

City of Springfield  
Regular Meeting

MINUTES OF THE REGULAR MEETING OF  
THE SPRINGFIELD CITY COUNCIL HELD  
TUESDAY, FEBRUARY 19, 2008

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Tuesday, February 19, 2008 at 7:09 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Wylie, Ballew, Ralston, Woodrow and Pishioneri (7:11 p.m.). Also present were City Manager Gino Grimaldi, Assistant City Manager Jeff Towery, City Recorder Amy Sowa and members of the staff.

Councilors Lundberg was absent (excused).

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. WalMart Check Presentation to Police and Fire and Life Safety.

The representatives from Walmart were not present for this item.

CONSENT CALENDAR

**IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR BALLEW TO APPROVE THE CONSENT CALENDAR. THE MOTION PASSED WITH A VOTE OF 4 FOR, 0 AGAINST AND 2 ABSENT (Lundberg and Pishioneri).**

1. Claims

- a. Approval of the January 2008, Disbursements for Approval.

2. Minutes

- a. January 28, 2008 – Work Session
- b. January 28, 2008 – Special Regular Meeting

3. Resolutions

4. Ordinances

5. Other Routine Matters

- a. Approval of the Liquor License Endorsement for Lucky Lou's Deli, Located at 4215 Unit C Main Street, Springfield, Oregon
- b. Approval of the Liquor License Endorsement for The Lucky Lizard Delicatessen, Located at 1979 Mohawk Blvd., 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.

None.

Councilor Pishioneri arrived at 7:11 p.m.

#### BUSINESS FROM THE AUDIENCE

1. Diana Robertson, 871 River Road, Eugene, OR Ms. Robertson distributed a packet to the Mayor and Council regarding the Neuter Scooter. She said she was the Executive Director of Shelter Animal Resource Alliance (SARA) in Eugene. She said they were a non-profit organization that rescued, assisted and advocated for shelter animals, especially at Lane County Animal Regulation (now Lane County Animal Services). She noted that she was also a member of the No-Kill Community Coalition. She discussed a speaker that came to Eugene a year ago and talked about how Lane County could become a no-kill community (no killing of adoptable and treatable animals). She explained further. One of the main principals of the no-kill philosophy was having affordable spay and neuter services. She said that Molly Sargeant brought the Neuter Scooter and Dr. Peavy, to Springfield in the past offering low-cost spay and neuter services. She referred to the packet distributed at the beginning of her presentation. She said she had done a survey of local veterinarians about the cost to spay a pregnant cat. Most abandoned cats were pregnant and it was more expensive for that type of spay. Council did support, and Councilor Woodrow helped, get the Mohawk low-cost spay and neuter clinic in Springfield, but it was still expensive for this type of spay. The Neuter Scooter was substantially lower. They did eight clinics in Springfield. Because Ms. Sargeant couldn't do that again this year, she would like to encourage the City to take it on, like Veneta had done. She said Veneta had a very progressive program that she felt Springfield residents would appreciate.

#### COUNCIL RESPONSE

#### CORRESPONDENCE AND PETITIONS

#### BIDS

#### ORDINANCES

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

ORDINANCE NO. 6216 – 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.

Environmental Services Department Supervisor Chuck Gottfried 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, except pellet stoves, without a special exemption, available from LRAPA.

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  $PM_{2.5}$ , 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.

A public hearing and first reading of the proposed ordinance was held at the February 4, 2008 regular Council session. The current and proposed  $PM_{2.5}$  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. Gottfried noted that Merlin Hough, Director of LRAPA, was in the audience if Council had any questions of him.

Councilor Wylie said she was concerned about people with breathing difficulties, but was also concerned about people that depended on wood heat to heat their homes. She noted the number of days this would affect and how it would affect those people. She said it was a difficult decision.

She believed in having some regulation, but was concerned it was so restrictive. She was opposed to making it so restrictive.

Mr. Gottfried said it was a good point and a significant issue. There was an exemption in the ordinance and he asked Mr. Hough from LRAPA to address that.

Mr. Hough said his hope was that there would be very few red days. One thing that helped reduce the number of red days was good cooperation from residents on the yellow days. This year they had few red days. The exemption program was for low income residents and was based on standard criteria. He said in the early 1990's there was another exemption for sole source, but that program had sunsetted. Now the only exemption was based on income criteria.

