

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, MARCH 2, 2009

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, March 2, 2009 at 7:00 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Lundberg, Wylie (by conference phone), Leezer, Ralston, Woodrow and Pishioneri. 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.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. Veteran's Day Parade Recognition, Dave Lewis.

Mayor Leiken welcomed those from the Veteran's Day Committee and thanked them for bringing the parade to Springfield.

Dan Rupe, Chair of the Veteran's Day Parade Committee, thanked the Council for this opportunity and for hosting the Veteran's Day Parade. It showed an honor for all veterans in the County. The Veteran's Parade Committee gave out eight categories of awards. The award they were presenting to Sergeant Dave Lewis was the Merchant Marine award for best public service.

From Dan Rupe:

"In the past, the parade committee had worked with Capt. Rick Lewis with regard to both ODOT and City parade permits. Capt Lewis always notified ODOT of the date/time and ODOT accepted that information. This past year, Capt Lewis was out on training, thus ODOT was not informed as in the past.

Late in the evening of Nov 8th, I contacted Sgt Dave Lewis in response to an email from ODOT informing the parade committee that they had become aware of a parade that was scheduled for the following morning. The email went on to say they had not received an application for Main Street and that the parade would not be allowed to enter the roadway...the parade was scheduled for the next morning and we were obviously terrified and upset!

Sgt Lewis listened to my concerns, then chuckled...he said to relax, the parade was going on as scheduled, and that he would take care of any potential problems with ODOT, himself.

His statement and “can do” attitude to cut through the red tape and make the annual celebration of Veteran’s Service to this country a reality was significant enough to warrant recognition. The committee immediately agreed that this type of attitude was exactly what we seek for the “Public Service” award, and that we had found our recipient for the 2008 year!”

Mr. Rupe said that was the kind of leadership and can-do attitude Springfield was known for, and he appreciated Sergeant Lewis.

2. Multiple Sclerosis Awareness Week Proclamation.

Mayor Leiken acknowledged March 2-8, 2009 as Multiple Sclerosis (MS) Awareness Week. He introduced members from the MS Society. He said this was a very important topic and that was why he had chosen to proclaim this week. He read from the proclamation.

Mayor Leiken presented the proclamation to two members of the association.

They thanked Mayor Leiken and the Council on behalf of all those afflicted with MS. They appreciated it very much.

CONSENT CALENDAR

IT WAS MOVED BY COUNCILOR RALSTON WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE THE CONSENT CALENDAR. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

1. Claims

2. Minutes

- a. January 20, 2009 – Regular Meeting
- b. January 26, 2009 – Work Session
- c. February 2, 2009 – Work Session
- d. February 2, 2009 – Regular Meeting

3. Resolutions

4. Ordinances

- a. ORDINANCE NO. 6237 – AN ORDINANCE AMENDING SPRINGFIELD MUNICIPAL CODE SECTION 4.004 DEFINITIONS TO ADD THE DEFINITION OF “CITY MANAGER”
- b. ORDINANCE NO. 6238 – AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE BY AMENDING SECTIONS 3.2-210; 3.2-215; 3.2-235A.; 3.2-440; 3.2-610; 3.2-715; 3.3-205; 3.3-220; 3.3-225; 3.3-235; 3.3-815; 3.3-825G.; 3.3-910B.; 4.3-110E.; 4.7-105A.; 4.7-140; 4.7-180A.; 4.7-190A.; 5.1-120; 5.3-115C.; 5.13-100; 5.13-105; 5.13-110; 5.13-115; 5.13-120; 5.13-125; 5.13-130; 5.13-135; 5.13-140; 5.14-110A.; 5.15-120H.; 5.15-125; 5.16-120B.; 5.20-120C.; TABLE 4.4-1; TABLE 5.4-1; AND SECTION 6.1-110 DOWNTOWN EXCEPTION AREA, INCIDENTAL EQUIPMENT, AND PARTITION PLAT; AND ADDING SECTIONS 5.13-116; 5.13-

117; 5.13-131; 5.13-132; 5.13-133; 5.13-134; 5.20-140 AND APPENDIX 3
TEMPORARY GLENWOOD RIVERFRONT PLAN DISTRICT MASTER PLAN
STANDARDS; AND ADOPTING A SEVERABILITY CLAUSE.

5. Other Routine Matters

- a. Authorize the City Manager to execute the Emergency Response Cooperative Assistance and Mutual Aid and Assistance Agreements on behalf of the City.

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. Rainbow Water District Withdrawal – EC SP 08-16, City Planning Journal Number LRP2007-0009 (Jackson).

