF 4 FOR AND 2 AGAINST (Ballew and Lundberg).

BUSINESS FROM THE CITY COUNCIL

1. Business from Council

a. Committee Reports

1. Councilor Pishioneri asked that staff be directed to look at waiving the fees for non-profit organizations that have Fireworks Stands and Christmas Tree Lots. He would like to look at setting a window of time for legal fireworks to be set off, such as two week prior and two weeks after national holidays. Special events could still have permits.

Councilor Ralston asked if that would include New Years.

Councilor Pishioneri said it would – any national holiday.

2. Councilor Lundberg said she attended the Fiesta Latina on behalf of the City. It was a great event with great food and was well attended. She said they had great fireworks.
3. Councilor Woodrow reported on the recent concert held at the Wildish Theater. He complimented the Springfield Renaissance Development Corporation (SRDC) and noted that the three downtown restaurants that stayed open that evening were full. He said the concert was full with about 250 people attending. It was great to see the Springfield downtown so full with people from this event as well as the Fiesta Latina.
4. Councilor Ballew referred to Councilor Pishioneri's suggestion to waive fees for non-profits for Fireworks Stands and Christmas Tree Lots. She said she would not be supportive of not charging non-profits. The City needed to treat everyone equally.

Councilor Pishioneri said he would like this discussion brought back to Council in time for a decision to be made before the Christmas Tree season.

Mayor Leiken asked staff to bring this to council leadership and then schedule it on the Council agenda.

5. Mayor Leiken spoke regarding the Metropolitan Policy Committee (MPC) Meeting. It was clear that Springfield needed to be on our toes. There were different issues coming forward and changes. There would be debate on how the funds would be used: for projects or maintenance. He discussed federal funding that should have gone to the counties from the Oregon Department of Transportation (ODOT) that was already committed to projects. Overall Springfield's goals had been strongly identified. It was helpful to have the Council united on transportation projects. Councilor Ballew added that there was an effort to intermingle land use planning and transportation. When it came to federal requirements, however, it didn't apply. There

seemed to be an effort to tangle Federal requirements with State requirements, which was not a good thing.

6. Mayor Leiken spoke on the Oregon Business Magazine tour and said they had a blog on the internet, with very positive comments about Springfield. It was fun to see people from outside the area come to Springfield. They were very impressed with the RiverBend Hospital, Glenwood and other areas of our City. They toured BRING Recycling and saw that Springfield was practicing sustainability. The tour was outstanding. He thanked Niel Laudati and Courtney Griesel for coordinating the tour and John Tamulonis for his expertise as they took the people on the tour.

BUSINESS FROM THE CITY MANAGER

1. Declaration of Real Property as Surplus.

RESOLUTION NO 07-42 – A RESOLUTION DECLARING CERTAIN REAL PROPERTY OWNED BY THE CITY OF SPRINGFIELD SURPLUS AND DIRECTING THE CITY MANAGER TO OFFER SUCH PROPERTY FOR SALE.

Assistant Public Works Director Len Goodwin presented the staff report on this item. In 1993, the City acquired property which had been abandoned railroad right of way from the Sycan B Corp. The principal purpose of the acquisition was to facilitate the improvement of Pioneer Parkway, including the ultimate expansion of the parkway to connect with Beltline Road. The extension, Martin Luther King, Jr., Parkway, has now been constructed. The alignment of the Parkway followed the right of way for a substantial portion, but did not use this parcel of approximately 0.45 acres at the northern end of the property acquired from Sycan B. The parcel is burdened by a number of easements and is not suitable for construction or for any other public use. One owner of abutting property has expressed an interest in acquiring the property. The interested party is now constructing the Women's Care facility and intends to use this parcel, if acquired, for additional parking.

Staff recommends that the property be offered for public sale consistent with the provisions of Municipal Code Section 2.714 and the relevant provision of Oregon Revised Statutes regulating the disposal of public property.

Councilor Pishioneri asked if this property abutted commercial property.

Mr. Goodwin said it bordered the Women's Care pavilion on the north and a private residence on the south.

Councilor Pishioneri asked if that site could be used for a billboard.

Mr. Goodwin said if there were no code restrictions, it could.

Mr. Leahy said Council could make a reservation that no billboards could be placed on this property. Council could make that decision during their public hearing on this subject.

Councilor Ballew asked if the easements would be accessible. Yes.

Mayor Leiken asked what the original cost was for this piece of property.

Mr. Goodwin said it cost \$83,000 for the full 8 acres.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT RESOLUTION NO. 07-42. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BUSINESS FROM THE CITY ATTORNEY

1. Release of Deed Restriction.

City Attorney Joe Leahy presented this item. Mr. Leahy noted that the City had originally owned this property in 1937 and 1941 and had a restriction that a sawmill had to be placed on one of the parcels and there could be no mortgage. Pacific States now wanted to purchase this property from Weyerhaeuser and discovered these restrictions. There was now zoning and the zoning on that property was heavy industrial which would allow a sawmill, plywood mill or any other heavy industrial use. Mr. Leahy said he talked with Development Services Director Bill Grile and found that this was consistent with what should be done in this case. Staff recommended that the City release the condition.

Councilor Ballew referred to the original costs of that property.

Mayor Leiken thanked Mr. LeCompte for staying and for the information he shared. He appreciated Pacific States making the investment to buy this facility and bring jobs back to Springfield.

Councilor Pishioneri asked about the safety records for the other plants this company had purchased.

Mr. LeCompte said he didn't know. He was not a full time employee, but served as Counsel. His observations about Pacific States were that they were good operators and he knew they were concerned about safety in their plants. They had asked for all of Weyerhaeuser safety records and policies for this site.

Councilor Pishioneri asked if the labor unions were in favor of this purchase.

Mr. LeCompte said he did not know.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO AUTHORIZE THE CITY MANAGER TO EXECUTE A RELEASE OF THE RESTRICTIONS DESCRIBED IN EXCEPTION NO. 14 OF THE PRELIMINARY TITLE REPORT OF CASCADE TITLE COMPANY DATED MARCH 22, 2007, TITLE REPORT NO. 0253881. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

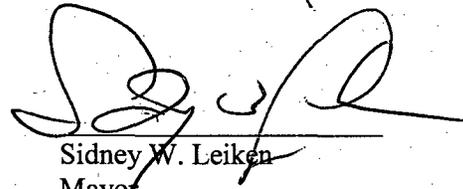
On a personal note, Mr. Leahy said he and his wife arrived home last Tuesday evening to find a burglary in process. He said they phoned the Springfield Police Department, and Officer

Umenhofer and several other officers arrived and were able to catch the burglars. He thanked the Police Department for promptly responding and for recovering his wife's mother's wedding ring.

ADJOURNMENT

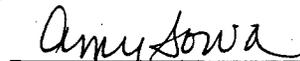
The meeting was adjourned at approximately 7:57 p.m.

Minutes Recorder Amy Sowa



Sidney W. Leiken
Mayor

Attest:



Amy Sowa
City Recorder