

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
TUESDAY, JANUARY 22, 2008

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Tuesday, January 22, 2008 at 7:00 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, Assistant City Manager Jeff Towery, 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

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 November 2007, Disbursements for Approval.
- b. Approval of the December 2007, Disbursements for Approval.

2. Minutes

- a. December 3, 2007 – Work Session
- b. December 3, 2007 – Regular Meeting

3. Resolutions

- a. RESOLUTION NO. 08-01 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30504, MOHAWK CENTER.
- b. RESOLUTION NO. 08-02 – A RESOLUTION APPROVING THE LANE COUNTY DEADLY FORCE PLAN AS CREATED BY THE LANE COUNTY DEADLY PHYSICAL FORCE PLANNING AUTHORITY.

4. Ordinances

5. Other Routine Matters

- a. Approval of the Liquor License Endorsement for Patty's Cafe, Located at 1820 Pioneer Parkway, Suite B, Springfield, Oregon.
- b. Approval of the Liquor License Endorsement for Mountain Valley Pizza/Caligals, Located at 3161 Gateway Street, Springfield, Oregon.
- c. Authorize the City Manager to Sign a Sole-Source Contract with ZOLL Data Systems to Purchase an Electronic Patient Care Report (ePCR) Application for a Cost Not to Exceed \$68,770.
- d. Authorize the City Manager to Sign a Contract to Purchase Five Thermal Imaging Cameras for a Cost Not to Exceed \$46,805.
- e. Approve the Digital Imaging as Originals Policy and Authorize the City Manager to Implement the Policy.
- f. Authorize the Police Chief to Sign the Interagency Deadly Force Investigations Team Memorandum of Understanding.

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. Vacation of a Portion of 18th Street Public Right-of-Way North of Q Street, Case No. LRP2007-00024.

ORDINANCE NO. 6213 – AN ORDINANCE VACATING A PORTION OF 18TH STREET PUBLIC RIGHT OF WAY WITHIN RONALD PARK PLAT AS PLATTED AND RECORDED IN BOOK 14 PAGE 13 LANE COUNTY OREGON PLAT RECORDS

City Planner Andy Limbird presented the staff report on this item. The City Council opened the Public Hearing and conducted First Reading of the Vacation Ordinance at the regular meeting on November 19, 2007. At the applicant's request, the Public Hearing was continued to the regular meeting on January 22, 2008 to allow the applicant time for preparation of an Assessment of Special Benefit for the vacation area as required by the Springfield Municipal Code. The applicant's Assessment of Special Benefit for the vacation area is included with the staff report (Attachment 2), and the amount of \$33,743 has been deposited with the City. Public Works staff reviewed the applicant's analysis and calculated an estimated land value for the vacation area using different criteria which resulted in a comparable net amount (approximately \$33,000). Therefore, the applicant's proposal is supported by staff.

The subject right-of-way is an irregular-shaped portion of 18th Street lying to the north of Q Street. The subject right-of-way was platted with the adjacent Ronald Park subdivision in 1948, but was subsequently truncated when Q Street was realigned to accommodate the I-105 on-ramp and interchange. The right-of-way requested for vacation is partially developed with a 20-foot wide asphalt mat surface and provides access to an existing dwelling. The three abutting tax lots that have frontage on the vacation area were recently rezoned from Medium Density Residential (MDR) to General Office (GO) pursuant to Planning Action ZON2007-00011. All three tax lots with frontage on the subject right-of-way are owned by the applicant. The applicant is proposing to combine the vacation area and the adjacent tax lots into a single development site for a commercial office building.

The Planning Commission held a Public Hearing on October 16, 2007, and adopted a recommendation in support of the proposed vacation (Attachment 4 in the agenda packet).

Councilor Woodrow asked what part of the intersection at 18th and Q Street would be improved that would discount the amount by \$35,000.

Mr. Limbird said staff did not recommend discounting the amount by \$35,000. The property owner would need to pay for any improvements. The improvements would not be above and beyond the normal requirements for a developer. He discussed the area that would be improved by landscaping. He discussed the amount of \$9355 identified as costs for improvements. This was agreed upon by staff and the applicant.

