

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY OCTOBER 17, 2005

The City of Springfield council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, October 17, 2005, at 7:00 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Ballew, Fitch, Ralston, Lundberg, Woodrow and Pishioneri. Also present were City Manager Mike Kelly, Assistant City Manager Cynthia Pappas, 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. Recognition of Dennis Ernst for Ten Years of Service to the City of Springfield.

Mike Kelly introduced Dennis Ernst and gave a brief summary of his history with the city. He discussed the changes Dennis had noticed over the last ten years and shared a humorous event in Dennis's career. Mr. Kelly presented a plaque to Mr. Ernst.

2. Recognition of Deputy Fire Marshal Brian Parmalee as the International Association of Arson Investigators (IAAI) "Arson Investigator of the Year".

Fire and Life Safety Chief Dennis Murphy discussed the importance of the Fire Marshal's department and prevention. He introduced Al Gerard from the F&LS Fire Marshal's office. Chief Murphy acknowledged Deputy Brian Parmalee who had recently received the "Arson Investigator of the Year" by the IAAI. Chief Murphy presented a plaque to Mr. Parmalee.

Mayor Leiken acknowledged Deputy Parmalee's work on capturing the recent arsonist in Springfield.

CONSENT CALENDAR

IT WAS MOVED BY COUNCILOR WOODROW 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

- a. Approval of the September 2005, Disbursements for Approval.

2. Minutes

- a. October 3, 2005 – Work Session
 - b. October 3, 2005 – Regular Meeting
3. Resolutions
 4. Ordinances
 5. Other Routine Matters
 - a. Approve Liquor License Endorsement for XTreme Gamin Bar & Grill, Located at 5658 Main Street, Springfield, OR.
 - b. Approve Liquor License Endorsement for Sonny’s Tavern, Located at 533 Q Street, Springfield, OR.

PUBLIC HEARINGS

1. Amendment to the Metro Plan Diagram to Change 3.6 Acres of Light Medium Industrial to Low Density Residential (Kast/Redmond).

ORDINANCE NO. 1 – AN ORDINANCE AMENDING THE METRO PLAN DIAGRAM BY REDESIGNATING 3.6 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF SOUTH 32ND STREET AND BOOTH-KELLY ROAD FROM LIGHT MEDIUM INDUSTRIAL TO LOW DENSITY RESIDENTIAL (FIRST READING).

City Planner Colin Stephens read the criteria into the record: a) The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission; and b) Adoption of the amendment must not make the Metro Plan internally inconsistent. He noted that any testimony or evidence presented must be directed to the criteria.

Mr. Stephens presented the staff report on this item. The applicants, Dale Kast and Jim and Kris Redmond, have initiated a Metro Plan diagram amendment to change the Metro Plan designation of a 3.6 acre property located at the southwest corner of South 32nd Street and the Booth Kelly Haul Road from Light Medium Industrial (LMI) to Low Density Residential (LDR). The subject property is within the Springfield City Limits and outside of an adopted refinement plan area (Case Number 2005-00020).

Since the Metro Plan’s adoption in 1986 there have been a number of land use decisions which have occurred on properties surrounding the site resulting in a different development pattern than was envisioned during the original Metro Plan mapping of the area. The properties abutting to the south and west are now owned by School District 19 and were subject to discretionary use approval allowing the siting of the Agnes Stewart Middle School and athletic fields. Educational facilities are allowed as discretionary uses in both the LMI and MDR districts. In 2002, the plan designation and zoning of the property to the north was changed from a combination of Heavy Industrial (HI) and LMI to Public Land and Open Space (PLO) to allow for the construction of a the Springfield Sports Complex. As a result of these actions, the subject property has become an in-holding of industrial plan designation with single-family residences located to the east, and public and semi-public recreational and educational uses to the north, west and south. Because of

the existing character of the surrounding land uses, a redesignation from industrial to residential will result in development on the property that is consistent and compatible with the existing surrounding uses.

The Planning Commission held a public hearing on this application on October 4, 2005 and voted to recommend that the proposal be approved by the City Council. The attached ordinance reflects the affirmative recommendation.

Mr. Stephens referred to this property and explained why it was appropriate to make this change. He referred to the findings on Attachment 2, page 3.

Mayor Leiken opened the public hearing.

1. David Reed, 690 North 71st Street, Springfield, OR. Mr. Reed represented David Reed and Associates and Jim and Kris Redmond. Mr. Reed said he worked on the land use application for Agnes Stewart Middle School (ASMS). He said he learned at that time that designations were not clear in this area. It was quite apparent that the Redmond property had been zoned properly as residential. Mr. Reed said this action would improve land use of the adjacent property.