ORDINANCE NO. 3 – AN ORDINANCE WITHDRAWING CERTAIN REAL PROPERTY KNOWN AS LANDS OF DANIEL L. AND SHANNON L. JACKSON LOCATED IN THE HAYDEN BRIDGE ROAD AREA OF NORTH SPRINGFIELD, WEST OF 19th STREET. THE WITHDRAWAL INVOLVES APPROXIMATELY 9 ACRES IDENTIFIED AS A PORTION OF TAX LOT 2000, T17S R03W S24 MAP31 AND ALSO KNOWN AS 2778 N 19th STREET; HERETOFORE ANNEXED TO THE CITY OF SPRINGFIELD FROM THE RAINBOW WATER DISTRICT (FIRST READING).

Planning Supervisor Jim Donovan presented the staff report on this item. Oregon Revised Statutes (ORS 222.520) require that territory located in the Rainbow Water District, which is annexed to the City of Springfield, be withdrawn from that district to prevent double taxation. ORS requires withdrawal prior to March 31st of each calendar year. The owner requested annexation in order to develop the property for urban use. The subject property was annexed to the City of Springfield effective on January 25, 2008.

Legal notice was published in the Register Guard newspaper as required by ORS 222.520 and notices were posted in four public places. A second reading and adoption is scheduled for March 16, 2009.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

NO ACTION REQUESTED. FIRST READING ONLY.

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

RESOLUTION NO. 09-06 – 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.

Budget Officer Bob Brew presented the staff report on this item. The Resolution being presented contains inflationary and other adjustments to fees currently charged by the City of Springfield Library and Police, and a new fee proposed by the Public Works Department.

The entire fee schedule is re-adopted each year, but only a few items are being changed and are discussed in the Council Briefing Memorandum.

Mr. Brew said Springfield policy was to re-adopt the resolution whenever any fees were changed. He identified the fees that were proposed for increase.

Councilor Pishioneri asked about the proposed Library fees and questioned why the maximum was different for videos and other items. He felt they should be consistent and the overdue charge should be the cost of the item.

Mr. Brew said the Library staff was very sensitive regarding those fees. He asked if Councilor Pishioneri wanted the Library Director, Rob Everett, to come forward.

Councilor Pishioneri said that was not necessary, he just wanted them to take it under consideration for future charges. He also referred to page 6 in the fee schedule regarding the GIS rates under Public Works and some confusion he had regarding the hourly rate and the minimum charge. He asked that staff look at that to see if it could be clarified. He referred to page 4 of the fee schedule, Distribution Fee. He asked for clarification of what the 15% of the fee meant. He referred to page 10 under Municipal Court, and the last sentence, "Fee may be waived at the discretion of the Judge". He felt there should be a standard instead of subjectivity. He referred to page 11, under the Re-open Fee. It looked like part of the last sentence had been deleted after the word "retrieve . . .". Lastly, he referred to page 12 under Vehicle Recovery Fee. Both the acronym and the spelled out language was included. He asked if there was a provision for failure to present a DL (driver's license), and for no proof of insurance. He felt it should be consistent with other agencies.

Councilor Woodrow asked if Mr. Brew had mentioned the Vehicle Recovery Fee change.

Mr. Brew said he had. That fee hadn't been updated since 2002.

Councilor Pishioneri asked about the bike path maps shown on page 1 of the fee schedule. He asked if those maps were downloadable.

Mr. Grimaldi said they were already there.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Councilor Ralston asked if Council was comfortable moving forward on this resolution.

Councilor Pishioneri said he was fine doing this now, but wanted to bring his comments to staff's attention for future review and changes.

Mr. Grimaldi said staff would get back to Council regarding those issues in a Communication Packet. There could be some changes they would bring back later.

City Attorney Joe Leahy said some of the changes could be clarified in the final document without changing the tenor of the document.

Mr. Brew said the full schedule was brought back each time a change was made. He would note those items that Councilor Pishioneri commented on during the next update.

IT WAS MOVED BY COUNCILOR RALSTON WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT RESOLUTION NO. 09-06. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

COUNCIL RESPONSE

BUSINESS FROM THE AUDIENCE

1. Leslie Gustafson, 205 South 54th Street, #27, Springfield, Oregon. Mr. Gustafson said he had lived in Springfield for five years, and the County for the past 53 years. He referred to the problems in Vida with Highway 126 and the recent accident that killed a young lady at Main Street and 51st Streets. He said the State highway department supervisor wanted more statistics, which Mr. Gustafson noted meant dead bodies. He said crosswalks were needed from 54th to 42nd, and from 42nd to 32nd. The State highway department resurfaced those streets four or five years ago, putting east/west lines on it for the traffic, but nothing for the people. Something needed to be done now. Today would have been a great day to be out there with a bucket painting crosswalks. He said he wasn't sure if representatives from the State were here tonight.