Mayor Leiken opened the public hearing.

1. Rick Satre 132 East Broadway, Suite 536, Eugene, OR. Mr. Satre spoke on behalf of the applicant. This was the second time coming before Council on this vacation. He reiterated Mr. Limbird's comments that staff from DSD and PW worked together to identify the assessment of special benefit and recommended some improvements the applicant would be making. There would be some level of public improvement on that property. With staff's support and assistance, both had arrived independently at similar amounts for the property. He thanked Council for their consideration.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT ORDINANCE NO. 6213. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

2. Unlawful Possession of Less Than One Ounce of Marijuana and Springfield Municipal Code Jurisdiction of Fine Proceeds.

ORDINANCE NO. 2 – AN ORDINANCE AMENDING THE SPRINGFIELD MUNICIPAL CODE (SMC), CHAPTER 5 – PUBLIC PROTECTION TO ADD SECTION 5.117, UNLAWFUL POSSESSION OF MARIJUANA LESS THAN ONE OUNCE, AND AMEND SECTION 5.104, MISDEMEANORS AND VIOLATIONS – STATE STATUTES ADOPTED (FIRST READING).

City Attorney Matt Cox presented the staff report on this item. Springfield Municipal Court Judge Strickland proposes that the Springfield Municipal Court add specific language to the SMC thereby allowing prosecution of UPCS less than one ounce of marijuana violations through SMC language and allowing the municipal court to retain jurisdiction over fine proceeds collected.

The City Attorney's office has worked with the municipal court to draft the attached ordinance.

This matter came before the City Council at a Work Session on November 13, 2007. Certain City Councilors had concerns regarding the marijuana diversion program being consistent with state law in regards to DUI diversion programs with a 10 year cut off. This change was made to Paragraph 4 of the proposed Ordinance pursuant to the Council's instructions.

The Springfield Municipal Court already has a UPCS less than one ounce of marijuana violation diversion program in place. There should be no cost to the City to add this violation into the SMC Chapter 5 – Public Protection. The City will receive financial benefit in the fines collected for UPCS less than one ounce of marijuana staying within the City's jurisdiction and not being forwarded to the Oregon Department of Revenue pursuant to ORS 475.864.

The Police Department will have to instruct its officers to cite UPCS less than one ounce of marijuana violators under the Springfield Municipal Code as opposed to the ORS in the future if this ordinance passes and comes into control regarding UPCS less than one ounce of marijuana citations.

Councilor Lundberg asked if this updated information could be included in the Police blotter information.

Mr. Cox said he would talk to Niel Laudati about that.

Councilor Pishioneri suggested putting out to the public a brief description of some of the current changes in the law related to this.

It was suggested these changes could be highlighted in the Springfield section of the Register Guard.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

NO ACTION REQUESTED. FIRST READING ONLY.

1. Barking Dogs, Continuous Annoyance Ordinance.

ORDINANCE NO. 3 – AN ORDINANCE AMENDING SPRINGFIELD MUNICIPAL CODE (SMC) 5.402, DEFINITIONS REGARDING BARKING DOGS, AND 5.420, BARKING DOGS PROHIBITED VIOLATION (FIRST READING).

City Attorney Matt Cox and Animal Control Officer Tracy Sparks presented the staff report on this item. The proposed ordinance is brought to the Council for First Reading and Public Hearing. Ms. Sparks will be available for questions at the First Reading.

At the October 15, 2007, work session, Councilors expressed some concern in regards to whether or not this noise ordinance was consistent with the 50-foot radius of SMC 5.284 (copy attached). Councilors wanted to know whether or not a 50-foot radius would be appropriate regarding this Barking Dogs Ordinance. Thereafter the City's Animal Control Officer and the City Attorney's office met and looked at SMC 5.284. Tracy Sparks believes that the 50-foot radius as described in 5.284 will not be appropriate for the Barking Dogs Ordinance. This is because in practicality only dogs outside of a residence cause problems which result in a citation being issued to a dog owner. Often these dogs are inside yards which are right up against a neighbor's property and the

50-foot radius language would be too limiting in those situations. Ms. Sparks can explain at the First Reading why she does not believe this proposed consideration should be added to the Barking Dogs Ordinance.