Mayor Leiken closed the public hearing.

Councilor Ballew asked about the sports complex and wondered if additional land adjacent to the sports complex would be needed for public use in the future.

Mr. Stephens said he was not aware that it was planned to be part of the sports property.

Councilor Ballew asked for clarification on the sports complex property.

Mr. Stephens said the sports complex property was on one side of the railroad tracks and was not directly adjacent to the Kast/Redmond property. He noted that the Planning Commission held a public hearing and voted unanimously to approve this request.

Councilor Pishioneri asked if Booth Kelly had limited access. Mr. Leahy said it was private access. Councilor Pishioneri asked if that would be an issue.

Mr. Stephens said preliminary drawings were submitted for the Kast/Redmond property with eighteen lots and there was no access proposed.

Mr. Leahy said there would be more activity on the haul road.

Councilor Pishioneri asked if the property west of the lots was still school property. He discussed the swale.

Mr. Stephens said any drainage issues would be looked at by staff.

NO ACTION REQUESTED. FIRST READING ONLY.

2. Vacation of Public Right-of-Way (Assessor's Map 17-02-35-32) Jo. No. LRP2003-00005.

ORDINANCE NO. 2 – AN ORDINANCE VACATING A TEN-FOOT WIDE WALKWAY
IN THE CITY OF SPRINGFIELD, LANE COUNTY OREGON (FIRST READING).

City Planner Sarah Summers presented the staff report on this item. The applicant, Troy Fore, is requesting a vacation with the support of Springfield Public Works and Willamalane Park and Recreation District. The subject right-of-way consists of a 10' x 180' unimproved walkway that was created with the Adams Subdivision Plat in 1948. Two properties (Tax Map 17-02-31-24, Tax Lot 1400 and Tax Map 17-02-31-21, Tax Lot 3800) are adjacent to the subject right-of-way. On the east end of the walkway is property belonging to Willamalane Park and Recreation District. The walk is not needed for access to the Willamalane property which became a service center (maintenance) instead of a park. The walkway has never been improved and is grassy area that has been maintained by the applicant for 20 years. There is a 7-foot wide Public Utility Easement on the eastern end of the walkway which would not be vacated. The Springfield Planning Commission held a public hearing on October 4, 2005, and has recommended that the City Council approve the proposed vacation.

Ms. Summers read the criteria for approval into the record: a) The vacation shall be in conformance with the Metro Plan, TransPlan, the Conceptual Local Street Map and adopted functional plans, and applicable refinement plan diagram, plan district map, or conceptual development plan; b) The vacation shall not conflict with the provisions of Springfield Municipal Code 1997; and this code, including but not limited to, street connectivity standards and block lengths; and c) There shall be no negative effects on access, traffic circulation, emergency service protection or any other benefit derived from the public right-of-way, publicly owned land or partition or subdivision plat. Ms. Summers noted that the findings in the staff report had shown that the criteria had been met and staff recommended approval.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Councilor Ballew said she had a concern when property was transferred from public to private and there was no compensation to the city.

Mr. Kelly said staff had been looking into the issue of whether or not property could be charged by the city if there was a special benefit to the property owner by vacating the property. The question was whether or not the property owner could add an extra lot with this vacation. He said that tonight was a first reading. Council could instruct staff to look into whether or not there was a benefit to the property owner for the next meeting.

Mr. Leahy said the city did have authority to require compensation if the property owner could benefit financially from the vacation. He said he had been discussing this with other attorneys around the state. He said he thought this case had been examined to see if there was benefit. He apologized for not following up with staff to make sure it had been checked and acknowledged that staff should look at that issue with each vacation request. He explained the code related to this issue.

Councilor Pishioneri asked about the window of time for the property owner to see the increase in value if the property was vacated now.

Mr. Leahy said this was the window of time and could only be determined at the time of the vacation. He said staff would determine whether or not there was potential for increased value to the owner and the time to recover those costs would happen now.

Councilor Pishioneri asked if the prognosis was based on all possibilities of development of the property.

Mr. Leahy said staff would have to make an opinion or get an opinion by an appraiser.

Councilor Fitch asked if the recovery of funds was court tested yet. If we chose to do this, we could get tested in court and have to pay court costs.