Mayor Leiken asked if Mr. Gustafson knew about the earlier work session.

Mr. Gustafson said he may have misunderstood and did not get into the last meeting.

Mayor Leiken said we could send Mr. Gustafson a copy of the minutes from the work session.

Mr. Gustafson said he had said what he wanted for tonight. He said ODOT had drug their feet for some time, but lights should be installed. He felt the State had not done their job.

2. Paul Romain, attorney representing the Oregon Petroleum Association, 707 SW Washington #927, Portland, Oregon. Mr. Romain said he was here to speak regarding the gas tax. He noted that he had papers to refer this measure to the voters that they would file tomorrow. There were two ways to refer a measure; by the City Council or by citizens. If the City Council referred this tonight, the measure would go to the May election to get a resolution quickly, and costing the City nothing. If the citizens referred it, the signatures would not be turned in until April, putting it on the ballot in September. Not only would the tax not go into effect until after the vote (if it did pass), it would cost the City money. On behalf of the Association and the dealers in this area, he asked Council to put this on the ballot for May. Getting the signatures for a referendum would not be a problem, so it would be referred one way or another. He had been working with people in Salem trying to get some dollars for local government. He testified in Salem today regarding a dedicated .04 Statewide gas tax,

that would all to go local governments. Currently, local governments raised about \$16M through local gas taxes. This measure would bring in somewhere between \$110-\$120M. He said they were trying to get money across the board rather than individual gas taxes.

CORRESPONDENCE AND PETITIONS

1. Correspondence from Bob Foster, 369 West D Street #1, Springfield, Oregon Regarding the Proposed Fuel Tax.
2. Correspondence from Craig and Pamela Enberg, 725 D Street, Springfield, Oregon Regarding the Proposed Fuel Tax.
3. Correspondence from Lance LeFever, Chair, Government Issues Committee, Springfield Chamber of Commerce, 101 South A Street, Springfield, Oregon Regarding the Proposed Fuel Tax.

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

BIDS

ORDINANCES

1. Motor Fuel Dealers License Tax.

ORDINANCE NO. 4 – AN ORDINANCE FIXING THE RATE OF TAX ON MOTOR FUEL DEALERS LICENSES AT \$0.07 PER GALLON, AMENDING SECTION 7.504 OF THE SPRINGFIELD MUNICIPAL CODE, AND SETTING AN EFFECTIVE DATE.

Assistant Public Works Director Len Goodwin presented the staff report on this item. On February 17, Council held a public hearing on an ordinance to increase the local tax on motor fuel dealers from \$0.03 per gallon to \$0.07 per gallon. Attached are the materials that were presented to the Council at the public hearing. In addition, a summary table is attached showing the financial impact of three scenarios for local fuel tax increases. This table does not assume any increase in State revenue.

Two comments at the public hearing are appropriate for comment. First, as the Mayor observed in response to testimony, Ordinance 6095, approved in July, 2004, provides that companies with bulk fuel facilities located within the City may receive a rebate of 80 percent of the local fuel tax on diesel delivered to their facility for use in trucks subject to weight/mile taxes. To date five companies have taken advantage of that program.

Second, a citizen at the public hearing suggested that State imposition and collection of the tax would be more efficient. The Springfield tax is collected by the State as part of its regular process of collecting state fuel taxes. Taxpayers have minimal additional paperwork. The total cost of fuel tax administration last year was under \$12,000.

Staff will be available to answer any questions during the course of deliberations.

Mr. Goodwin pointed out that the Council Briefing Memorandum (CBM) responded to several questions that came up during the public hearing on February 17 with respect to collection of the

tax and the application of that tax to diesel fuel. He also noted that Attachment 7 to the Agenda Item Summary (AIS) was left out of the packet, but had been placed at Council places this evening. He referred to Attachment 7 which showed three tax scenarios: 1) a .02 cent tax; 2) a .03 cent tax; and 3) a .04 cent tax. Each scenario showed options for transferring funds to capital and reserve. He explained some of the options. Staff's view was that the long-term stability of the fund would require a reserve of about \$500,000, and the capital needs for maintenance and preservation was about \$750,000 to \$1,000,000 a year.

Councilor Pishioneri referred to Attachment 7. He asked about the difference in the reserve shown with the .03 increase and the .04 increase.

Mr. Goodwin said when they first did the calculations basis of .04 reserve, they first concentrated on building up as much as possible in capital spending before going into reserve. With the .03 tax, they concentrated more on keeping the reserve level up and building the capital spending up as much as was feasible. The balance of the funds could be re-apportioned.

