

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, MAY 4, 2009

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, May 4, 2009 at 7:00 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Ralston, Lundberg, Wylie, Leezer, and Pishioneri. Also present were City Manager Gino Grimaldi, Assistant City Manager Jeff Towery, City Attorney Bill Van Vactor, City Recorder Amy Sowa and members of the staff.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

Mayor Leiken asked for a moment of silence in honor of Councilor John Woodrow who passed away April 28.

Mayor Leiken offered time for Council and staff to remember Councilor Woodrow.

Each of the Councilors spoke of their admiration and respect for Councilor Woodrow.

Mayor Leiken said Councilor Woodrow was a true gentleman and a good man. He made a very positive impact during his 12 years in Springfield.

Mr. Grimaldi noted that Councilor Woodrow was a true leader and a friend.

SPRINGFIELD UPBEAT

1. ALS Awareness Month Proclamation.

Mayor Leiken read from the proclamation and declared May ALS Awareness Month in Springfield, Oregon. He introduced Joe Boyd, District Director from the Muscular Dystrophy Association (MDA) and presented him with the proclamation.

Mr. Boyd said this was a great honor and he thanked the Mayor for proclaiming May as ALS Awareness Month. This year was the 70th anniversary of Lou Gehrig's farewell speech at Yankee Stadium. He noted a couple of occasions where the MDA had been recognized locally. On Friday, May 8, Dutch Brothers Coffee would be donating all of their net proceeds to MDA to fund ALS research.

Councilor Pishioneri said he had lost his brother-in-law to ALS. It was a very serious disease.

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 5 FOR AND 0 AGAINST.

1. Claims
2. Minutes
 - a. April 13, 2009 – Work Session
 - b. April 20, 2009 – Work Session
 - c. April 20, 2009 – Regular Meeting
 - d. April 27, 2009 – Work Session
3. Resolutions
4. Ordinances
5. Other Routine Matters

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. Liquor License Endorsements for the Renewal Period of 2009-2010.

Assistant Community Services Manager Jackie Murdoch presented the staff report on this item. The attached list of 155 businesses will likely be applying to the Development Services Department for their 2009-2010 liquor license endorsements prior to June 30, 2009.

On December 19, 1994, Council approved Ordinance No. 5768 that established specific criteria to be used when reviewing an application for a liquor license endorsement. Council may recommend denial based upon reliable, factual information as it relates to any of the criteria listed in Section 7.302 of the Springfield Municipal Code.

Some of the required information for liquor license renewal, i.e., ownership of the establishment, cannot be determined until staff receives the actual application. However, some determination about meeting the listed criteria can be made now since the criteria relates to the level of police activity associated with the establishment.

The public hearing this evening is scheduled for Council to receive community testimony relative to the liquor license renewal endorsement. At the conclusion of the public hearing, Council is requested to provide one of the following recommendations to the Oregon Liquor Control Commission for the license renewal of the listed establishments: 1. Grant; 2. No Recommendation; 3. Do Not Grant Unless (applicant demonstrates commitment to overcome listed concerns); or 4. Deny.

The renewals for five downtown establishments have not been included in this packet. These establishments are: Club 420, Stables Country Bar, The Brick House, Bright Oak Meats and Jim's Landing. The City has requested an extension of forty-five (45) days from OLCC in order to consider whether or not to make an unfavorable recommendation on the respective applications due to the problems identified during the July 7, 2008 public hearing for a liquor license endorsement at 535 Main Street.

Councilor Ralston clarified that a motion to approve would not include the five downtown businesses.

Ms. Murdoch said because those five businesses had been removed, there was no need to make a recommendation on those. Staff would bring those five back for a public hearing at a later date.

Councilor Pishioneri asked if those businesses that were being delayed were the top five on page 2 of Attachment 2.

Mr. Grimaldi said they were listed in the last paragraph of the agenda item summary (AIS).

Councilor Pishioneri referred to the calls for service and asked why the Dari Mart on B Street was not included in those being delayed.

Chief Smith first thanked Council for recognizing Councilor Woodrow tonight. His passing was a loss and he would be missed. Regarding Councilor Pishioneri's question about Dari Mart, the City was taking a look at the downtown bars before offering a recommendation to the Council. The Dari Mart was beyond the 500 feet from the school. Also, they were looking at the downtown area and the Main Street strip and calls for service. Dari Mart was not included. Calls for service had been examined as well.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR RALSTON WITH A SECOND BY COUNCILOR LUNDBERG TO GRANT THE LIQUOR LICENSES FOR RENEWAL. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

2. Fiscal Year 2009-2010 One-Year Action Plan of the Eugene-Springfield Consolidated Plan for Housing and Community Development (City of Springfield Section).