Mr. Leahy said council was aware of that when they made that change to the code. Staff felt the city could make an argument showing it was fair. Council would make the decision and there could be times when it wasn't necessary.

Councilor Fitch discussed similar property across the street that included several lots and asked if this property could have the same configuration.

Mr. Leahy noted a difference in access for the two properties.

Mr. Kelly noted there could be special benefit. When he reviewed this item, he did not feel there was much value due to the fact that of the ten feet being vacated, seven feet would be for public right-of-way, leaving only three feet for the property owner to develop. He said staff would work to see if there was any benefit and would work with the city attorney. He agreed that it should be part of the process for any vacation.

Councilor Ralston said he didn't see an increase in value.

Councilor Ballew said it was council's responsibility to check into it and recover any funds possible.

Mr. Leahy described the different scenarios for vacations and said they were all different. This should be part of the process.

Mayor Leiken said the city needed to be careful because each issue needed to be looked at individually. He said the city should not be in the business of land speculation. He asked if Springfield wanted to be on cutting edge of this or if they wanted to wait until it had been tested in court. He said it was important to do what was right for the citizens of Springfield, not just what everyone else was doing. He said a lot could be learned when meeting with other elected officials around the state, but council represented the City of Springfield and needed to do what was right for Springfield.

Councilor Lundberg recalled when this first came to council. She said the discussion at that time was regarding Lithia's property. She said council had decided when they enacted the code change that each vacation was an individual case with a separate evaluation.

Mr. Leahy said if changes were to be made, staff would bring this back to council for further discussion.

Councilor Woodrow discussed the seven foot easement leaving only a three foot addition for the property owner's use.

NO ACTION REQUESTED. FIRST READING ONLY.

3. Proposed Amendments to Article 40 of the Springfield Development Code – Mixed Use Zoning Districts.

ORDINANCE NO. 3 – AN ORDINANCE AMENDING ARTICLE 40 OF THE SPRINGFIELD DEVELOPMENT CODE TO REMOVE POTENTIAL BARRIERS TO IMPLEMENTATION; AND ADOPTING A SEVERABILITY CLAUSE (FIRST READING).

City Planner Mark Metzger presented the staff report on this item. In 2003, council directed staff to review Article 40 of the Springfield Development Code with the purpose of recommending changes that would increase the viability of mixed use development where it is implemented. Mixed use development is central to implementing the policy of “nodal development” adopted in TransPlan. The proposed changes to Article 40 are a response to the council directive.

Article 40—Mixed-Use Zoning Districts is the primary element of the Development Code which implements nodal development. On October 3, the council received a work session briefing from staff on proposed changes to that Article. Most of the proposed changes are relatively minor, but in total they will have an important impact to the viability of potential development. One significant change is a proposal to create a “discretionary track” for site plan review of projects in mixed-use zoning districts governed by Article 40. The proposed track will allow a developer whose site design does not meet certain development standards to demonstrate to staff (with appeal rights to the Planning Commission) that his/her design meets or exceeds the intent of those standards and win approval of the project. The proposed discretionary track is elective and does not replace the existing review process. This approach offers more flexibility for staff to work with developers to find solutions to difficult design issues where implementing mixed-use development.

The Planning Commission held a public hearing on October 4, 2005 concerning the changes. They voted unanimously to recommend approval of the changes as drafted.

The only testimony received was from Bill Kloos on behalf of a client with an interest in the Pierce Property near 28th and Marcola Rd. Mr. Kloos requested the deletion of a policy in Section 40.110 (2)(a)(3) that requires industrial land in a Mixed-Use Employment (MUE) zone be built “before or concurrent with any other commercial or residential uses.” The client would like the freedom to respond to an opportunity for commercial development if that opportunity preceded an industrial tenant.

The purpose of the policy is to ensure that the dominant use of the property is industrial. The commission made no recommendation to include Mr. Kloos' proposal when it adopted the changes proposed by staff. In response to Mr. Kloos' concern; under existing policy, an approved

master plan for the site would allow commercial or other uses to precede industrial development while retaining the long term dominance of industrial uses on the site. Council could direct staff to add language to Section 40.110 to more clearly stipulate that an approved master plan for a site would allow commercial development to precede industrial uses in the Mixed-Use Employment zone. He noted that the Planning Commission did not see a need to add that language.

Mr. Metzger noted that any testimony given tonight should relate to the criteria. He discussed the highlights of the recommended changes. He said the proposed changes were a result of meetings with staff, attorneys and ECONorthwest. He reviewed Mr. Kloos' request. The staff report included findings in support of the proposed amendments and staff recommended approval.

