

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, JUNE 2, 2008

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, June 2, 2008 at 7:02 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Lundberg, Wylie, Ralston, and Woodrow. Also present were City Manager Gino Grimaldi, Assistant City Manager Jeff Towery, City Attorney Joe Leahy, City Recorder Amy Sowa and members of the staff.

Councilors Ballew and Pishioneri were absent (excused).

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. Employee Recognition – Kristi Krueger, 10 Years of Service.

City Manager Gino Grimaldi introduced Kristi Krueger, Civil Engineer with the City of Springfield. He noted her accomplishments and experiences over the last 10 years with the City, including the roundabout in Thurston and the two-lane roundabout at MLK Parkway. Mr. Grimaldi presented Ms. Krueger with a plaque acknowledging her years of service.

Mayor Leiken acknowledged Ms. Krueger and her contributions to the City.

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 4 FOR AND 0 AGAINST (2 Absent – Ballew and Pishioneri).

1. Claims
2. Minutes
3. Resolutions
 - a. RESOLUTION NO. 08-21 – A RESOLUTION TO ACCEPT PROJECT P20457; SOUTH 42ND STREET RECONSTRUCTION, MAIN STREET TO MT. VERNON FROM DELTA CONSTRUCTION COMPANY IN THE AMOUNT OF \$1,914,764.45.
 - b. RESOLUTION NO. 08-22 – A RESOLUTION TO ACCEPT PROJECT P20524, OLYMPIC STREET RESTRIPIING FROM BROWN CONTRACTING, INC., IN THE AMOUNT OF \$220,795.84.

- c. RESOLUTION NO. 08-23 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30481; NITTANY MEADOWS.
- d. RESOLUTION NO. 08-24 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30497; BAYBERRY COMMONS.

4. Ordinances

5. Other Routine Matters

- a. Acceptance of a \$300,000 Grant from Oregon Special Public Works Fund (OSPWF) through the Oregon Economic and Community Development Department and Allow System Development Charge (SDC) Credits of up to the Grant Amount to Royal Caribbean Cruise Lines (RCCL).

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 Resolution Setting Local and Regional Wastewater User Fees.

RESOLUTION NO. 08-25 – A RESOLUTION OF THE CITY OF SPRINGFIELD COMMON COUNCIL SETTING LOCAL AND REGIONAL SEWER USER FEES AS SET FORTH IN THE SPRINGFIELD MUNICIPAL CODE.

Environmental Services Manager Susie Smith presented the staff report on this item. At current rates, the local and regional wastewater user fees will not produce sufficient revenue to fully fund the proposed fiscal year (FY) 08-09 budgets for these funds. Council action is needed to establish new rates for FY 08-09.

Each year, the City Council reviews and establishes the rates for local wastewater user fees. These rates are established to provide adequate revenue to fund operation and maintenance (O&M) of Springfield's sanitary sewer system, and a portion of the Capital Improvement Program (CIP). The Council also adopts the user fees set by the Metropolitan Wastewater Management Commission (MWMC) for the Regional Wastewater Program.

The City Council reviewed options for a proposed local wastewater user fee increase at its May 12, 2008 work session. At that time, the Council directed staff to prepare a schedule of user charges for a public hearing on June 2nd, based on a 12.5% increase in the local wastewater user fees. In addition, the Council was informed that the MWMC adopted an 11% increase in regional wastewater user fees that also needs to be incorporated into the schedule of user charges for FY 08-09. The Council Briefing Memorandum reviewed at the May 12th work session is provided as Attachment B for additional background and reference. Stormwater user fee rates will be addressed at a later time.

Attachment A, a resolution establishing the local and regional wastewater user fees for FY 08-09, is provided for Council consideration. It is requested that the Council consider acting on the resolution following the public hearing.

Ms. Smith said the combined increase for a typical household using 5000 gallons per month would be \$3.21 a month.

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. 08-25. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST (2 Absent – Ballew and Pishioneri).

2. Public Hearing and Adoption of Two Resolutions and One Ordinance Amending Fees for Fiscal Year 2008-2009.

RESOLUTION NO. 08-26 – 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.