Housing Manager Kevin Ko presented the staff report on this item. In May of 2005, the Cities of Eugene and Springfield submitted to HUD a five-year Consolidated Plan for Housing and Community Development, effective July 1, 2005 and expiring June 30, 2010. One-Year Action Plans must be submitted to HUD prior to the beginning of each fiscal year as amendments to the five-year Consolidated Plan, and are designed to indicate how communities intend to fulfill the priorities established in the Consolidated Plan. This is the fifth and final One-Year Action Plan under the current Consolidated Plan.

The FY2009-2010 One-Year Action Plan is based on estimated CDBG and HOME program allocations. The actual amounts of the allocations to the City of Springfield have not yet been determined by HUD.

The City of Springfield receives Community Development Block Grant (CDBG) funds as an entitlement community and HOME Investment Partnerships Program (HOME) funds as a participant in a HOME consortium agreement with the City of Eugene. CDBG funds are awarded to communities who carry out community development activities directed towards neighborhood revitalization, economic development, and the provision of improved community facilities and services. HOME funding is a housing block grant program allocated to communities to be used for housing rehabilitation, new construction, acquisition and tenant based rental assistance activities. A public hearing was held on April 20, 2009, to review and consider six applications for CDBG or HOME funding. Council approved funding for all six projects.

The FY2009-2010 One Year Action Plan includes the CDBG and HOME funding allocations for projects and activities and must be approved by both the City of Springfield and City of Eugene prior to submission to HUD. The public comment period for the City of Springfield section of the document concludes with the public hearing on May 4, 2009.

The City of Eugene section of the Plan is being adopted separately by the Eugene City Council. The combined Eugene-Springfield One-Year Action Plan will be submitted to HUD for review and acceptance on or before May 15, 2009.

Mr. Ko provided some updates regarding final figures for allocations. On Thursday the City received the final figures: CDBG \$612,975 (increase of \$7994 over last year); and HOME \$469,261 (increase of \$47,940 over last year). He also noted that there was part of the Stimulus Package called CDBG-R which was an economic development addition to the CDBG Program. The City was anticipating receiving \$164,202 from that. It would be treated similar to CDBG, except for the reporting part. Once the City received the documentation for that, he would make another report to Council.

Mr. Ko said last Fall he reported to Council on the Neighborhood Stabilization Program (NSP). He was still waiting for final agreements to come to the City. He attended a conference in Salem regarding this program and it seemed that everything was moving forward.

Mr. Ko said the Council packet included the One Year Action Plan, Springfield Section. Eugene was going through the same process for their section.

Councilor Pishioneri asked if the plan was the same as in Eugene.

Mr. Ko said Eugene went through the same process for their funds and it was a similar plan. Eugene would be telling their Council the types of activities their funds would be used for. Their expenditures would be different from Springfield's.

Councilor Pishioneri asked if there was work being done in Glenwood with these funds.

Mr. Ko said the CDBG funds were eligible to be used in Glenwood, but not the HOME funds.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR RALSTON WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE THE SPRINGFIELD SECTION OF THE FY2009-2010 ONE-YEAR ACTION PLAN. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

COUNCIL RESPONSE

BUSINESS FROM THE AUDIENCE

1. Rick Dancer, 37170 Camp Creek, Springfield, OR Mr. Dancer said he was here to speak to Council as a resident of incorporated Springfield who supported the .02 per gallon gas tax. He was a member of the political action committee (PAC) working to pass this tax. He noted that the Register Guard supported this tax. As he talked with people, they backed the tax once it was explained where the \$20 a year would go. They understood that they couldn't, as a community, wait for the State and Federal dollars to fix our problems, just as when we needed a jail, we built it. He complimented the Council for their commitment to street maintenance. Since joining the PAC, he had learned a lot about streets and he appreciated Council's strong leadership that put streets as a priority in this community. It was not easy to do in tough times, but Springfielder's would see a big payoff when it was all over. He thanked the Council for listening to the people of Springfield and not going forward with the .04 gallon tax, but going to the .02 gallon tax. They listened, and that's what we needed more civic leaders to do. The key to passing this measure was education. People often saw the word tax and put a 'no' vote. The PAC needed the Council support, help in educating the community, and help raising money to get the word out. Anything the Council could do to publicly support it or tell people where they were with this would be very helpful. He referred to the mailout from the Oregon Petroleum Association (OPA). The mailout said passage of this tax was "making the Springfield tax the highest City or County tax in the state". Springfield's tax would be equal to Eugene's if this passed. The mailout also stated "is it fair to the residents of Springfield that big trucks would not help pay for the roads that they used". Big trucks would pay a share of this tax for the roads that they used very little. Most trucking companies that did use the program already in place were right off the highway and were usually driving on major highways. They were buying \$60,000 worth of gas a month in our community and driving it somewhere else. That should be publicly explained to people so they would understand. The PAC needed help and some funds getting the word out because ballots were in people's hands. He wanted them to know this was important and Springfield was doing things right. The fact the Council let the citizens decide was appreciated.