Mayor Leiken opened the public hearing.

1. Bill Kloos, 375 West 4th Street #204, Eugene, OR. Mr. Kloos discussed the Pierce property. He said they had followed the amendments and they supported the changes. He described the process. This zone would facilitate a nodal development in a doable way. It would allow a mix of uses in each of those zones. He described the Pierce property and how it was zoned. He said the owners of the Pierce property would ask for mixed-use zone on industrial and possibly on commercial. He discussed the mixed-use zoning and how it could be split up. He said they did not disagree, but would like to add one additional change for clarification. He said he had worked with staff to create language that would clarify these amendments and could be applied to residential, commercial and industrial.

Mayor Leiken closed the public hearing.

Councilor Ballew said all the mixed-use designations would be driven by what the development community wanted. She asked why a master plan was needed and at what point it would be needed.

Mr. Metzger said staff was proposing the use of the master plan process. He gave an example. He said they did not want someone coming in and developing all commercial when the city wanted industrial development in that area. He further explained.

Councilor Ballew said it would depend on the developer and may not occur.

Mr. Metzger discussed the flexibility the master plan allowed for commercial use. At this time, the city wanted that area to remain mostly industrial. Council could change that designation in the future.

Councilor Ballew asked if he thought Mr. Kloos had a point regarding concurrent.

Mr. Metzger said he had talked with Planning Supervisor Mel Oberst who felt that the master plan would allow for this mixed-use. The client wanted more specific language for concurrency.

Councilor Woodrow asked if Mr. Kloos had suggested language.

Mr. Metzger said the language was prepared by Mr. Oberst and Mr. Kloos.

Councilor Woodrow said his concern was that the language was clear for future staff and councils.

Councilor Fitch asked if this would be a minor change.

Mr. Leahy said that was correct. If the additional language was put into the ordinance it would not need to come back for a new first reading. The additional language was just clarification of what was already included in the ordinance.

Councilor Ralston said there were already mechanisms in place. More specific language could make it more difficult in the future.

Mr. Metzger said there would be more flexibility and the language clarified that.

Councilor Pishioneri confirmed that both staff and Mr. Kloos were clear on the wording.

Mr. Metzger said he would recommend the language in all areas if it was added.

Mayor Leiken clarified the proposal was for the entire city. He said he didn't have an issue with it at all. He liked that the city was trying to respond to the issues brought by the developers. He thanked Mr. Metzger and the rest of staff for their work on this item.

NO ACTION REQUESTED. FIRST READING ONLY.

4. Proposed Amendments to the Metropolitan Area General Plan Diagram and the Springfield Zoning Map to Implement a Nodal Area in the Mohawk Area.

ORDINANCE NO. 4 – AN ORDINANCE AMENDING THE METROPOLITAN AREA GENERAL PLAN DIAGRAM BY REDESIGNATING PORTIONS OF THE MOHAWK DISTRICT FROM MAJOR RETAIL CENTER, MEDIUM DENSITY RESIDENTIAL AND LOW DENSITY RESIDENTIAL TO NODAL DEVELOPMENT AREA, HIGH DENSITY RESIDENTIAL AND LOW DENSITY RESIDENTIAL (FIRST READING).

ORDINANCE NO. 5 – AN ORDINANCE REZONING PROPERTY IN THE MOHAWK DISTRICT FROM MAJOR RETAIL COMMERCIAL, COMMUNITY COMMERCIAL, LOW DENSITY RESIDENTIAL, MEDIUM DENSITY RESIDENTIAL AND HIGH DENSITY RESIDENTIAL TO MIXED USE COMMERCIAL, MIXED USE RESIDENTIAL AND LOW DENSITY RESIDENTIAL (FIRST READING).

City Planner Mark Metzger presented the staff report on this item. Council received a presentation from staff and discussed these actions at the October 3, 2005 Work Session, including the relationship of the proposed amendments to the alternative performance measures in TransPlan.

The Planning Commission unanimously recommended approval of these proposed actions after a public hearing on October 4, 2005. No opposing testimony was received at the hearing.

The proposed Metro Plan amendments apply the Nodal Development Area designation to a portion of the Mohawk District that is now designated Major Retail Center, Low Density

Residential and Medium Density Residential. The action also resolves plan/zone conflicts on 24 properties adjacent to the Nodal Development Area by re-designating them from Major Retail Center to Low Density Residential and High Density Residential. Changes in Plan designations and zoning can raise Ballot Measure 37 issues. Staff and or the City Attorney will be prepared to discuss these issues at the hearing if a question arises.