Another Councilor raised a concern in regards to a dog that would bark intermittently throughout the day, and whether or not there should be an infraction for a dog that barks for a certain duration, even if intermittently, within an hour's time, etc. Ms. Sparks looked at this issue and does not seek to change the draft language. Ms. Sparks would like to keep the language as proposed where a person will be cited if they unreasonably permit a dog to continuously cause annoyance, etc., for more than fifteen minutes at any time of the day or night.

There should be no financial impact on the City.

Ms. Sparks discussed the research she had done regarding the two issues brought forth by Council during their work session on October 15, 2007.

Councilor Ralston asked for clarification on the fifteen minute time and if the time was continual.

Ms. Sparks said it was a continual fifteen minutes.

Mayor Leiken opened the public hearing.

1. Paul Darling, 6576 Main Street, Springfield, OR. Mr. Darling said he appreciated the Council and the good they had done in Springfield. He lived off Main Street which was a very busy and somewhat noisy highway. He had one-quarter acre and loved dogs. He felt this ordinance was a 'one dog fits all' ordinance. He said he tried to be careful at night to keep his dogs quiet. There were cases when it wasn't the dog's fault, such as when other people or animals did something to cause the dog to bark. He discussed his neighbors that had put a hot tub next to the fence. The activity with the neighbors and their kids in the hot tub often caused his dogs to bark. He described steps he had taken to keep his dogs away from that part of the yard, including additional fencing in further on his own property. He suggested that the City provide citizens with a suggestion sheet of what could work if they had a barking dog, such as bark collars or other options. This sheet could be given with the first warning to assist with the problem from the beginning. He discussed identifying different areas around town that could be 'dog zones' that allowed a longer amount of time to allow the dog to bark. He would be willing to serve on a committee to look at some of these options and move people away from confrontation.

Mayor Leiken closed the public hearing.

Councilor Ralston said in the case where neighbors caused the dog to bark, the owner was not liable for barking dogs. He noted where that could be found in the ordinance.

Mr. Darling said he felt there were a lot of solutions.

Councilor Lundberg asked Ms. Sparks to address Mr. Darling's suggestions.

Ms. Sparks assured Mr. Darling and Council that no one would have their dog taken away because of a barking dogs' violation. The complainant needed to have facts and a definition, and that was addressed in the ordinance.

NO ACTION REQUESTED. FIRST READING ONLY.

2. Sale of Surplus Real Property.

Assistant Public Works Director Len Goodwin presented the staff report on this item. On September 17, 2007, the Council, by resolution, declared certain real property surplus and directed staff to offer it for sale. Staff have received two offers to purchase the property in question and recommend that Council select one of the offers and direct staff to enter into negotiations on the terms of a sales agreement.

This action involves a parcel of property, consisting of 0.47 acres, more or less, which constitutes a remnant parcel left over from the construction of Martin Luther King, Jr. Parkway. The parcel abuts the property of the two offerors. As Council can observe, neither of the two offers submitted for this parcel comply with the terms set forth in Resolution. Neither offer is accompanied by a MAI appraisal and, in addition, the offer submitted by Women's Care Properties, LLC was submitted after the deadline for submission of offers. Because neither proposal was accompanied by an appraisal, City staff examined the property and adjoining properties and records of sales and property values. On the basis of that examination, Ms. Little, who manages property held by the City for investment and rental purposes, has formed the opinion that the value of the property is approximately \$30,000. Statutory standards for the disposal of property of the City allow for significant flexibility in the procedure used for disposal, and contain no prohibition against waiving any irregularities that the Council may determine to be immaterial. Given that the staff opinion of value is consistent with the terms of at least one offer, staff believes that the irregularities associated with the offers can be waived. For the same reason, staff recommends that the offer of Women's Care Properties, LLC, be accepted.