Mayor Leiken said he knew the mailer from OPA was coming out.

Mr. Grimaldi said a factual piece of information that was missing was that people outside of the area travelling through Springfield bought gasoline and their tax dollars would go to support our streets.

Mayor Leiken referred to the reduced rate paid by trucking companies. It was Gary Reed (owner of a trucking company) who felt the trucking companies should pay a share of the tax. He also acknowledged Mr. Reed and former Councilor Tammy Fitch for their work on that program.

CORRESPONDENCE AND PETITIONS

BIDS

1. Bid Award for Project P21022: Sanitary Sewer Rehabilitation 2009 Basin 19C.

Civil Engineer Jeff Paschall presented the staff report on this item. Six bids were received on this sanitary sewer rehabilitation project. Contract award is now necessary to enable work to proceed. This project is the fifth of nine contracts that are part of the larger sanitary sewer rehabilitation project which will complete the remaining work outlined in the Wet Weather Flow Management Plan (WWFMP). These rehabilitation projects protect the City's investment in the wastewater collection system assets, prevent overflows of and public exposure of raw sewage, and implement the City's obligations under State laws and an Environmental Protection Agency (EPA) compliance order. All nine projects are on a fast track to be completed by December 31, 2009. The timing has been beneficial to the City due to a currently advantageous bidding climate.

The following bids were received and opened on April 23, 2009:

Engineer's Estimate	\$1,182,682.80
Harold Primrose Excavating, LLC.	\$966,647.69
CPM Development Corporation	\$991,022.00
Landis & Landis Construction	\$1,014,673.50
Emery and Sons Construction, LLC	\$1,075,201.00
K & R Plumbing Construction Company	\$1,082,159.00
Wildish Construction Company	\$1,380,267.00

Harold Primrose Excavating, LLC is the low bidder on this project. Sufficient funds exist through the recent sale of Wastewater Revenue Bonds and Supplemental Budget 3 to recognize funding in the construction project account 850207 to allow award of the contract.

Mr. Paschall said this was actually the 5th of seven bids, as two would be designed in house.

IT WAS MOVED BY COUNCILOR RALSTON WITH A SECOND BY COUNCILOR LUNDBERG TO AWARD THE SUBJECT CONTRACT FOR PROJECT P21022 (BASIN 19C) TO HAROLD PRIMROSE EXCAVATING, LLC, IN THE AMOUNT OF \$966,647.69. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

ORDINANCES

1. Amend the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) to Include a New Safe Harbor Population Projection for the City of Springfield.

ORDINANCE NO. 1 – AN ORDINANCE AMENDING CHAPTER I, INTRODUCTION AND PURPOSE SECTION OF THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN BY ADDING A POPULATON FORECAST FOR THE CITY OF SPRINGFIELD FOR THE PERIOD 2010-2030 AND ADOPTING A SEVERABILITY CLAUSE.

Planning Manager Greg Mott distributed an email received from Matt Laird, Lane County Land Management Division Manager, regarding the Portland State University (PSU) Population Forecast.

Mr. Mott spoke regarding Councilor Woodrow and the many golf tournaments they had participated in together. He was scheduled to play in a tournament with Councilor Woodrow this Saturday. He said the difference between Councilor Woodrow and a lot of folks was that he understood the difference between opinions and conviction. It was always a pleasure working with Councilor Woodrow on the Council.

Mr. Mott presented the staff report on this item. The City must have a population forecast in order to adopt an urban growth boundary. The safe harbor methodology, based on the current forecast prepared by the state Office of Economic Analysis (EOA), may be adopted into the Metro Plan unilaterally by the City of Springfield as provided in ORS 195.034 and 197.304.