The amendments of the Springfield Zoning Map implement the Nodal Development Area designation by replacing existing zoning with Mixed-Use Commercial and Mixed Use Residential zoning. In addition, two properties are proposed to be rezoned from Community Commercial to Low Density Residential to resolve a plan/zone conflict outside the Mohawk Nodal Development Area Boundary.

Mr. Metzger referred to maps that were hung behind the council showing: Mohawk Nodal Development Area, Proposed Nodal Plan Designation; Mohawk Nodal Development Area, Proposed Zoning; and Mohawk Nodal Development Area, Current Zoning. He discussed why the proposed changes were being suggested. He said the findings supported the criteria.

Councilor Ralston asked about other areas noted on the map that were not included in the nodal area which included two single family residential areas.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Councilor Ralston said he was still concerned about leaving the excluded area residential. He asked what would occur if those people wanted to change to mixed-use commercial.

Mr. Metzger said that was plausible if those owners came forward later to request that zone change. He said the neighbors in the area had been noticed about the proposed node, but no one came forward with a request to change the zoning.

Councilor Pishioneri asked if those properties could come forward later. Yes.

Councilor Ballew said this was a very judicious move. She said the neighbors were very concerned about any change, so the least amount of change at first was the best.

Mayor Leiken noted the changes happening in Mohawk. With the ongoing developments, it would be interesting to see what type of proposals would be coming to the city. There was good potential and he looked forward to seeing some of those possibilities.

NO ACTION REQUESTED. FIRST READING ONLY.

5. Amendments to the Metropolitan Area General Plan Diagram; the Downtown Refinement Plan Diagram; the Downtown Refinement Plan Text; and the Zoning Designation of Properties within the Downtown Refinement Plan Mixed-Use Area.

ORDINANCE NO. 6 – AN ORDINANCE AMENDING THE METROPOLITAN AREA GENERAL PLAN DIAGRAM BY REDESIGNATING THE DOWNTOWN MIXED-USE AREA FROM MIXED-USE TO NODAL DEVELOPMENT/MIXED-USE (FIRST READING).

ORDINANCE NO. 7 – AN ORDINANCE AMENDING THE DOWNTOWN REFINEMENT PLAN DIAGRAM BY REDESIGNATING THE DOWNTOWN MIXED-USE AREA TO NODAL DEVELOPMENT/MIXED-USE, EXCEPT FOR THAT PORTION LYING EAST OF 8TH STREET AND THAT PORTION LYING BETWEEN 7TH AND 8TH STREETS NORTH OF A STREET CONSISTENT WITH THE METROPOLITAN AREA GENERAL PLAN DIAGRAM DESIGNATION FOR THIS AREA (FIRST READING).

ORDINANCE NO. 8 – AN ORDINANCE AMENDING THE DOWNTOWN REFINEMENT PLAN TEXT CONSISTENT WITH THE METROPOLITAN AREA GENERAL PLAN DIAGRAM DESIGNATION OF NODAL DEVELOPMENT/MIXED-USE FOR THIS AREA AND WITH THE RECOMMENDATIONS CONTAINED IN THE SPRINGFIELD STATION SPECIFIC AREA PLAN REPORT (FIRST READING).

ORDINANCE NO. 9 – AN ORDINANCE REZONING PROPERTY WITHIN THE DOWNTOWN MIXED-USE AREA BOUNDARIES FROM COMMUNITY COMMERCIAL AND HIGH DENSITY RESIDENTIAL TO MIXED-USE COMMERCIAL AND MIXED-USE RESIDENTIAL CONSISTENT WITH THE METROPOLITAN AREA GENERAL PLAN DIAGRAM DESIGNATION FOR THIS PROPERTY (FIRST READING).

Councilor Fitch recused herself from this portion of the meeting because she owned property in the current downtown area.

Mayor Leiken asked Mr. Leahy if he should recuse himself based on the fact that he had clients through the bank that owned property in this area.

Mr. Leahy asked if the bank would gain financially if this rezoning took place.

Mayor Leiken said no. He said he was the relationship officer and worked directly with this client.

Mr. Leahy said he may want to declare his potential conflict of interest.

Mayor Leiken said he may have a potential conflict, but at this time could be unbiased on this subject. He said the possible conflict was that he was the relationship officer for Pacific Continental Bank and had clients that owned property in the downtown area.