RESOLUTION NO. 08-27 – A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD ADOPTING AN AMENDED MASTER SCHEDULE OF MISCELLANEOUS FEES AND CHARGES, RATES, PERMITS, AND LICENSES.

ORDINANCE NO. 6222 –AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD AMENDING ARTICLE 1, TABLE 3-A STRUCTURAL PERMIT FEES; TABLE 3-B ELECTRICAL PERMIT FEES; TABLE 3-C PLUMBING PERMIT FEES; TABLE 3-D MECHANICAL PERMIT FEES; TABLE 3-F OTHER INSPECTIONS AND FEES OF THE “SPRINGFIELD BUILDING SAFETY CODE ADMINISTRATIVE CODE” OF SPRINGFIELD’S DEVELOPMENT SERVICES DEPARTMENT, COMMUNITY SERVICES DIVISION “BUILDING SAFETY CODES” AND DECLARING AN EMERGENCY.

Finance Director Bob Duey presented the staff report on this item. The Resolutions and Ordinance being presented contain inflationary and other adjustments to fees currently charged by the City of Springfield Development Services and Public Works Departments.

Mr. Duey noted that most fees were standard and included an adjustment based on the cost of living. He described the three sections that included changes. The first was Municipal Code Fees, fees in which the fee was written directly in the Municipal Code. Those fees were increased on an inflationary basis of 3.2%. The second section included Development Code-related fees which were adjusted on a cost of services charge. The third section included miscellaneous fees were adjusted according to a cost of living increase of approximately 2.9%. That section didn't include the recent Sanipac fee increase. All fees had a July 1 effective date.

Councilor Lundberg said she had asked about the Sanipac rates and asked about figures in Exhibit 1-D. She asked which numbers were incorrect.

Mr. Duey said he called Sanipac and confirmed that the table on Exhibit 1-D was correct. He explained why the confusion from the earlier work session on this topic.

Mayor Leiken opened the public hearing.

1. Fred Simmons, 312 South 52nd Place, Springfield, OR. Mr. Simmons complimented the City. He said the conviction fee authorized in previous years was beginning to collect funds that had been set aside for jail operations. That was one complimentary step towards assisting and funding the Justice Center jail operations. He noted, however, the failure to raise the jury fee. It was not a lot of money, but when people had to take time off from work to serve on a jury, many were not compensated for that time. The \$10 fee had been in affect for a number of years. Every other fee had been raised and he asked that Council consider raising that fee at a later time.

Mayor Leiken closed the public hearing.

Mayor Leiken said as we went through a slow down in the economy, he was hearing from the building community who were beginning to question the City's fees. The City needed to be sensitive to that. He didn't want to get to a point where we were tipping the scale, and we were getting close. He appreciated that Development Services was operating on the fees collected, but it was an issue. It also came down to whether or not we were getting the permits out in a timely manner. Staff had done a great job of reaching out to the HomeBuilders' Association, people in the commercial/industrial trade for their assessment, and he would like to make sure that outreach continued. As the economy was slowing down, we needed to be sensitive to that issue. We may have to cut back in certain area. He appreciated the work staff did, so his comments were not a reflection of that. He may question things in the future if he continued to hear from constituents. He asked that staff continue to communicate with the development community.

Councilor Woodrow referred to the discussion from Mr. Simmons on the jury fee. He asked if there was a way to determine if a juror was being compensated by their employer. In most places he had worked, employees were compensated for a day's pay and then returned the \$10 to the employer.

Mr. Duey said he could survey different courts to see what they paid for jury fees. The City may not have control over whether or not employers reimburse their employees. They could look at surveys to see if information on how many employers did reimburse their employees. He said this particular fee was not considered at this time because it was not technically a fee paid to the City. It may need to be in a different location rather than the fee schedule.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT RESOLUTION NO. 08-26. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST (2 Absent – Ballew and Pishioneri).

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT RESOLUTION NO. 08-27. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST (2 Absent – Ballew and Pishioneri).