During the consideration of the resolution, the Council indicated certain conditions should attach to any sale of this property. Those conditions included the prohibition against placement of billboards, placards or other advertising material on the property. Staff recommends that in directing that negotiations be undertaken with Women's Care Properties, LLC, that restriction, and any others the Council deems prudent, be included in any agreement of sale. If the Council decides to accept an offer, when an agreement is completed, staff will present that agreement for the approval of the Council.

Councilor Ralston asked if a person could put a cell tower on that property.

Mr. Goodwin said that could be restricted per the agreement. He didn't feel putting a cell tower on this piece of property would be feasible due to the easements for utilities.

Mayor Leiken opened the public hearing.

1. Catherine York, 3100 MLK, Jr. Parkway, Springfield, OR Dr. York said she was a physician practicing at the Women's Care Clinic. They had been operating there for a couple of months and were happy to be in Springfield. Originally, the clinic had planned for a greater number of parking spaces, but because of the many easements, had installed fewer spaces than

originally planned for patients and employees. They had tried a couple of ways to alleviate the problem, such as having an agreement with a neighboring church to use their parking lot during the week. That was still not an ideal situation for either the church or the clinic because people had to walk across the street and it was a poorly lit area. The clinic wanted to be a good neighbor and didn't want traffic to impact the neighbors. They appreciated Council's consideration for the sale of this property to alleviate the problems the clinic had encountered.

Mayor Leiken closed the public hearing.

Councilor Pishioneri said one of the things that was important when PeaceHealth was proposed out in Gateway was concern about a walkway or bike path to allow pedestrians from that area to reach the river. He asked how putting parking in this area would affect that access.

Mr. Goodwin said the path would remain in its current location. The parking would be south of that path and would not interfere.

Councilor Wylie asked how many employees worked at the clinic.

Ms. York said about twenty-five to thirty. The administrative offices were located there as well. There were five doctors, one midwife and support staff.

Councilor Ballew asked if there would be a problem putting parking over those easements.

Mr. Goodwin said that would be addressed in the site plan review. It should not be an issue, and could be removed to access if needed.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO APPROVE A MOTION TO DIRECT STAFF TO WAIVE IRREGULARITIES IN OFFERS FOR THE PURCHASE OF SURPLUS REAL PROPERTY OF THE CITY, ACCEPT AN OFFER, AND NEGOTIATE A SALES AGREEMENT WITH THE SELECTED PURCHASER. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

3. Sale of Krey Property.

Community Development Manager John Tamulonis presented the staff report on this item. Mrs. Mildred E. Krey, Trustee of the Non-Marital share created in the Krey Trust, donated to the City a 50% share in the 0.9-acre property on the 4900 block on the south side of Main Street in mid-2007 (Attachment 1 in the agenda packet).

The City had an appraisal of the property value (Attachment 2 in the agenda packet) with a recent update that concluded a Fee Simple Market Value of \$367,000, effective October 29, 2007. The City advertised for the potential sale of the property through an RFP process and received three offers by the due date of December 7, 2007 (Attachment 3 in the agenda packet).

City received a Preliminary Title Report by Cascade Title Company showing Mildred E. Krey, Trustee of the Non-Marital Share and the City of Springfield each as to an undivided one-half interest of the property known as 4909, 4911, and 4915 Main Street Springfield. Cascade Title

Company indicated they would write title insurance on the property. The City also had a Level I environmental study completed which pointed to the need to remove asbestos tile, lighting ballasts, and moldy debris. The City's costs of the studies, legal and other relatively incidental costs are estimated to be about \$15,000.

Mrs. Krey's attorney Tom Wurtz indicates her willingness to agree to sign a Sale Agreement for the highest offer received: from CLADD Enterprises, LLC for the proposed price of \$350,000 for the property "as is". The City's share would be \$175,000 before netting out legal services and costs of studies.

Councilor Ballew said the offers made were similar. She asked if they would be confirming these were bona fide buyers.

Mr. Tamulonis said they would be confirming that and would let Council know if there were any problems.

