

City of Springfield  
Regular Meeting

MINUTES OF THE REGULAR MEETING OF  
THE SPRINGFIELD CITY COUNCIL HELD  
MONDAY, FEBRUARY 4, 2008

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, February 4, 2008 at 7:13 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Lundberg, Wylie, Ballew, Woodrow (by conference phone) and Pishioneri. Also present were Assistant City Manager Jeff Towery, City Attorney Joe Leahy, City Attorney Matt Cox, City Recorder Amy Sowa and members of the staff.

Councilor Ralston was absent (excused).

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. Police Recognition of Paula Kukus.

Police Chief Jerry Smith introduced Paula Kukus. On November 27, 2007, Springfield Police were notified by the Lane County Sheriff's Office of an escapee and provided the description of a vehicle associated with this wanted man.

One of the patrol officers observed the vehicle and recognized the driver as the person wanted for escape. The wanted person attempted to flee and after a short vehicle pursuit, the suspect drove over a curb, came to a stop and then ran from the vehicle into a large apartment complex. Two officers gave foot chase of this individual who was clearly attempting to avoid capture.

From seemingly out of nowhere, Paula Kukus appeared and knocked the escapee to the ground, enabling the pursuing officers to take the suspect into custody. Ms. Kukus disappeared as quickly as she had appeared and was located by officers later in an apartment where she was providing care for an individual.

It should be noted that the suspect at 6 foot 2 inches and 180 pounds is much larger than Ms. Kukus.

Ms. Kukus sought no recognition for her remarkable courage in assisting Springfield Police in apprehending this wanted man as evidenced by the need for officers to knock on apartment doors to locate her.

The Springfield Police Department takes great pride in extending sincere appreciation to Ms. Paula Kukus for going far beyond an act of good citizenship in the arrest of a wanted man attempting to flee police.

CONSENT CALENDAR

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR PISHIONERI TO APPROVE THE CONSENT CALENDAR WITH ITEM 5.F. REMOVED. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Ralston).**

1. Claims

2. Minutes

- a. January 14, 2008 – Work Session
- b. January 22, 2008 – Work Session
- c. January 22, 2008 – Regular Meeting

3. Resolutions

4. Ordinances

- a. ORDINANCE NO. 6214 – 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.
- b. ORDINANCE NO. 6215 – AN ORDINANCE AMENDING SPRINGFIELD MUNICIPAL CODE (SMC) 5.402, DEFINITIONS REGARDING BARKING DOGS, AND 5.420, BARKING DOGS PROHIBITED VIOLATION.

5. Other Routine Matters

- a. Approval of the Liquor License Endorsement for Save-a-Lot #981, Located at 4223 Main Street, Springfield, Oregon.
- b. Approval of the Liquor License Endorsement for 7-Eleven 2363-18092D, Located at 1396 Main Street, Springfield, Oregon.
- c. Approval of the Liquor License Endorsement for Hayden Bridge Deli, Located at 2454 10<sup>th</sup> Street, Springfield, Oregon.
- d. Approval of the Amendments to the Council Operating Policies and Procedures.
- e. Approve the Contract to ECONorthwest for Track 2 of Commercial/Industrial Buildable Lands (CIBL) Inventory Consultant Services to Create a Contemporary Land Use Database and Analysis Tools in the Amount of \$61,000.
- f. (Removed)
- g. Approval to Enter into an Agreement with Lane County to Act as an Agent for the City for the Appraisal, Negotiations and Acquisition of Real Property Rights.

ITEMS REMOVED

5. f. Approval of the Contract with John Hyland Construction, Inc. for Construction of Thurston Fire Station #16 and Remodel of Fire Station #3, Projects P20534 and P20547.

Councilor Lundberg asked to have Item 5.f. acted upon after the design for Fire Station #16 was determined (under BUSINESS FROM THE CITY MANAGER, Item 1).

Council asked if the Council Operating and Policies addressed the new ethics law. Not at this time.

Mr. Leahy said the City Attorney's Office would be looking into the new ethics law and bringing back information to the Council.

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. Lane Regional Air Protection Agency Residential Wood Heating Advisory Amendment.