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT ORDINANCE NO. 6222. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST (2 Absent – Ballew and Pishioneri).

3. Community Development Block Grant (CDBG) Acquisition of Distressed, Undervalued or Beneficial Properties.

Housing Manager Kevin Ko presented the staff report on this item. The Eugene-Springfield Consolidated Plan, One-Year Action Plan lists as an approved activity the acquisition of distressed, undervalued or beneficial properties. The purpose of this Public Hearing is to receive public testimony to allow the City to expend up to \$300,000 in CDBG funds for this activity.

Since FY 2003-04 the City Council has approved a set-aside allocation of CDBG funds for activities in the Downtown Revitalization Area. Under HUD, CDBG guidelines, the allowable set aside is roughly 24% of the annual entitlement, approximately \$150,000. In order to maximize the impact of the CDBG funding, the City has elected to aggregate these expenditures over three consecutive plan-years. We are currently in year three of the three year period. The expenditures in years one and two have aligned the City to expend up to \$300,000 in year three and still be within the maximum allowable limit for this activity. FY 08/09 will begin a new three year aggregate.

With the sale of the South 42nd Street property to the Relief Nursery earlier this year and unallocated CDBG funds placed in reserves, funds are available to expend this fiscal year.

Council approval of earmarking up to \$300,000 of CDBG funding for this activity will allow the City to take advantage of opportunities to acquire property as they arise.

Mr. Ko noted that the City would not lose the funds if they were not spent this year. Also, the funds were not site or use specific.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Councilor Lundberg said she appreciated how creative Mr. Ko was in locating funding options. She noted the importance to her of funding sources to allow the City to purchase some of these distressed properties. She was very happy to move forward with the concept of having a little more say in some of the areas they wanted to impact.

Mayor Leiken agreed. He appreciated the professionalism of staff thinking outside of the box.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO APPROVE EARMARK FOR UP TO \$300,000 OF CDBG FUNDS FOR ACQUIRING DISTRESSED, UNDERVALUED OR BENEFICIAL PROPERTIES. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST (2 Absent – Ballew and Pishioneri.)

BUSINESS FROM THE AUDIENCE

1. Fred Simmons, 312 South 52nd Place, Springfield, OR Mr. Simmons said he wanted to address the entire Council regarding the issue of the Patrician Mobile Home Park, the

Conference Consortium and the process. He felt Council needed to ask its fellow Council members to withdraw from that process. As a body, if a decision was needed regarding the land use applicability of that particular property, problems could arise. Perception was the significant issue. He didn't believe there was a conflict of interest in two councilors serving on the Consortium, but there could be an action that could result in land use down the road and that didn't serve the community well. He didn't have a problem with them being involved on an ad hoc basis, rather than actively involved. The less Council members were exposed to this issue, the better.

Mr. Simmons then spoke on Shakers. He said he didn't know of any business located at the proposed site that had been successful. He noted that most development downtown was tax exempt, governmentally operated facilities. He didn't feel the students at the A3 School would be adversely affected by a topless dancer at 10:00pm when the students weren't there. He further discussed perception and felt Council should focus more on important issues. He suggested they let local businesses sink or swim under their own weight. He didn't agree with the City purchasing the property.

2. Kitty Wear, 2676 Carbona Street, Eugene, OR. Ms. Wear said she was the parent of two students at the A3 School. Many people weren't aware that the school didn't just go from 9:00am-5:00pm. The school often performed at the Wildish Theater and sometimes left the theater at 9:30 or 10:00pm and confronted people that had been drinking. She also felt the relocation of this business would have an adverse affect on businesses in downtown. She asked what the law was regarding the distance in feet of this type of bar from a school.
3. Aaron Taylor, 942 28th Street, Springfield, OR Mr. Taylor said he had found out in the last month there were some major changes in the code for fireworks sales, which was a huge fundraiser for them. It was difficult because they didn't know the changes were coming. One change that was difficult to deal with was the change in the sign code. Previously there weren't any signage issues. In the past, they were told that if they had a fireworks permit, a separate permit wasn't required for a tent or signs. There were now sign permits brought about by issues with some of these stands. He explained how the changes had affected their ability to put out signs for their fireworks stands. He knew the City was doing what was in the best interest of the community, but he believed a mistake had been made that hindered his ability to have fair competition and advertise.