Councilor Wylie said there could be other issues such as people using old electric heaters on days they were not allowed to burn their wood stove. That could be a fire danger.

Mr. Hough said they didn't want people going cold and they made sure people knew of the exemption.

Ms. Wylie said she understood and appreciated his position.

Councilor Woodrow asked Mr. Hough if the new standards were federally mandated.

Mr. Hough said the air quality standard was federally established by the Environmental Protection Agency (EPA) at the end of 2006. It was the acceptable outside air quality level. He said there was a non-EPA group formed by Congress called the Clean Air Scientific Advisory Committee, a group of medical professional scientists that reviewed health studies every five years. As part of one of those periodic reviews, they looked at the health studies and recommended the EPA tighten the standards. Some felt it wasn't tightened as much as the health studies would justify, but other felt it was substantial.

Councilor Woodrow asked how many days Springfield would have missed (red days) based on the new standards.

Mr. Hough said it was based on a three year standard. The potential was there for eleven red days with conditions similar to years past. They had seen air quality steadily improve due to a combination of several things including, people more aware of their burning practices and conversion of existing stoves to cleaner burning units. They may not see that many red days next year. The number of yellow days projected for next year would be about nineteen days.

Councilor Pishioneri asked if the standard was a range, a minimum or something else.

Mr. Hough said the standard was based on statistics over three years. It was a ninety-eighth percentile, which meant there were a few days each year that were allowed to go above the 35. The ninety-eighth percentile was calculated each year, so two percent of the days were allowed to go higher without exceeding the standard. The ninety-eighth percentile was averaged over three years, giving them the basis of comparison for that standard. In the Eugene-Springfield area, the air had been in the thirty to thirty-five range, so had been meeting that standard.

Councilor Pishioneri asked if the standard noted in the ordinance was the standard for our area.

Mr. Hough said the standard of 35 determined when a red day was announced. The cutoff for yellow was 25. Some part of the state were deciding, as it was a local choice. LRAPA wanted to be consistent with the Lane County UGB, Eugene, Springfield and Oakridge.

Councilor Pishioneri asked if LRAPA had access to grants to help provide high efficiency stoves for people needing help.

Mr. Hough said LRAPA was successful in getting a grant for replacing existing stoves with cleaner burning units as part of a project in Oakridge. That was part of a several agency project including St. Vincent De Paul, Housing Authority of Lane County, City of Oakridge and LRAPA. Oakridge had the most serious problem air in Lane County. LRAPA supported in the legislature, a program called HeatSmart, which would have provided support for some wood stove replacement statewide. That program did not pass this session. The Department of Energy had a program that helped with replacement of existing stoves with certified stoves. He did not have details on that program, but said he could get them if Council would like.

Mr. Hough introduced Kim Metzler, Public Information Program Director from LRAPA.

Ms. Metzler said the Department of Energy had a tax credit program. If someone bought a certified stove or a pellet stove, there was a \$300 tax credit. The person must pay the full price for the unit up front and then apply for the tax credit.

Councilor Ballew said without the City ordinance, there was no enforcement of the revised standards. Since the Council was enacting the City ordinance, the City should keep any fines imposed.

Mr. Hough said LRAPA had an agreement with the City that LRAPA enforced this ordinance when necessary, which had been very seldom. LRAPA was required to send the fines assessed to Lane County's General Fund.

Councilor Ballew asked that the City Attorney advise the Council on this issue.

Mr. Grimaldi said the City Attorney would get that information.

Councilor Woodrow asked where the monitoring stations were located so that Springfield didn't show a figure of 20 and Eugene a figure of 30. He noted the separation of the UGB between Eugene and Springfield that was now in the process of occurring.

Mr. Hough said LRAPA's understanding was that the separation of the UGB's between Eugene and Springfield would not affect this. There had been a number of historical studies done here using temporary samplers in a number of neighborhoods and industrial locations. They chose the sites where the peak levels occurred. That was generally near Amazon Park. Beyond that, they had kept historical continuity and operated a monitor on Springfield City Hall. There was also a monitor in downtown Eugene and other sites throughout the area. LRAPA recognized that downtown Springfield and downtown Eugene didn't always show the highest numbers, but normally Amazon. There could be neighborhoods in Springfield that had higher levels than Springfield City Hall, but they hadn't found it necessary to move the monitor as Amazon gave the worse case position.