ORDINANCE NO. 3 – AN ORDINANCE REGARDING AIR POLLUTION, AMENDING CHAPTER 4, SECTIONS 4.418(4), 4.500 AND 4.506 OF THE SPRINGFIELD MUNICIPAL CODE, AND CHANGING REFERENCE IN THE SPRINGFIELD MUNICIPAL CODE FROM THE LANE REGIONAL AIR POLLUTION AUTHORITY TO THE LANE REGIONAL AIR PROTECTION AGENCY, AND AMENDING THE RESIDENTIAL WOOD HEATING ADVISORY THRESHOLD VALUES (FIRST READING).

Environmental Services Supervisor Bill Hamann presented the staff report on this item. Lane Regional Air Protection Agency (LRAPA) has requested amendments to Springfield's "Red-Yellow-Green" Residential Wood Heating Advisory ordinance 4.506 "Definitions," to revise wood heating advisory thresholds downward, reducing wood heating pollutant levels to ensure that Springfield continues to meet federal air quality standards. LRAPA also requested updating the Municipal Code to reflect LRAPA's current name, as noted above, where it appears in the Code.

Springfield Municipal Code Section 4.506 presently defines air quality threshold values for residential wood heating (RWH) restrictions when high levels of air pollution are forecast. The restrictions are communicated to the public via published advisories, using a Green, Yellow, Stage I Red, and Stage II Red designation to denote increasing restrictions on allowable burning activities. Restrictions are progressive as forecast pollution levels increase, up to and including a prohibition on the use of wood heating devices without a special exemption.

Threshold levels for the advisories are developed by LRAPA, based on the EPA's National Ambient Air Quality Standards (NAAQS). The NAAQS were recently revised downward, and the proposed amendments seek to proportionally reduce the RWH advisory thresholds to maintain Springfield's air quality within federal limits.

The NAAQS is based on very small particulate termed PM<sub>2.5</sub>, which, in high concentrations, is believed to adversely impact the health of sensitive individuals. The RWH advisory thresholds represent maximum allowable levels of air pollutants believed to protect the health of sensitive individuals.

In September, 2007, LRAPA submitted a letter to Mayor Leiken requesting that the City amend the Municipal Code regarding the levels of PM that trigger the various advisories, lowering the threshold levels for all categories of the advisory (see Attachment A). This reflects changes to the NAAQS, which were recently revised when research showed that lower pollutant levels were needed to reduce the risk to human health from air pollution.

The current and proposed PM<sub>2.5</sub> concentration thresholds, and their respective advisory level, are included in Attachment A, Council Briefing Memo. The letter from LRAPA requesting the amendments is included as Attachment B, and the proposed ordinance is Attachment C.

Mr. Hamann noted that there was a minor technical change in the council briefing memorandum (CBM) included in the agenda packet. He introduced Merlin Hough, Director with LRAPA, and Sally Markos, Public Information and Education Outreach staff person from LRAPA. Mr. Hamann asked Mr. Hough to explain the change in the CBM, page 2.

Mr. Hough referred to page 1 of the CBM. He noted that exemptions from the requirements were available through LRAPA for low-income residents. Few exemptions had been requested. Mr. Hough also explained the minor technical correction on the table on page 2 of the CBM, regarding opacity levels.

Councilor Wylie said she appreciated the need for clean air, but had a lot of concern with the new levels which could mean about eleven days when people couldn't burn. She was concerned about those people that relied on their wood heat as their source of heat. She asked what would happen if Council voted not to comply and whether or not this was a federal requirement.

Mr. Hough said it was part of the state implementation plan and included current ordinances in the current plan. They asked that cities be consistent with federal standards that were adopted a year ago. It was critical and LRAPA would consider it a major problem if the cities voted not to update their ordinances.

Councilor Wylie said a lot of people relied on wood heat for comfort. She felt it was a very strict standard.

Mr. Hough said the purpose was to reduce smoke emissions. In Eugene and Springfield, the major change would be in yellow days. They hoped they would have sufficient support during the yellow days to reduce the number of red days. Cities had exemptions for low-income residents, but few people had asked for that exemption.

Mayor Leiken asked who else had adopted this.

Mr. Hough said Oakridge and Eugene had already approved the new levels. Lane County would soon be considering this for approval. Lane County's ordinance related to citizens in the urban growth boundary (UGB) only.

Mr. Leahy referred to the change in figures on the chart in the CBM. He asked if there were any changes in the ordinance due to the changes on that chart.