Planning Manager Greg Mott presented the staff report on this item. The council discussed these actions at the October 3, 2005 Work Session, including the relationship to alternative performance measures in TransPlan.

The Planning Commission recommended approval of these proposed actions with the following revisions: exclude the block between 7th and 8th north of A Street from the nodal designation; change “shall” to “may” in Downtown Mixed-Use Area policy #1 (page 8, Attachment #3). For additional information please refer to the Executive Summary and Staff Report, Attachment #2.

Mr. Mott acknowledged the staff report included in the agenda packet which would be included in the public record. He noted one piece of written testimony that was submitted to the Planning Commission from Robert Scherer of Springfield Buick. As a result of the correspondence, the Planning Commission had made a recommendation to the City Council that Mr. Scherer's property be removed from the Downtown Mixed-Use Area.

Mr. Mott said the following people had contacted him by phone, Barbara Stahl, Rudy Powell, Dave Logan, Greg Hyde, Richard Proulx, Bob Jergens, Roxie Cuellar, Sylva Sullivan and Robert Scherer with questions about what would happen with their property if this proposal was approved.

Mr. Mott discussed the Refinement Plan that was created in 1986 and noted the changes being proposed to update that plan. He said the plan and zoning, although holding the same values, was antiquated in its terminology. He discussed the downtown plans. He discussed the obligation to the state to designate a certain amount of property to nodal. The specific elements would be to redesignate the boundary to nodal development and rezone all property within that boundary to mixed-use commercial or mixed-use residential. He said staff suggested leaving out two blocks to the east of 8th Street. Mr. Scherer had made the same request. There would be no encroachment to the north, which was the Washburne Historic District, nor to the south, which was the Booth Kelly mixed-use district. Mr. Mott said council had several options for the two areas that were asking for exclusion: 1) the properties could remain in the downtown area; 2) the properties could be excluded from the downtown area; or 3) the two properties could remain in the downtown area, without the nodal designation.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Councilor Ballew asked about current zoning for Buick.

Mr. Mott said it was currently zoned Community Commercial.

Councilor Lundberg asked about option 3.

Mr. Mott discussed the advantages to the property owners for staying within the downtown mixed-use area such as no setback standards.

Mr. Kelly said there were also lower system development charges (SDC's) in the downtown area.

Councilor Ballew asked what the preference was for the owners of Springfield Buick.

Mr. Mott said did not know their preference. He said he could contact Lithia and Springfield Buick to see which they would prefer. He said it would not make or break the success of the downtown node if they were in or out.

NO ACTION REQUESTED. FIRST READING ONLY.

BUSINESS FROM THE AUDIENCE

1. David K. Calderwood, 28104 Spencer Creek Road, Eugene, OR. Mr. Calderwood discussed the Rabies Vaccination reporting requested by Lane County. He referred to a packet of information he had provided to council several weeks ago. He gave his qualifications as a dog judge and dog handler. He said the kennel clubs were not informed when the animal task force was formed regarding this issue. When the clubs did find out about the task force and offered to be part of the task force, they received no response. When they asked if they could attend the meetings as observers, they were told no, but were later allowed to come. Little public comment was allowed and the task force did not hear from him or other professionals. He appreciated coming to open council meetings to discuss this item. He said Mike Wellington of Lane County Animal Regulation Authority (LCARA) was a hard working man, very straightforward and understaffed. Mr. Calderwood felt that the research from the county was inadequate. He noted some facts that were inconsistent with the facts presented by the task force. He submitted the remainder of his testimony in written form.
2. Carol Titus, 29936 Kelso, Eugene, OR. Ms. Titus distributed a copy of her testimony. She said she managed Cascade Animal Clinic, 671 W. Centennial Boulevard in Springfield. She discussed the "Bird Flu" concerns and the need for vaccines. She discussed the importance of the rabies vaccination and the importance of encouraging pet owners to vaccinate their pets. She was concerned, however, that the mandatory reporting in order to monitor pet ownership might prevent some people from vaccinating their pets. She offered to meet with the city to be of help.
3. Carolyn Hancock, 2663 Nova Street, Springfield, OR. Ms. Hancock said she had bred shelties for a number of years and they were used as pet therapists. She also had a dog she showed at dog shows. She discussed the issue of the number of dogs she had and her concern that if the city went forth with the rabies reporting ordinance, she would be forced to get rid of one of her dogs. She was concerned people would not vaccinate their dogs if they were afraid of losing one or more of them.
4. Elaine Phillips, Development Director of Womenspace, 1553 Oak Street, Eugene, OR. Ms. Phillips said Womenspace would be asking for Community Development Block Grant (CDBG) funds from the council in January. The funds they would be requesting would be to purchase a facility for survivors of domestic violence in Eugene. She said although this facility would be in Eugene, it would serve many in Springfield. She gave statistics of the number of people they served that were Springfield residents. She said this would allow them to expand. Ms. Phillips distributed a handout regarding a new facility.
5. Curtiss Greer, 357 55th Street, Springfield, OR. Mr. Greer discussed Springfield doing things just because Eugene or some other community did it that way. He spoke of the city asking for more of the people's money. He asked about taxes being applied for those in need and questioned why Springfield had to see how other communities did things. He discussed the franchise document written by city staff. He said he worried that council was not standing on their own two feet. He read from scripture.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