Discussion was held regarding whether or not it was fair using the Amazon monitor to determine Springfield's levels. Oakridge was also discussed and it was noted their air quality was much worse. Other areas in Lane County were also discussed. This was a fairness issue.

Mr. Hough discussed the Federal criteria which described the boundaries to be used. He said the boundary had to include the total area that could exceed the levels. He explained further.

Councilor Pishioneri said that would make sense if it could be proved that emissions from Springfield were migrating to the Amazon area and vice versa. He asked if there was anything that indicated emissions from Springfield affected the Amazon area in Eugene.

Mr. Hough said air dispersion modeling studies were done when the strategies were originally formulated. Those studies showed that most levels in Eugene were affected by surrounding neighborhoods, and the further out, the less affect. Computer modeling may show there was an affect between the two cities. If LRAPA intensively surveyed neighborhoods throughout Springfield, they may find levels higher than those at City Hall. They were confident, based on past surveys, that the monitor at Amazon was a reasonable peak site to represent the area.

Councilor Wylie asked where the monitor at Amazon was located.

Mr. Hough said it was near the transit station by Amazon Park. It was located on a white trailer at that site.

Councilor Wylie said she used to live there and there seemed to be a pocket for air to collect in that area.

Mayor Leiken said this would need to be looked at closer with the separation of the UGBs, the Metro Plan amendments and the language changes with Lane County. Springfield had a groundwater protection plan which banned dense non-aqueous phase liquids (DNAPL's). DNAPL's had been shown to contribute to pollution and had not been allowed in Springfield for the last eight years or so. Springfield needed to work with LRAPA to make sure they were aware of the changes to the UGB and Metro Plan. He thanked Mr. Hough for answering all the questions.

Councilor Ballew asked if the standards on particulate matters included carbon dioxide.

Mr. Hough said they did not, just smoke and dust particles. He said carbon dioxide was more of a global debate. Carbon monoxide was primarily an automobile related issue which used to be a problem in heavy traffic portions of this area, but with cleaner cars and fuels, had decreased substantially.

Councilor Woodrow thanked Mr. Hough and said he appreciated the information he was able to share with the Council so they could better understand the issue.

**IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR BALLEW TO ADOPT ORDINANCE NO. 6216 CONTINGENT ON ASKING THE CITY MANAGER TO EXAMINE THE LANGUAGE IN CONNECTION WITH THE URBAN GROWTH BOUNDARY CHANGES AND METRO PLAN AMENDMENTS. THE**

**MOTION PASSED WITH A VOTE OF 4 FOR, 1 AGAINST (Wylie) AND 1 ABSENT (Ralston).**

BUSINESS FROM THE CITY COUNCIL

1. Business from Council

a. Committee Reports

1. Councilor Ballew said the Metropolitan Policy Committee (MPC) meeting was relatively quiet. She noted, however, that during the interim meeting it was determined that State criteria was sufficient, yet some still wanted to continue talking about criteria.

Mayor Leiken said people were trying to bring more process and local language into State funding. It was explained that the State had the criteria. The State would be putting a lot of money into the bridge crossing the Columbia River. He felt it was important that projects for Lane County were in line for funding or we would be left behind.

2. Councilor Wylie said she was interested in the spay and neuter piece brought forward by the person who spoke under Business from the Audience. She asked what it would take to sponsor the Neuter Scooter. She wanted additional information on this. She was concerned if the County went out of the animal control business.

Councilor Pishioneri said even with animal control, the County currently did not have anything for cats.

Councilor Ralston said he had attended three meetings with different groups. There were some good options and he felt it needed to come back to the Council in a work session. The Neuter Scooter needed rooms a certain size. They spayed and neutered hundreds of cats for minimal cost. Lane County couldn't be relied on, but there were other things the City could do, even with a meager amount of money such as \$2000. It was a serious issue and it was time to get proactive. He had the names of people to contact to get some good information to the City Manager.