Councilor Ballew would like a back-up offer.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR LUNDEBERG WITH A SECOND BY COUCILOR WOODROW TO APPROVE THE CITY MANAGER TO SIGN A SALE AGREEMENT WITH MRS. MILLIE KREY'S CONCURRENCE, TO SELL THE KREY PROPERTY TO CLADD ENTERPRISES, LLC, WITH THE CITY'S SHARE OF THE PROCEEDS TO GO FOR SUPPORT OF THE JUSTICE CENTER AND POLICE SERVICES IN THE COMMUNITY OF SPRINGFIELD IN ACCORDANCE WITH A RESTRICTED DONATION AGREEMENT AND COVER THE PRELIMINARY COSTS FOR PREPARING FOR THE SALE. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BUSINESS FROM THE AUDIENCE

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

1. Correspondence from Kathryn Terhune Cotton, 520 Pacific Avenue, Springfield, Oregon Regarding the Need for Resources for Pet Overpopulation.

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

Councilor Ralston noted that he had met with some of the people interested in this issue and hoped to bring some information to the full Council during a work session in the future.

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 1 due to the December 31, 2007 term expiration of Darnell Manning. The person appointed to the Ward 1 position will serve a three year term that will expire on December 31, 2010. Jeff Morris has interviewed for this position.

The Budget Committee also has a vacancy in Ward 5 due to the resignation of Diana Garcia. The person appointed will serve the remainder of Ms. Garcia's term which will expire on December 31, 2009. Daniel Bowie has interviewed for this position.

Interviews of Jeff Morris and Daniel Bowie were conducted by the City Council on January 14, 2008. The candidates selected by council to serve as members of the Budget Committee for Wards 1 and 5 must be appointed to the positions and their appointments ratified.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO APPOINT JEFF MORRIS TO THE WARD 1 BUDGET COMMITTEE POSITION WITH A TERM EXPIRING DECEMBER 31, 2010. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO APPOINT/NOT APPOINT DANIEL BOWIE TO THE WARD 5 BUDGET COMMITTEE POSITION WITH A TERM EXPIRING DECEMBER 31, 2009. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

b. Temporary Extended Terms for Two Library Board Members.

RESOLUTION NO. 08-03 – A RESOLUTION AUTHORIZING TEMPORARY EXTENDED TERMS FOR TWO LIBRARY BOARD MEMBERS.

Interim Library Director Debbie Steinman presented the staff report on this item. The terms for Library Board members Ruth Haberman and Jonna Vandewalker expired on December 31, 2007. Due to the recent vacancy in the Library Director position, the Board feels it would be beneficial to extend the terms of Ms. Haberman and Ms. Vandewalker through the recruiting and hiring process of the Director.

The Library is preparing for the recruitment and hiring of a new Library Director. The terms of two of the Library Board Members, Ruth Haberman and Jonna Vandewalker, expired on December 31, 2007. The Library Board felt that it was important to keep consistency in the

Board membership during the recruitment and hiring of the new Director and is asking the Council to approve a Resolution extending Ms. Haberman and Ms. Vandewalker terms for six months or until a new Director is hired. Both Ms. Haberman and Ms. Vandewalker are willing to continue on the Board until that time.

As their extended terms near expiration, the Library will advertise to fill these two positions. The applicants that fill these positions will complete the terms with an expiration date of December 31, 2011.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT RESOLUTION NO. 08-03. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

c. Mayor/Council Committee Assignments.

Mayor Leiken referred to the list of Council assignments for boards, commissions and committees and confirmed those assignments.

2. Business from Council

a. Committee Reports

1. Councilor Ballew said there would be a special Metropolitan Policy Committee (MPC) meeting at the suggestion of one of the Eugene Councilors. This meeting would be to add additional Statewide Transportation Improvement Program (STIP) projects to the list. She felt that some at the meeting were making up some of their own criteria.

Mayor Leiken agreed. One of the issues was that there weren't a lot of transportation projects in this area. From a policy standpoint, many people didn't understand how to get things put forward from the MPC to the Board of Commissioners, ratified and to the State. He was unable to attend the meeting, but noted that Vice Chair Bobby Green would run the meeting. Councilor Ballew would also be attending.