Mr. Hough said that change did not affect the ordinance. No changes to the ordinance were needed.

Councilor Ballew noted the confusion with this topic because the standards were being raised, but the numbers lowered. She would like it to be made more clear next time.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

NO ACTION REQUESTED. FIRST READING ONLY.

#### BUSINESS FROM THE AUDIENCE

1. Fred Simmons, 312 South 52<sup>nd</sup> Place, Springfield. Mr. Simmons said he would like to discuss two items. The first was the design for Fire Station #16. He said that most people that attended the briefings on the design supported the two-story design with the peaked roof. He noted that the City had three stations that were deficient and it would not make sense to spend more money on a flat roof. The second topic of his testimony was the Depot building. He noted that when the Depot Foundation dissolved, the City would absorb the property the Depot building sits on and enter into a rental agreement with the Chamber of Commerce. There were definitive issues that needed to be addressed in that agreement. A substantial amount of public money would be needed for the maintenance of that building and he felt there needed to be a mechanism in place for funds collected for rent to go into a maintenance fund for future maintenance. He also felt there needed to be an accounting mechanism for when the Chamber rented out space for other groups. There were details about the station and rail car that needed to be looked at regarding the acquisition, lease agreement, and station proceeds.

#### COUNCIL RESPONSE

#### CORRESPONDENCE AND PETITIONS

#### BIDS

#### ORDINANCES

#### BUSINESS FROM THE CITY COUNCIL

1. Committee Appointments
  - a. Arts Commission Appointment.

Librarian Carrie Schindele-Cupples presented the staff report on this item. The Arts Commission has three vacancies on its board. We advertised for two position openings due to a term expiration of member Judith Macomber and a resignation by Janelle McMahan. At the January 14<sup>th</sup> meeting, Don Durland also announced his resignation, creating a third opening. The recommended candidates applied and were interviewed by the Arts Commission to fill the vacancies.

The Council reviewed the applicants at the January 28, 2008 work session.

In response to the news releases of December 5, 2007 and December 26, 2007, the Arts Commission received five applications to fill three vacancies. The Arts Commission reviewed all applications and met with the five applicants during its regular January 14<sup>th</sup> meeting.

The Arts Commission recommends that William Miller, Karl Kreutzer and Sandra Dominguez be appointed to the commission, with terms to expire December 31, 2011.

Mr. Miller is an artist and carpenter who owns Millrace Woodworks in Springfield and is passionate about building the arts community in Springfield.

Mr. Kreutzer works as an engineering technician, and is experienced with fundraising and arts advocacy.

Ms. Dominguez is a former member of the arts commission and eligible to serve again; she holds an M.A. in Arts Administration.

All recommended applicants are qualified to serve on the Arts Commission. The Council is requested to appoint three candidates at the Regular Session on February 4, 2008.

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR PISHIONERI TO APPOINT WILLIAM MILLER, KARL KREUTZER AND SANDRA DOMINGUEZ TO THE ARTS COMMISSION WITH TERMS TO EXPIRE DECEMBER 31, 2011. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Ralston).**

2. Business from Council

a. Committee Reports

1. Councilor Ballew reported on the Metropolitan Policy Committee (MPC). At the last meeting, criteria for Statewide Transportation Improvement Program (STIP) funds were discussed. After discussion, it was determined that the State rules counted, not that of the MPC or cities. Some MPC members wanted to discuss it further. She felt it was unnecessary and noted that Commissioner Sorenson agreed with her and Councilor Lundberg.
2. Councilor Pishioneri said the TEAM Springfield meeting held on February 2 went well. There were good ideas shared for the Downtown Urban Renewal District, including traffic solutions for South A Street.
3. Mayor Leiken thanked Councilors Ballew and Lundberg for attending the first State Transportation meeting. One of the things discussed was how to work through the loss of revenue from the Secure Rural Schools Act, and what policy initiatives were needed to address loss of matching money. Transportation and land use issues needed to be addressed from a common sense point of view. It was a good discussion.
4. Councilor Ballew said she attended the Task Force on Federal Forest Payments meeting in Salem on January 31. There was good information shared that she would

bring to City staff. Discussion was held at the Task Force meeting regarding the various program work groups. There were two areas statewide that had \$15M interest on delinquent payments. Concurrence from the group was that should go to the counties. It was not a significant amount, but was something. Councilor Ballew noted that Matt Garretts was committed to the counties.