Councilor Pishioneri asked for further clarification.

Mr. Goodwin said they were comparing one to the other in total amounts raised, but there was considerable flexibility in the way staff allocated those funds.

Councilor Woodrow referred to Attachment 7. He asked if we would spend down our reserves by about \$230,000 in FY2011 with a .02 increase. Mr. Goodwin said that was correct.

Councilor Lundberg said given the state of the economy and the feedback regarding a citizen referral no matter how much increase was selected, she had feedback that .02 increase would be much more reasonable to ask at this time. It wouldn't put Springfield out as a leader in terms of the highest fuel tax. She proposed that Council look at the .02 tax and refer it themselves to the voters so it could go in the May election.

Mr. Grimaldi said Council could give staff direction to refer it to the voters and staff would bring back the action to do that on March 16.

Councilor Pishioneri said given the current state of uncertain economic times, this was a tax and cities kept coming back for taxes. It was difficult as an elected official to raise taxes, but was the reality of the standard of living for our City. He respected his constituents in the City. In this particular case, he felt it would be wise for Council to go to the voters explaining the situation. He agreed with Councilor Lundberg that this was a big enough issue that it would go to a vote. The citizens were not ready for a .04 increase and he was not ready to move forward on that. He agreed with Councilor Lundberg's proposal to refer this to a vote. He would prefer giving the voters a choice of a .02, .03 or .04 increase, but understood that was not possible. He would like to see at least a .02 increase, but would accept whatever Council chose.

Councilor Woodrow said he was not sure anyone was in favor of increasing gas taxes. He probably drove more miles than anyone else on a weekly basis. Having served on the citizen advisory committee (CAC) for the road maintenance fee, one of the things that came out was the cost to the citizens if the City let the streets go into disrepair. One member of CAC did research regarding tire wear, replacement of tires, cost of realignment and other costs of driving on streets that were not kept repaired, which was one of the reasons the CAC recommended the street maintenance fee. Unfortunately, because of issues with that fee, he felt the gas tax was the only

way to go. He had heard a lot from the petroleum businesses that it would be bad if Springfield had the highest tax, but he thought it was important for people to look at gas prices as they drove around town. He had seen gas prices ranging from \$1.87 to \$2.29, some in Springfield, and some in Eugene. He was unsure if it was City or County oriented, but more what the dealers charged based on location. He gave an example. Based on Councilor Lundberg's recommendation, he would concur with that. He wanted people to understand that the City would pay \$230,000 of the City's reserves by not going to .04 and within two years we would be in the same dilemma trying to fund street preservation.

Councilor Wylie said gas in Hawaii was \$2.55 a gallon, so we were still getting a bargain in Oregon. She wished the City had another source of funds to maintain the roads because we had a responsibility to the taxpayers to maintain our streets. She supported Councilor Lundberg's concept of reducing it to .02 a gallon because of the economy and feedback she had received from her constituents. They needed to be sensitive to what was going on in people's lives even though it wouldn't meet the current needs. They hoped there would be better days ahead. She would support a .02 per gallon increase.

Councilor Lundberg said in the future, it made sense to have the State responsible for taxing petroleum products. Having the petroleum industry supportive of that was encouraging. The dollar figures Mr. Romain quoted were also very impressive. Council should be supportive of that effort. It was the one tax that went directly to what it was used for and supporting that at the State level in the future would be important. She wished the Petroleum dealers the best and offered any help from the Council.

Councilor Leezer said she agreed. The 174 respondents to the survey were supportive of a .02 gas tax. Citizens did want their streets maintained. Hopefully the economy would be back on its feet in two years when this issue came up again.

Councilor Ralston said he hated taxes as much as anyone, but Council was elected to make difficult decisions sometimes. He felt the responsible thing to do would be to raise it by .04, but realized it was bad economic times and would be a hard sell. If they raised it .02, the City would have funds for a couple of years. Hopefully, the State would do something in the near future. He believed the gas tax was the fairest tax for repairing roads. He did see the wisdom of the Council referring it to the voters. He supported referring a .02 gas tax.