Councilor Lundberg said she hoped some of the members of MPC would be reminded that the purpose of the MPC was to be a problem solving committee, not a policy setting group. She felt they were going down paths that weren't appropriate.

Councilor Ballew discussed the Metropolitan Policy Organization (MPO) and that some policy decisions were made at that level. Individual cities, however, had jurisdiction over their own projects.

Councilor Lundberg expressed concern that they could get in a voting quagmire.

Mayor Leiken said there was ongoing concern that there was not enough public involvement, only policy makers at the MPC meetings. He noted that the public involvement process happened in each jurisdiction.

Councilor Wylie said elected officials were elected to represent the public.

Councilor Ballew said she was going to attend a State Advisory Committee meeting tomorrow (Wednesday, January 23) and a Federal Forest meeting next week. She asked Council if they would like her to share information from these State committees. Yes. She noted that on Friday (January 25) she would be attending a joint Fiber Optics meeting in which they would finalize the merger of the two consortiums.

2. Mayor Leiken discussed the Martin Luther King, Jr. event that was held at Springfield Middle School on Monday, January 21. He said about 400 people attended. He felt Springfield's event grew because of the connection with the youth. The event went very well.

Mayor Leiken also reported that last week he attended a meeting as Chair of the League of Oregon Cities Transportation Committee. He said it was a good group. Next week's schedule included: Monday – the Governor's Governance Committee; Tuesday – the Oregon Department of Transportation (ODOT) Committee meeting; the week after next – the Business Strategy Committee. He noted the importance of having Councilor Ballew on the Freight Advisory Committee. Truckers expected an increase in freight, and would be discussing how to deal with that increase.

3. Councilor Ballew reported on the Oregon Metropolitan Planning Organization Consortium (OMPOC) meeting that she attended last week in Eugene. The Freight Advisory Committee was also in Eugene, She was glad to see more of the state committees holding their meetings in our area.
4. Mayor Leiken said there were two vacancies on Oregon Transportation Commission (OTC). These positions could be filled by people from the coast and central Oregon.

Councilor Ballew further discussion the OMPOC meeting.

5. Councilor Ralston asked about committee appointments and referred to Lane County Boundary Commission. They will no longer be in existence as of June 2008 so will be removed from this list.
6. Councilor Woodrow attended the Franklin Stakeholders meeting. There was a good design plan for Franklin Boulevard, withstanding the two roundabouts. There were still a lot of questions about the McVey/Franklin intersection.

BUSINESS FROM THE CITY MANAGER

Mr. Towery asked to change the order of the meeting to allow time for Bob Keefer from Willamalane to get to the meeting in time for the Gray House item.

1. Thurston Fire Station #16 Public Comments and Project Status – P20534.

Project Manager Carole Knapel presented the staff report on this item. At the January 14, 2008 Work Session, the staff presented three schematic design options for the Thurston Fire Station

#16 Project. At that time, staff advised that two Open House sessions had been scheduled in order to obtain public comment about each of the options.

At the Council Work Session on January 14, the staff presented three schematic design options. The cost of each option is as follows:

Option	Cost	Approved Const. Cost	Difference
Single Story (Pitched Roof)	\$1,697,000	\$1,766,750	(\$69,750)
Two Story (Pitched Roof)	\$1,955,000	\$1,766,750	\$188,250
Two Story (Low Pitch Roof)	\$2,051,000 with stucco	\$1,766,750	\$284,250
Two Story (Low Pitch Roof)	\$1,979,000 w/o stucco	\$1,766,750	\$212,250

At the time of the Work Session, the staff indicated that two Open House sessions had been scheduled to provide public comment on the designs. The Open House sessions have been scheduled for January 15 and January 17, 2008. Staff will compile the public comments and present the comments to Council during the January 22, 2008 meeting.

In addition, during the next two weeks, the project team will meet to determine if any further reductions can be made to the construction costs for any of the proposed schematic design.