Mayor Leiken said they also discussed how the gas tax would be allocated.

Councilor Ballew said the State would transfer some of the gas tax to the counties. Discussion was held on how those funds were split.

#### BUSINESS FROM THE CITY MANAGER

1. Thurston Fire Station #16 – Design Options P20534.

Project Manager Carole Knapel presented the staff report on this item. On October 15, 2007, the Council approved the Functional and Space Program for the Thurston Fire Station #16 Project and directed staff to proceed with the design of a facility which would incorporate Best Management Practices and which would address issues of gender neutrality, ADA accessibility, turnout and equipment storage “Blue Line” separation and apparatus storage. The Council authorized the project to include approximately 9550 square feet. On January 14, 2008, staff presented three schematic design options for the Council’s review.

The project design team has been working with representatives of the Fire Department, Development Services, and Information Technology to develop a building layout which incorporates the Functional and Space Program as approved by the City Council. Because of the site limitations, the project team has developed a two-story option as well as a single story option. The project team has identified the advantages and disadvantages of each option, as well as the construction cost for each option.

In order to provide for public review and comment on each option two Open House sessions were conducted. The first Open House Session was held at City Hall on January 15, 2008. Nineteen persons signed the sign-in sheet for this session. Of that number, six persons were employees of Fire and Life Safety. The second Open House session was held at Thurston High School on January 17, 2008. Twenty-nine persons signed the sign-in sheet for that session. Of that number, eleven were employees of Fire and Life Safety. At each session there were attendees who chose not to sign in. Of the 52 persons providing written comments, 48 persons preferred the two-story pitched roof option. Ms. Knapel noted that comments and information from the Open Houses was included in the agenda packet.

Following the Council Work Session on January 14, the project team met to determine if any additional construction cost reductions might be possible. Some additional reductions have been identified and the construction cost for the single-story design could be reduced by approximately \$14,000. The two-story designs could be reduced by approximately \$184,000. The following are the construction cost estimates:

<b>Option</b>	<b>Cost</b>	<b>Approved Const. Cost</b>	<b>Difference</b>
Single Story (Pitched Roof)	\$1,683,000	\$1,766,750	(\$83,750)

Two Story (Pitched Roof)	\$1,771,000	\$1,766,750	\$4,250
Two Story (Low Pitch Roof)	\$1,867,000 with stucco	\$1,766,750	\$100,250
Two Story (Low Pitch Roof)	\$1,795,000 w/o stucco	\$1,766,750	\$28,250

Councilor Pishioneri thanked staff for the information and for finding ways to save on costs. He said he was in favor of the two-story with the pitched roof. He asked which staircase would be external.

Ms. Knapel referred to the drawing and said it would be the staircase on the southwest side of the building.

Councilor Pishioneri said he had originally asked for cost savings that didn't affect quality, and he was concerned about the external staircase. Although, they wouldn't save as much by putting the staircase back inside, in the long run, the usefulness and livability would be worth the investment. He would support building the two-story with the staircase added back in.

Councilor Ballew asked about the improvements to the temporary fire station.

Ms. Knapel said the Hyland contract included improvements to the adjacent property to set up a trailer for the firefighters to live in while the new building was being constructed. Improvements would include laying down gravel and connecting the sewer and stormwater lines.

Mayor Leiken asked about adding the staircase back in.

Councilor Pishioneri further explained why he felt it was important to put it back inside.

Councilor Woodrow asked for clarification. He supported the stairways inside.

Councilor Ballew said she preferred the one-story pitched roof design. She noted the elevator that would be required in the two-story design.

Councilor Lundberg said there was no need to nickel and dime on this project. She would prefer to have it done right. She was hoping the station was as functional as possible and allowed training to occur. There were certain buildings that were part of neighborhood and she was fine spending the extra money to get a quality facility reflective of the commitment to our Fire and Life Safety (F&LS) services.

Councilor Wylie said from everything she heard, the majority of F&LS personnel preferred the two-story pitched roof design. She felt it was important to listen to what they said. She noted the cost of replacing the exterior stairway, and felt it was good to put it inside.

It was noted that if the staircase was put back inside, both staircases would be made of wood.