At the April 6, 2009 public hearing on this matter the Council honored a request from the Board of Commissioners to leave the written record open for two weeks. During that period the Board and Ms. Mia Nelson submitted testimony opposing the City's proposed safe harbor population forecast. Both parties raised several arguments why the City should not proceed with this action. Please refer to Attachment 2 to examine these objections and Attachment 3 for the city's response.

Under normal circumstances, the Board's request to postpone adoption would be an easy accommodation. However, we are under a time constraint to complete our obligations under HB3337 by December 31, 2009 and we therefore must use safe harbor and must use the current published OEA forecast. To date, PSU has only prepared a draft, not final report; PSU has not disaggregated the urban transition population for the two cities; and we cannot predict how long the other cities and Lane County will need to complete this process thereby enabling Springfield to co-adopt the new figure. Timing issues aside, we are confident our figures are very close; in fact PSU's city-only projection is 735 *higher* than our safe harbor projection; however, PSU is estimating the total area outside the two cities but inside the current Metro UGB will have 7,167 fewer people than our safe harbor calculation for this same area. We don't know how PSU will allocate this population, but if the allocation is consistent with its 2030 city limits projections, the PSU and our safe harbor projections for 2030 will be almost identical; if this proves true, the Council can adopt the County's coordinated figure for Springfield as soon as the number becomes final even if the safe harbor forecast is adopted now in order to comply with the time lines of HB 3337.

Mr. Mott said the email he distributed was in response to his question of whether or not PSU would be doing a forecast for the area between the City limits and the urban growth boundary (UGB). Mr. Laird responded that was not in the contract, mainly because there was only one UGB. Until Eugene and Springfield created their own UGB's, there was no basis to project that population. Mr. Mott said he didn't agree with that statement. Springfield couldn't go forward with our project without the forecast in the area outside City limits, otherwise it would be an inaccurate projection of what would be in our jurisdiction and responsibility to administer. Sooner or later, Lane County would have to perform that portion of the forecast in order to fulfill their obligations under the coordinated population forecast responsibility, so he was not sure why they were not choosing to do it at this time. We already knew where part of that boundary existed, which was up and down I-5. Everything east of I-5 would be our responsibility and the assumption was that the future population, as noted in the Safe Harbor document, would reside

east of I-5 and inside our UGB. Staff was comfortable that we had proceeded correctly and that the population in the Safe Harbor of 82,616 was reasonably accurate. There was a very small difference between the two projections, but it was impossible to be accurate about what the population would be in twenty years. Based on the past, we had a reasonable range and staff believed the Safe Harbor methodology provided that reasonable range. PSU's figures were about one-half of one percent of what the City projected. Staff believed that when PSU was tasked with completing the forecast, the figures would be very close and would make no difference in our planning. Figures generally changed in three to five years.

Mr. Mott noted that the City's relationship with Lane County was a fact and a need. He would suggest Council delay this two more weeks to May 18. He and Mayor Leiken would be making a presentation to the Board of Commissioners on Wednesday, May 6 and would suggest during that presentation that the City go forward with the Safe Harbor figure, adopting it on May 18 without compromising what they were doing so we could get going and complete our work on the UGB. When Lane County was finished with the population forecast from PSU, probably sometime next year, the City could readopt our population forecast based on their results. Springfield would be obligated to do that anyway at some point. Currently staff thought the difference was minimal.

Mayor Leiken said he concurred with Mr. Mott. Springfield needed Lane County to move forward. It had been one year since Lane County took over the population forecast. He asked if there was a date the City needed to make sure this was adopted.

Mr. Mott said in order to have the Lane County and Springfield Planning Commissions conduct public hearings on our inventories for the UGB on September 15, the City needed to send our amendments to DLCDD 45 days prior to that hearing. Staff was targeting sending that packet to DLCDD by July 21. The County was dealing with ten cities plus rural residents and he did not see them having their population figures adopted by July.

IT WAS MOVED BY COUNCILOR RALSTON WITH A SECOND BY COUNCILOR LUNDBERG TO DELAY ACTION ON THIS ITEM FOR TWO WEEKS UNTIL MAY 18, 2009. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

BUSINESS FROM THE CITY COUNCIL

1. Committee Appointments

2. Business from Council

a. Committee Reports

1. Councilor Ralston reported on the Joint Elected Officials (JEO) Ambulance Transport Summit (ATS) meeting that he attended on Monday, April 27 with Councilor Woodrow. They were starting to get good information. They spent nearly two hours of the meeting going through the potential solutions that were presented. He described some of those solutions: Rate increase, which had already been done in Springfield, but would not likely be done in the rural areas and Eugene; Consolidating/merging departments, which would be a short-term fix; Creating an ambulance service district, which could be the best solution in the long-run, although could have some compression issues; Creating a fire district, which received full support; Continuing lobbying efforts; Reconfiguring the ASA boundaries; Full

privatization, which they determined was not feasible; Develop new membership initiative programs; and Mobile health service. He said he would keep the Council abreast of results. Mayor Leiken would attend future meetings in Councilor Woodrow's place.