3. Mayor Leiken said he joined the Governor's Subcommittee for the Transportation Committee by conference phone. This subcommittee was having a difficult time finding their way. There were many visions and strategies for transportation, but he was pleased to hear that the people at the table understood that the cities faced major issues regarding operation and maintenance of the roads. The formula for the gas tax was going to be considered. Springfield was able to pass a gas tax several years ago, but many other cities trying to pass such a tax were failing. It was important that the people at the table on this committee understood that jobs were created in the cities, people lived in the cities and the cities needed to maintain their assets (roads). He noted during the meeting that in Springfield, the roads were a \$250M+ asset. That seemed to catch their attention. The State needed to step up. They would not increase the gas tax, but needed to put together a package to assist cities with operations and maintenance.

Councilor Ballew asked about the Mayor's Task team that would be addressing street fund issues.

Mayor Leiken said some potential members had been identified. He said they wanted to get station owners at the table on this issue and Ron Tyree, Tyree Oil, was interested in serving on this committee. He referred to the work being done by the State with the Governor's subcommittees. The governor expected recommendations from the transportation subcommittee by October 2008. Representative Terry Beyer had been at every one of the subcommittee meetings on this discussion.

#### BUSINESS FROM THE CITY MANAGER

1. Authorization to Proceed with Fire Station #3 Remodel Project – P20547.

Project Manager Carole Knapel presented the staff report on this item. In FY05, the Council approved a project budget for their remodel of Fire Station #3 to provide for gender equity through the addition of sleeping rooms and bathrooms. The project design has now been completed. On December 3, 2007, the Council conducted a Public Hearing and authorized the combination of this construction work with the construction of Fire Station #16 with John Hyland Construction, Inc. as the CM/GC. On February 4, 2008, the Council approved the CM/GC contract with John Hyland Construction, Inc. That contract provides that a Guaranteed Maximum Price (GMP) proposal will be submitted for each component of the work (Fire Station #3 Remodel, Fire Station #16 Temporary Facilities, and Fire Station #16 Construction). The GMP for the Fire Station #3 Remodel has been submitted with a proposed construction cost of \$316,312.

The original project was \$321,000 and there is a balance of approximately \$297,700 remaining (\$283,000 from the original budget and \$14,700 from Public Works Maintenance Funds which has been budgeted for the replacement of the facility roof). In order to complete the project, the construction costs must be increased by \$18,612 and projects costs must be increased by \$41,400 to provide for additional architect services, plan review and SDC costs, furnishings and equipment, BOLI fee, and a five percent construction contingency. In order to increase the project budget by \$60,000, the Finance Department has recommended that old System Development Charges – Building Maintenance Funds be used. These funds had previously been allocated to provide funding for the building facility maintenance backlog which had been identified by Public Works. Approximately \$350,000 remains in the fund for that purpose.

Councilor Ballew asked what happened to the \$23,000 (difference between \$321,000 and \$283,000).

Ms. Knapel said it was used for architectural design for this project.

Councilor Ballew said she would like charts regarding costs on these items as it made it easier to decipher.

Councilor Pishioneri asked how many full bathrooms would be in the fire station when complete.

Ms. Knapel said there would be two new single user bathrooms and two bathrooms in the existing part of the station. Three of the restrooms would be handicap accessible.

M. Grimaldi said there were other employees that were at the station for training and other activities, thus the need for the additional bathrooms.

**IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR BALLEW TO APPROVE THE INCREASE IN THE PROJECT BUDGET BY \$60,000 USING OLD SYSTEM DEVELOPMENT CHARGES – BUILDING MAINTENANCE FUNDS. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.**

**IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR BALLEW TO APPROVE THE GUARANTEED MAXIMUM PRICE OF \$316,312 FOR THE REMODEL/CONSTRUCTION AT FIRE STATION #3 BASED ON A 4 ½ MONTH CONSTRUCTION SCHEDULE. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.**

BUSINESS FROM THE CITY ATTORNEY

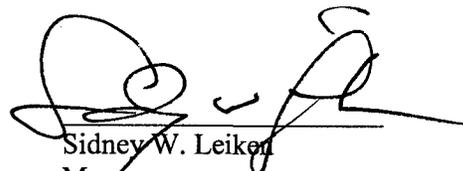
None.

Councilor Ralston asked to have the board, committee and commission lists in the Council binders updated.

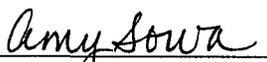
ADJOURNMENT

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

Minutes Recorder Amy Sowa

  
Sidney W. Leiken  
Mayor

Attest:

  
City Recorder