Mayor Leiken thanked Mr. Goodwin and staff for working hard and bringing the information to Council. They had given Council good information to make their decision. Council understood the challenges with the current economy. He thanked Mr. Romain for his testimony. The Mayor thought this was the first time in his ten years as an elected official that he had seen a breakthrough of legislature to put forth a commitment to local government. People often noted that our streets were in good shape, and that was due to the efforts of our staff and of the Council prioritizing. This was all part of the economic development and quality of life. The loss of the timber receipts was devastating and this was the third year of receiving nothing. The City could only collect so much from the local side and fuel consumption had dropped over the last few years. The Mayor, Mr. Romain and the League of Oregon Cities (LOC) Government Affairs official had talked about the potential for State fuel tax going to local governments. Every city around the state was struggling with this issue. He assured the public that the Mayor and Council would be working hard with Representative Beyer (Springfield representative and Chair of the Transportation Committee) to put forth a package that would benefit local government. He felt Council's decision tonight was the right thing to do. If it failed, the City would need to look at

serious cuts in services. The City would prioritize. This was not General Fund money, but strictly road maintenance and they were looking at protecting a \$400M infrastructure system within the City, owned by the citizens.

Councilor Ralston asked if Council needed to adopt the ordinance.

Mr. Leahy said the ordinance did not need to be passed. Council could direct staff to come back. He read from the Municipal Code which stated, "Council may, by resolution, submit any proposed ordinance or measure or refer any ordinance to the voters for their approval without an initiative petition". Council could address staff to come back on March 16 with a proposed ballot title to increase it .02.

IT WAS MOVED BY COUNCILOR RALSTON WITH A SECOND BY COUNCILOR LUNDBERG TO DIRECT STAFF TO BRING BACK A REVISION TO ALLOW COUNCIL TO APPROVE THIS TO GO TO A VOTE AT AN INCREASE OF .02 PER GALLON. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BUSINESS FROM THE CITY COUNCIL

1. Committee Appointments

a. Community Development Advisory Committee (CDAC) Appointments.

Housing Manager Kevin Ko presented the staff report on this item. There is one vacant position on the CDAC, the result of the resignation of Caroline Toy. Council is being requested to review the applications received for the vacant CDAC position during the Council work session on March 2, 2009. Staff will be available to provide information and assistance. Following the work session, the recommended applicant will be formally appointed to the CDAC at the regular session of the Council on March 2, 2009.

The CDAC consists of six at-large positions from the community, one representative from the City Council and one representative from the Planning Commission. The CDAC advises the City Council on all matters related to the City's housing and community development activities which are funded annually by Community Development Block Grant (CDBG) funds and HOME Investment Partnership Program (HOME) funds received from HUD. Applications are encouraged from lower income earners, residents of lower income neighborhoods, racial and ethnic minorities, senior citizens, disabled individuals and female heads of households. All applicants must live within the city limits or urban growth boundary of Springfield.

The position was vacated by Caroline Toy who resigned upon moving out of the area. It is one of the six at-large positions. The notice of an available position on the CDAC was posted on December 29, 2008 and applications were accepted through January 23, 2009. Three applications were received for consideration. Staff is requesting that Council review the three applications at a work session on March 2, 2009 and recommend one of the three applicants to fill the available position on the CDAC. Staff is also requesting that Council appoint the recommended applicant to the CDAC at the regular meeting of the Council immediately following the work session. This CDAC position will have a term that begins upon appointment and expires on December 31, 2011.

IT WAS MOVED BY COUNCILOR RALSTON WITH A SECOND BY COUNCILOR LUNDBERG TO APPOINT SCOTT SPIKER TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE (CDAC) WITH A TERM EXPIRING DECEMBER 31, 2011. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

2. Business from Council

a. Committee Reports

1. Councilor Ralston reported on the Housing Policy Board (HPB) meeting. He noted that Eugene Councilor Chris Pryor was replacing Eugene Councilor Jennifer Solomon.

Councilor Ralston also reported on the Human Services Committee (HSC). He said he was again Chair of the HSC. Lane County (LC) Commissioner Rob Handy was replacing former LC Commissioner Bobby Green, and Eugene City Councilor Betty Taylor was replacing Eugene City Councilor Andrea Ortiz.

Councilor Ralston said they had a new member to replace former Cottage Grove Councilor Pat Patterson on the Lane Regional Air Protection Agency (LRAPA). There were two applicants, Cottage Grove Mayor Gary Williams and Cottage Grove resident Brian Forge. The Board elected Brian Forge to LRAPA.

BUSINESS FROM THE CITY MANAGER

Mr. Grimaldi reminded the Council of the joint elected officials (JEO) meeting scheduled for Tuesday, March 3 at noon here in Springfield.

BUSINESS FROM THE CITY ATTORNEY

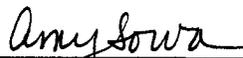
ADJOURNMENT

The meeting was adjourned at approximately 7:47 p.m.

Minutes Recorder Amy Sowa


~~Sidney W. Leiken~~ Dave Ralston
Mayor Council President

Attest:


City Recorder