2. Mayor Leiken provided an update on the transportation bill. 1000 Friends of Oregon had instituted what they called a Climate Change Initiative, but it would only affect Portland Metro, Eugene/Springfield MPC and Salem/Keizer MPO. The issue was not whether or not it would have a positive or negative effect on climate change, but that it affected the MPO's themselves. This could do the reverse of the intention because it would institute so many regulations on the MPO's, that people in smaller cities around the metro areas would grow and have to drive longer distances to their jobs in the metro area. He noted that not every city in the Portland Metro area was pleased with this bill. This initiative was written into the bill as it was. Springfield was working with the League of Oregon Cities (LOC). There may be a group of municipal elected officials going to testify, especially from the three areas that were opposed to this initiative. Results of the initiative could be detrimental to the intention.

Councilor Lundberg asked for the number of the bill.

Staff would confirm the bill number and provide it to Councilor Lundberg.

Mr. Grimaldi said it had left the committee and was with Ways and Means.

Mayor Leiken said the initiative could be very misleading as a climate change initiative. He appreciated the direction he had received from Assistant Public Works Director Len Goodwin and Transportation Manager Tom Boyatt.

BUSINESS FROM THE CITY MANAGER

1. Booth Kelly Tenant Applications for Temporary Rent Relief.

Property Management Coordinator De Little presented the staff report on this item. Greenbrier Rail Services is seeking temporary rent relief for one year in order to allow it to continue operating at Booth Kelly. Unfavorable economic conditions have severely impacted the railcar services nationwide. Greenbrier currently pays rent in the amount of \$15,642.40 ("Triple Net"). Greenbrier is asking the City to allow it to defer \$5,000 a month, commencing April 1, 2009 and continuing for a period of 12 months, with the amount deferred to be added to its normal rent after that one year. If approved, commencing April 1, 2010, Greenbrier's monthly rent would be \$20,642.40 for the next successive twelve months.

Northwest Door & Sash is experiencing similar financial stress and also wishes to maintain its operation and employees at Booth Kelly. The company's request is to have its current monthly rent of \$6,653.00 reduced to 3,327.00 for a period of not less than 12 months, at which time the City would review the company's circumstances to determine whether the reduced payment should be extended. At the conclusion of the reduced rent period, Northwest Door & Sash would resume its full rent of \$6,653 and commence rent increases of five percent annually until all revenue reductions are recovered by the City. The Council needs to understand that since the

NW Door and Sash lease is a month-to-month tenancy, there is no guarantee that the dollars would ever be recovered since the Tenant could terminate at any time.

The proposal for economic relief would represent a win-win for the City as well as Greenbrier Rail Services and Northwest Door & Sash. The City would continue to receive rent, the warehouse spaces would remain occupied (since it is most unlikely new tenants could be attracted at this time) and both companies could stay in operation and serve the local community with family wage jobs.

Mayor Leiken thanked Ms. Little for staying on top of this.

IT WAS MOVED BY COUNCILOR RALSTON WITH A SECOND BY COUNCILOR LUNDBERG TO AUTHORIZE THE CITY MANAGER TO APPROVE THE REQUESTS. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

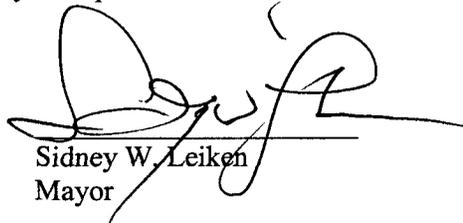
Mr. Grimaldi reminded the Mayor and Council that the Budget Committee was meeting tomorrow, Tuesday, May, with the SEDA Budget Committee starting at 5:30pm. Dinner would be served.

BUSINESS FROM THE CITY ATTORNEY

ADJOURNMENT

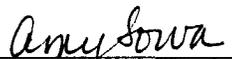
The meeting was adjourned at approximately 8:00 p.m.

Minutes Recorder Amy Sowa



Sidney W. Leiken
Mayor

Attest:



City Recorder