At this time, Council may determine to select one of the proposed schematic design options and direct staff to proceed with the design of that option. In the alternative, Council may direct staff to return on February 4, 2008 with a detailed itemization of the public comments and/or possible modifications to the schematic design options.

Ms. Knapel referred to the number of cards from neighbors voting for certain options following the open house hearings.

Ms. Knapel said Council had the option of selecting an option this evening, or asking staff to compile the information from the open houses before making their decisions.

Mayor Leiken said in the work session the majority of Council wished to delay this. He asked if they still felt the same. He said he wouldn't mind looking more closely at the public comments.

Councilor Lundberg said she would like to hear the information on the comments received. With the change in the agreed upon price, she wanted to feel comfortable in making that change. She was interested in cost savings over time.

Councilor Ballew suggested looking at future maintenance costs for each design.

Councilor Pishioneri said he had other things he wanted answered. He was pleased with the attendance at the open houses and liked talking to neighbors. He appreciated the information he received, but was not ready to make a decision.

A Council member asked what it would do to the construction timeline if Council put off the decision for two weeks.

Ms. Knapel said the goal was to be in construction this summer. If Council waited to make their decision in two weeks, that time could be made up later.

Councilor Wylie discussed the difference between the one-story and two-story. She would like staff to calculate the closest cost difference.

Ms. Knapel explained the difference in cost between plans and the original approved budget.

Councilor Ralston said he had no problem postponing, but was pleased to see that so many people voted for two-story. The one-story was cheaper, but the public saw value in other things.

Mayor Leiken commended staff for the number of people attending the open house. It was clear the public had an interest in this.

Ms. Knapel said staff could return to Council on February 4 with a compilation of the comments received at the open houses. The team would be meeting tomorrow to look at ways to reduce the cost of all options.

Councilor Pishioneri asked about value engineering. He didn't want to take away quality in trying to reduce costs.

Ms. Knapel said they had ideas from Hyland regarding methodology that could reduce costs without compromising quality.

2. Funding for Justice Center Ancillary Building.

Finance Director Bob Duey presented the staff report on this item. In order to keep the construction of the Justice Center within the identified budget, on January 22, 2007 the City Council directed staff to reduce the then current scope of the Justice Center facility by four specific projects in order to reduce the projected expenditures by \$510,000. Recent discussions by the Citizen's Advisory Committee, the Police Planning Task Force and project staff has confirmed that all 4 projects are still considered high priority items for eventual inclusion in the Justice Center facility. For the project management staff, of the four tabled projects a particular interest at this time is the ancillary building and a final determination of the number of square feet that are to be constructed. If the additional square footage for ancillary building is to remain on the contingency project list through this phase of the construction, then no additional action needs to be taken by Council at this time. If a decision were to be made to advance the timing of the ancillary building additional square footage so that the enlarged facility would be included in this phase of the construction, then Council would need to at this time direct staff to begin the process of re-design and cost estimates.

After review, provide staff with the necessary direction to proceed with the Justice Center project by either;

- 1) Direct staff to continue to include the ancillary building on the list of potential additions to the justice center project; or
- 2) Direct staff to proceed with the construction design of the full ancillary building by asking the architects to develop a new price for its inclusion.

Mr. Duey reviewed some of the costs of items that had been removed a year ago. Decisions were made for budgetary reasons, but could be added back later. He noted that at that time, there was no agreement as to when the items would be added back in. The only thing that had changed over the past year was the budget timing. Staff felt it was a good time to check back with Council regarding the ancillary building size.

Mr. Duey said the budget for the project had remained the same. He felt it was too early in the project to go to contingency funds to pay for this addition. The functional part of the ancillary building was just as important as it was a year ago and the Police would like to see it go back in. He referred to the Council Briefing Memorandum included in the agenda packet and noted the potential funding options listed on the back page of that document. He explained the funding options.

Councilor Ralston said it was his personal belief that the ancillary building was important. Coming back much later would not be feasible. He would like to go forward.

Councilor Ballew said she was concerned about the current appeal with the Land Use Board of Appeals (LUBA) regarding the vacation on B Street.