Mr. Grimaldi explained the reason for the change and the affect on the current situation. Additional coordination of ordinances produced this effect. Staff could work on some alternatives if Council would like.

Mayor Leiken and the Council asked staff to proceed with those alternatives.

Mr. Leahy responded to the issue regarding the strip club going in downtown. Council would be involved in making a recommendation to the OLCC whether or not it was appropriate or not to site this bar downtown. In making that recommendation, Council would look at criteria including the history of the bar, history of the owner, and effects, based on the history, that bar could bring to the area. One criterion OLCC looked at was the potential distance to a school. Council made the recommendation, but OLCC would make the final decision. It was appropriate for the Council to bring to the attention of OLCC items that fit within the criteria, and factual information that related to the criteria. People asked if there was a state law related to this type of establishment within a certain amount of footage to a school. There wasn't in terms of an absolute prohibition.

That had been tried by the City of Portland, but failed. In order to sustain a prohibition within a certain number of feet from a school, there needed to be effects. The Chief of Police, the City Attorney's Office and others would be looking at that. Evidence would be brought to the Council to aid the Council in making a decision.

4. Jack Koehler, 2941 Edgewater Drive, Eugene, OR. Mr. Koehler said he and his wife had opened The Office Diner and Lounge in downtown Springfield. His wife felt a burden for Springfield's downtown and had opened The Office for the purpose of having a nice dinner place in the evening for downtown Springfield. They had their ups and downs and had done a poll of people coming in during the evening, asking why people didn't come in during the evening as often. The majority of women they asked said they were scared; it was dark and they felt uncomfortable with the people walking around. He read from the Council Goals, #6 "to facilitate the development of Springfield" and questioned if a strip club was the type of development the City wanted downtown. He said some of the strip clubs opened at noon and would interfere with the students at the A3 School. The Wildish Theater was a beautiful theater and he felt a strip club would be a deficit to downtown and the economy. He and his wife had been talking about and planning to put six condominiums on the upper story of The Office. The diner would remain, but the bar would be closed due to his personal feelings about that. If they developed those condominiums, he felt few would buy next to a strip joint. Locating the strip joint would hurt business and the development of downtown Springfield.

Mayor Leiken referred to Mr. Simmons testimony about two councilors participation on the Conference Center consortium. He noted his frustrations that other jurisdictions made decisions on locating businesses, etc. that would require zone changes and there was no publicity on those requesting councilors to recuse themselves.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

1. Correspondence from Roxie A. Metzler, Member of Springfield Historic Commission, Regarding the Naming of the Justice Center.
2. Correspondence from Dawn A. Royer, Parent of A3 Student, Regarding the Gentleman's Club Downtown.
3. Correspondence from Jane Dods, 569 West D Street, Springfield, Oregon, Regarding Shaker's.
4. Correspondence from Bob Foster, 369 West D Street #1, Springfield, Oregon Regarding a Proposed Strip Club Downtown.
5. Correspondence to the Land Use Board of Appeals, with a Copy to the Springfield City Council from Carolyn H. Connelly, Local Government Law Group, 975 Oak Street, Suite 700, Eugene, Oregon Regarding a Notice of Intent to Appeal the Lane County Commissioner's Adoption of Lane County Resolution NO. 08-4-30-12.
6. Correspondence from Craig Enberg, 725 D Street, Springfield, Oregon Regarding the Proposed Street Preservation Tax, the Strip Club on Main, and Downtown.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO APPROVE THE CORRESPONDENCE FOR FILING. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST (2 Absent – Ballew and Pishioneri).

BIDS

ORDINANCES

BUSINESS FROM THE CITY COUNCIL

1. Business from Council

a. Committee Reports

- 1) Mayor Leiken said he was at the cemetery on 72nd Street for the Memorial Day event. It was an excellent event and well attended. Mr. Willis, Director of Veterans' Affairs, was the keynote speaker.