1. Correspondence from Dr. Roberta L. Boyden, DVM, Eugene, OR Regarding Rabies Vaccination Reporting.
2. Executive Summary from the City/County Public Safety Task Force, Sent From Malinda Dodson, Lane County Administration, 125 East 8th Avenue, Eugene, OR (Final Report available for review in the City Manager's Office).

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

BIDS

ORDINANCES

BUSINESS FROM THE CITY COUNCIL

1. Business from Council
 - a. Committee Reports

1. Councilor Ballew asked about the planning for the Justice Center.

Councilor Pishioneri said they had gone through the selection process for the architect. They were getting things lined up to meet with the Justice Center Citizen Advisory Committee (CAC).

Councilor Woodrow said the CAC and architect for planning met last Wednesday for the first time. The basic format of the charge for the CAC was created during that meeting. The CAC would meet again on October 25.

Project Manager Carole Knapel said there were a series of meetings set up with the CAC and technical staff.

Mr. Kelly said the consultant just finished their report on the space needs and there would be a review of that report. Council chose the architect based on successful negotiations and those negotiations were currently taking place. Other issues regarding how to administer the contract were also continuing to be discussed. He said it was a very complex project.

Councilor Ballew asked if any of the bonds had been issued yet.

Ms. Knapel said some of the initial bonds were sold to pay for the architect's contract, but the major portion had not been sold yet. They were waiting for the schedule so they would know how much to sell and when.

Councilor Ballew asked if the interest rates were increasing and noted the affect that could have on the bond amounts.

Ms. Pappas said the initial sale of bonds was \$4M. She said staff was monitoring the interest rates.

Councilor Fitch discussed the reduction in SDC credits in the downtown starting December 31.

Ms. Knapel described the timeline.

Councilor Pishioneri said the architect would have progress updates and they could submit that information to the council.

2. Councilor Ralston said Bill Carpenter had been appointed to the Lane Regional Air Pollution Authority (LRAPA) Board and several goal setting sessions had occurred since that time. He said they were moving forward nicely and had written new mission statements and vision statements. He said Merlyn Hough would be coming to the city to provide updates.

Councilor Ralston also reminded council that on Thursday the war memorial would take place at Island Park.

3. Councilor Woodrow said he was the chair of PSCC. They would be contracting with Lane Council of Governments (LCOG) regarding public safety.

Councilor Ballew asked about other jurisdictions involved.

Councilor Woodrow said it was mandated by ORS statute.

4. Mayor Leiken said the traveling Vietnam Wall War Memorial would be at Island Park on Thursday, October 20.

Mayor Leiken asked Mr. Leahy about the Circuit Court decision on BM37. He asked for an update.

Councilor Ralston said the decision was made by a local judge in Marion County and wouldn't affect the rest of the state unless it was appealed.

Mr. Leahy said it would go on appeal and would then have statewide applicability.

b. Other Business

BUSINESS FROM THE CITY MANAGER

1. Springfield Tomorrow 2015.

Assistant City Manager Cynthia Pappas presented the staff report on this item. A 20 member Stakeholder group met from February to June, 2005 to update the community's vision and values. The ten-year blueprint for the future - Springfield Tomorrow 2015 – was vetted and validated by community survey in July 2005.

On August 24, 2005 TEAM Springfield agencies held their annual meeting to discuss the final draft of Springfield Tomorrow 2015. Suggestions for additions to the report were made at that meeting. It was determined that the chief administrative officers for the TEAM Springfield agencies would discuss the suggestions and make a final recommendation back to their respective boards. The chief administrative officers met on September 21, 2005 to consider: 1) additions to the project list; 2) issues that should be considered as the TEAM Springfield agencies advance the community vision, values and projects contained in the Springfield Tomorrow 2015 report (see Attachment II).