Mr. Leahy said the appeal was scheduled for February 7, 2008. In the event that the appeal was upheld on the part of the applicant, the ancillary building could still be built across B Street.

Councilor Pishioneri said he was supportive of adding it back in. He discussed financing and asked if the current rate changes would help with the Fire Station loan.

Mr. Duey said it would be difficult to anticipate where the loan rates would be at the time of the loan.

Mayor Leiken agreed it was too difficult to know about percentages. He was also concerned about the B Street appeal and the alternate location of the building if B Street wasn't vacated.

Councilor Woodrow said he appreciated the concern about B Street, but was confident the architect could redesign the ancillary building to fit on the current property if B Street was closed. The building was an important space for the Police Department. He supported staff going forward getting the information on adding the building back to the project. Doing it later would cost a lot more.

Councilor Lundberg said the LUBA appeal was soon, so she was fine with the building. She had come to realize how important this building was to the Police Department. She was supportive of seeing how we could make it happen, but would prefer waiting until after the appeal.

Mayor Leiken asked if this could wait until after the appeal.

Councilor Pishioneri suggested staff move forward to find out the cost.

Mr. Duey said they could start the process of determining the cost, but would wait until the appeal decision was made before proceeding further.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO MOVE FORWARD WITH COMPLETION OF THE FULL ANCILLARY BUILDING. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 1 AGAINST (Ballew).

3. Gray House Intergovernmental Agreement.

Assistant City Manager Jeff Towery presented the staff report on this item. The City and Willamalane jointly purchased the Gray Homestead property in July, 2006 consistent with the Heritage Park Pre-Development Agreement adopted by the City and the District earlier that year. The proposed Intergovernmental Agreement (IGA) formalizes the arrangement contemplated in the pre-development agreement. In summary, the facility is jointly owned and the District provides day-to-day management and maintenance of the house and grounds. The District will pay all utilities and retain any rental revenue generated from the site. Both parties will jointly agree on the final use of the facility, currently expected to be as a community meeting place, similar to the Tomseth House at Dorris Ranch. The City has the option to convey its interest in the property to the District in the future.

The City Attorney and Agent of Record have both reviewed and approved the IGA.

Mayor Leiken asked about the house and if it would hold community events. He asked if the house had been inspected.

Mr. Keefer said it would be similar to the Tomseth House and hold small meetings. It would not be advertised as a large event center, but could be used for smaller events, such as a small family reunion. They would make sure it complied with all codes. Current inspections had show that one corner of the house was sloughing, but other than that was pretty structurally sound. They had found a number of interesting items in the house, including newspapers from the 1870's used as part of the insulation on the second floor.

Councilor Lundberg said the Tomseth House had a caretaker. She asked if the same would be true for this house.

Mr. Keefer said there would be a time, about a year or so, when a caretaker would live there. The developer had ten years to fix up the house and get a development in place. Once the development was in place, there may not need to be a caretaker at the house.

Councilor Pishioneri asked when the public would have access to the house.

Mr. Keefer said after the ten year period. There was some latitude to work with Mr. Carver to allow limited access during the ten years.

Mayor Leiken felt the agreement was very good. He appreciated celebrating Springfield's rich heritage with this homestead. He attributed the start of this to Mike Kelly, former Springfield City Manager, and for the partnerships in getting this property for the City and the parks.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE PROPOSED AGREEMENT WITH WILLAMALANE PARK AND RECREATION

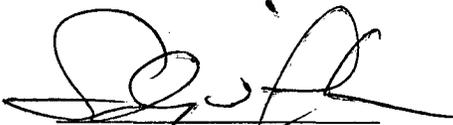
**DISTRICT FOR MAINTENANCE AND MANAGEMENT OF THE GRAY
HOMESTEAD PROPERTY. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0
AGAINST.**

BUSINESS FROM THE CITY ATTORNEY

ADJOURNMENT

The meeting was adjourned at approximately 8:24 p.m.

Minutes Recorder Amy Sowa



Sidney W. Leiken
Mayor

Attest:

Amy Sowa
City Recorder