BUSINESS FROM THE CITY MANAGER

1. FY08/09 COLA Recommendation for Non-Union Employees.

Human Resources Director Bill Spiry presented the staff report on this item. The City currently employs 89 unrepresented regular employees, including 67 management/professional, 12 confidential, and 10 appointed employees. Of the 67 management/professional employees, 21 are sworn employees (public safety). For purposes of cost of living adjustments, in FY 2007 Council adopted a pay philosophy for non represented positions which would, as a minimum, use cost of living adjustments applied to the respective bargaining units to determine COLA's for that group. This is important to ensure maintenance of an appropriate relative compensation rate for management positions in the overall City pay structure, which is in turn critical in the context of employee development, retention, and successor recruitment.

The terms of the City's labor agreements expire June 30, 2010 for IAFF, June 30, 2009 for OPEU and AFSCME, and June 30, 2011 for SPA. These agreements specify July 1, 2008 COLA adjustments as follows: SPA will receive a 4.4% adjustment, OPEU and AFSCME will receive a 2.9% adjustment, and IAFF will receive a 3% adjustment. A 2.9% adjustment is therefore recommended for non-union general service employees, a 4.4% for sworn police non-union employees, and a 3% for sworn fire non-union employees, effective July 1, 2008.

Financial Impact: The cost of the non-union increase will be approximately \$322,000 reflecting both the wage increases and the increased cost of PERS and other non-health insurances (e.g. life & disability). This compensation cost is reflected in the FY08/09 annual city budget recommended by the Budget Committee for approval by council.

Action Requested: Staff requests that Council authorize implementation of a salary increase of 2.9% for City non-union general service employees, 4.4% for sworn Police non-union employees, and 3% for sworn Fire non-union employees to be effective July 1, 2008.

Mr. Spiry explained how staff calculated the adjustments.

Mayor Leiken said this was covered well during the work session.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO APPROVE A RECOMMENDED 2.9% PAY INCREASE FOR CITY NON-UNIONIZED GENERAL SERVICE EMPLOYEES, 4.4% PAY INCREASE FOR

SWORN POLICE NON-UNIONIZED EMPLOYEES, AND 3% PAY INCREASE FOR SWORN FIRE NON-UNIONIZED EMPLOYEES FOR FY 2008/09. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST (2 Absent – Ballew and Pishioneri).

BUSINESS FROM THE CITY ATTORNEY

Mr. Leahy introduced Taylor Murdoch, graduate of Thurston High School and Portland State University and who just completed his first year of law school at the University of Oregon. Taylor was the son of Assistant Community Services Manager Jackie Murdoch and was going to be with the City Attorney's Office this summer and perhaps longer.

Mayor Leiken asked about the issue of the incomplete OLCC liquor license application from Shaker's. He asked if OLCC could supersede if Council were on recess when the owner or manager re-applied.

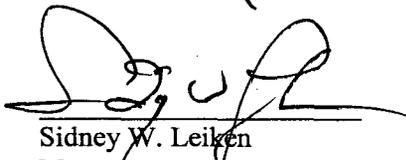
Mr. Leahy said there was a thirty-day timeline for processing of OLCC, but that thirty days would not start until the City made their recommendation. There was no timeline running on OLCC. It would not be inconsistent with the way we did business in Springfield to hold someone's application back. If the applicant turned in their application in time for Council to review it, for recommendations to be made, and for it to be adequately staffed, staff would bring it to Council during that timeframe. If Council was not in session, there was no obligation for Council to come back during their recess to review the application. If there was different information on that, the City Attorney's office would bring it to Council's attention. He confirmed that information with Police Chief Smith.

Mayor Leiken said this application would be considered during a public meeting.

ADJOURNMENT

The meeting was adjourned at approximately 7:50 p.m.

Minutes Recorder Amy Sowa


Sidney W. Leiken
Mayor

Attest:


City Recorder