The consensus of the Stakeholder Group and the community survey results are in alignment on the top three community values: Safe and Livable Neighborhoods, Quality Education, Healthy Environment.

She reviewed some of the recommendations.

Mayor Leiken asked about the eighteen-hole golf course that was listed. He asked where that came from and who would be putting that in.

Ms. Pappas said it was to facilitate the development of an eighteen-hole golf course. There was no developer or property being considered at this time for that type of facility.

Councilor Fitch said it was with the intent for a resort or attraction and to facilitate a destination place.

Councilor Ballew asked about Attachment I, page 3 and the list of Top Priority Projects.

Ms. Pappas said the list was the recommendation of the group.

Councilor Ballew asked who would be able to do all of the things on the list.

Ms. Pappas said the intent of the stakeholders group was looking beyond the four agencies included. Some of the projects may be completed by other jurisdictions and would be supported by the group.

Councilor Ballew questioned who would pay, who would lead, etc.

Councilor Pishioneri discussed a conference center.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT THE SPRINGFIELD TOMORROW 2015 AND ADDENDUM REPORT AS A GUIDE TO THE FUTURE. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 1 AGAINST (Ballew).

Mr. Kelly noted a document that was distributed to council from Bob Russell regarding the Library survey that was being conducted as directed by council. Staff was working with a professional firm, who would be conducting the surveys this week. Questions were listed on the document distributed to council. The internal jail task force committee may also do some survey

testing. He said they were in the process of finalizing that survey. He said copies could be provided to council members if they would like.

Councilor Woodrow said he would like a copy of questions.

Councilor Lundberg asked about Questions 2 and 3 regarding the amounts of tax to provide additional services for the Library.

Ms. Pappas discussed the amounts considered and the value of a home that was used for reference. The consultant working on the surveys suggested using a more comparable house value of \$150,000.

Discussion was held regarding the amount proposed to council and how it translated to the cost for a \$150,000 home.

Councilor Lundberg discussed the importance of having a wide enough split between amounts given as a choice to give a clear cut-off point. She noted the results that could come from that.

Mr. Kelly said he understood the issue of keeping the cost to under \$20 per household. Staff would discuss a change in the questions with the consultant.

Discussion was held regarding the amount per thousand and the services that could provide.

Councilor Ralston said generally surveys are great as long as sample size is large enough.

Ms. Pappas said with a sample size of 400, there would be a plus or minus five percent confidence rating. She said that meant a fairly accurate picture of how a community the size of Springfield would vote. The cost for the survey was about \$7000.

Councilors Woodrow, Lundberg and Pishioneri indicated they would like copies of the draft justice center survey.

BUSINESS FROM THE CITY ATTORNEY

City Attorney Joe Leahy said an Executive Session would be held with council regarding Levi Landing. He had spoken with Councilor Pishioneri as he had received some calls regarding this issue. Mr. Leahy gave a brief history of the Levi Landing development and the conditions that were applied to the agreement when the development was built. Both the developer and the Thurston Neighbors had signed off on the agreement with the conditions. There were some residents in that development who recently started building permanent structures (such as fences) in the 'no fill, no build' areas that were to remain open. There were complaints from the Thurston Neighbors about these illegal structures. Some of the Levi Landing residents felt they had been told they could build fences. The City Attorney's office and planning staff were trying to work with the neighbors to come up with a solution. He said those living along Cedar Creek were sensitized regarding flooding in that area. He said the decision made by the city in this case could set precedent for future requests.

Councilor Ballew asked if the city should be partners in this type of agreement.

Mr. Leahy said we were parties in this case because it went through our process.

Mr. Leahy discussed documents regarding Nick Shevchynski. He said he would provide a summary on those documents to council as they came up.

Mr. Leahy said the BM37 decision was overturned on six constitutional grounds by the Marion County Circuit Court judge and would go up on appeal. He said he would provide a summary of that decision to council members. He discussed a class action suit filed by John Hammer against the City of Eugene. He said the Court of Appeals ruled that the City of Eugene could make Dolan findings during the trial, which was a victory for the City of Eugene.

Councilor Pishioneri asked to have flood plain maps available during the Executive Session on the Levi Landing issue. Mr. Leahy said those would be provided.

Mr. Leahy further discussed the Levi Landing.

ADJOURNMENT

The meeting was adjourned at 9:14 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

City Recorder