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WYLIE TO SELECT THE TWO-STORY PITCHED ROOF DESIGN AT A COST OF APPROXIMATELY \$1,832,000 AND DIRECT STAFF TO PROCEED WITH THE DESIGN OF THE THURSTON FIRE STATION PROJECT. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 1 AGAINST (Ballew) (1 ABSENT – Ralston).**

ITEM REMOVED FROM CONSENT CALENDAR

5. f. Approval of the Contract with John Hyland Construction, Inc. for Construction of Thurston Fire Station #16 and Remodel of Fire Station #3, Projects P20534 and P20547.

Councilor Ballew asked if this contract would be for the amount noted.

Ms. Knapel said the contract included the term of the contract, not the exact dollar amount. Staff would bring back the costs to Council for their approval.

Mr. Leahy said that if Council approved the contract, it would be for the terms and conditions set forth in the contract. It would be a conditional approval based on consideration of each of the contracts for the two fire stations.

Mr. Towery said staff would come back with costs.

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR PISHIONERI TO APPROVE THE CONTRACT WITH JOHN HYLAND CONSTRUCTION, INC. FOR CONSTRUCTION OF THURSTON FIRE STATION #16 AND REMODEL OF FIRE STATION #3. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Ralston)**

2. Lease Agreement for Springfield Depot Premises with Springfield Chamber of Commerce.

Assistant City Manager Jeff Towery presented the staff report on this item. The Springfield Depot is currently owned by the Springfield Depot Foundation and is occupied by the Springfield Chamber of Commerce. Over the past several months the Chamber has been reviewing various options for locating all or a portion of their offices and the Foundation has been reevaluating their ability to effectively own, operate and maintain the facility. Consistent with options discussed with the Council during a work session last summer, the Foundation Board has decided to dissolve effective February 1, 2008 conditioned on the City's ability to take ownership of the facility and approval of a lease between the City and the Chamber. The form of the proposed lease is based on a standard commercial lease. The Chamber will occupy the same space they currently use and will pay the same rate paid to the Foundation (\$0.80 per square foot) and will manage the meeting space for the facility. The Chamber will pay for the taxes and utilities consistent with their share of the building. The City will take on the major maintenance and upkeep expected for a commercial owner.

The City Attorney has reviewed and approved the lease and the Chamber has signed the lease.

Staff members from Development Services and Public Works have done initial work to assess building needs and improvement projects as well as potential next steps for maintenance and upkeep of the facility. Upgrading the HVAC system and repairing the rails on top of the building appear to be the highest priority repairs and order of magnitude costs for those jobs are expected to be approximately \$35,000 and \$5,000 respectively. Staff recommends that an architectural analysis be conducted to identify needed improvement projects and projected costs. Total budget impact will be subject to phasing. Staff will identify sources and timeframes for expenditures and will present options for implementation to the Council and/or Budget Committee as appropriate.

Mr. Towery said the deed work would be completed in the next couple of weeks.

Councilor Ballew said she appreciated the rent at eighty cents per square foot, but asked if that was sufficient to cover maintenance costs.

Mr. Towery said it would not address deficient maintenance needs. The building would be inspected and staff would come back to Council with a supplemental budget to approve appropriations.

Councilor Ballew asked about the square footage and what they would base the rent on.

Mr. Towery said they wouldn't charge eighty cents per square foot for the storage in the rail car. Staff could continue that conversation to determine an amount.

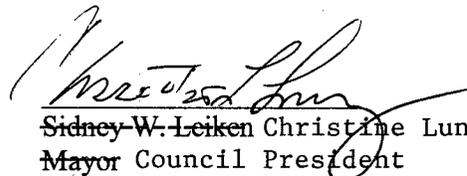
**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR PISHIONERI TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE PROPOSED COMMERCIAL LEASE WITH SPRINGFIELD CHAMBER OF COMMERCE FOR THE SPRINGFIELD DEPOT PREMISES. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Ralston).**

BUSINESS FROM THE CITY ATTORNEY

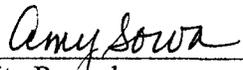
ADJOURNMENT

The meeting was adjourned at approximately 8:00 p.m.

Minutes Recorder Amy Sowa

  
~~Sidney W. Leiken~~ Christine Lundberg  
Mayor Council President

Attest:

  
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City Recorder