

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, FEBRUARY 5, 2007

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, February 5, 2007 at 7:01 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Lundberg, Wylie, Ballew, Ralston, Woodrow and Pishioneri. Also present were City Manager Gino Grimaldi, Interim Assistant City Manager Mike Harman, 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. Groundwater Guardians Presentation.

City Planner Linda Pauly said while attending the Groundwater Foundation conference in Portland in November, she learned that Springfield's drinking water protection overlay district ordinance, SDC Article 17, was being used as an example ordinance for other jurisdictions in Oregon. She said she was very proud of the City's drinking water protection overlay program. Protection of our drinking water resources was critical to support our growing population and to support the City's continued economic vitality. In her work as a planner, she has worked with a number of business owners and developers seeking development approval for land uses within the drinking water protection overlay district. Without exception, she had found the development community to be very supportive of the City's program.

At the Groundwater Foundation conference in November, the Springfield Groundwater Guardian team received national recognition for its accomplishments during 2006 and was honored as a "ten-year team." Ms. Pauly introduced Amy Chinitz, Water Quality Protection Coordinator with the Springfield Utility Board (SUB).

Ms. Chinitz thanked the City Council for supporting activities of the Springfield Groundwater Guardian team for the last ten years. She presented a plaque which represented national recognition for accomplishments during 2006. She said the team was a volunteer group made up of agency staff, businesses, non-profit organizations, educators and private citizens, working in partnership to protect our drinking water resources. The team's special challenge was to motivate people to protect something they couldn't see – groundwater. She gave examples of how this team made a difference. She discussed the work done by budding chemists from Thurston High School's community quality testing lab and the work done by students at Springfield High School in making a water documentary video.

Mayor Leiken said over the years, the developers had come to understand the ramifications and learned that protecting the environment was good business. Springfield had been a leader in this area locally and nationwide and he wanted that to be more publicized. He thanked the Groundwater Guardians and said the award personally meant a lot to him. He said it was another TEAM Springfield partnership.

2. WalMart Check Presentation to the Springfield Police Department.

Police Chief Jerry Smith said the representative from WalMart was not available for this presentation. He reminded Council that about a year ago WalMart provided \$900 to the Police Department to help sponsor some of the costs for the D.A.R.E. program. WalMart was again donating \$900 to the Police Department for some equipment. He thanked WalMart for their contributions to the Police Department.

3. Recognition of Judge Jon Joseph, 40 Years of Service.

Mayor Leiken recognized Judge Jon Joseph for his 40 years of service to the City of Springfield in the Municipal Courts. He said the Council hired the City Manager and the Judges and reviewed them annually. He asked Judge Joseph to introduce his family.

Mayor Leiken said Judge Joseph was first sworn in as Pro-Tem Judge on January 10, 1966. He relayed some of the history of Judge Joseph's years with the City. He noted the many changes during Judge Joseph's tenure as judge. Mayor Leiken noted a humorous case Judge Joseph recently heard. Judge Joseph had been dubbed the "youngest judge at heart" by the court clerks. Mayor Leiken said in the past when Judge Joseph was asked what the Council could do to improve and help the judge, he had answered that the City needed their own jail. That jail was now becoming a reality. Mayor Leiken presented Judge Joseph with a plaque and thanked him for his service to the community. He thanked Judge Joseph's family for allowing him to provide service to the City.

Judge Joseph said he had thoroughly enjoyed this position. He said he looked forward to it every day and he had a wonderful staff. He said he was proud to say that his son and daughter-in-law lived in Springfield.

4. Presentation of Certificate to Springfield Library.

This item was pulled and will be rescheduled.

CONSENT CALENDAR

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

1. Claims

- a. Approval of the Financial Reports for December 31, 2006.

2. Minutes

- a. January 22, 2007 – Work Session
- b. January 22, 2007 – Regular Meeting

3. Resolutions

- a. RESOLUTION NO. 07-05 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30479; ST. VINCENT DE PAUL SOUTH 46TH STREET IMPROVEMENTS.
- b. RESOLUTION NO. 07-06 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30385; ST. LUCIA PLACE SUBDIVISION.
- c. RESOLUTION NO. 07-07 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30482, 41ST AND CAMELIA STREET IMPROVEMENTS.

4. Ordinances

5. Other Routine Matters

- a. Support of the Four Cornerstones of Health Care Transparency with Mayor Leiken's Signature on the Statement of Support on Behalf of the City.
- b. Authorize the City Manager to Execute a New Agreement with Willamalane Park and Recreation District Regarding Collection of Park SDC's.
- c. Re-Appoint Gloria Foust, Human Resources and Operations Director at Oregon Medical Laboratories, and Chris Monnette, Director of Royal Caribbean International, as Springfield Business Representatives on the Lane Workforce Partnership Board with terms expiring December 31, 2009.

ITEMS REMOVED FROM THE CONSENT CALENDAR

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. Public Records Request Policy.

RESOLUTION NO. 07- 08 – A RESOLUTION ESTABLISHING A SYSTEM FOR RECOVERING CITY EXPENSES INCURRED IN RESPONDING TO REQUESTS FROM THE PUBLIC FOR DOCUMENTS AND PUBLIC RECORDS.

City Recorder Amy Sowa presented the staff report on this item. Under the Oregon Public Records Law (ORS 192.420), every person has a right to inspect nonexempt public records of a public body in Oregon. Under this same law, it is noted that the custodian (City) of the records may adopt reasonable rules necessary for the protection of the records and to prevent interference with the regular discharge of duties of the custodian. The Public Records Law also authorizes a public body to establish fees "reasonably calculated to reimburse the public body for the public body's actual cost of making public records available".

Actual cost may include a charge for the time spent by the public body's staff in locating the requested records, reviewing the records in order to delete exempt material, supervising a person's inspection of original documents in order to protect the records, copying records,

certifying documents as true copies, or sending records by special methods such as express mail. Actual cost also may include the cost of time spent by the public body's attorney reviewing, redacting and segregating records at the public body's request. See Attorney General's Public Records and Meetings Manual.

The City does not currently have a city-wide public records request policy in place, although a system has been used that allows access to public records by the public with some cost recovery to the City. It is in the City's best interest to have a set policy for such requests. The attached resolution puts in place a policy that reflects current practices. A Public Records Request Form is also attached.

Mayor Leiken opened the public hearing.

1. Curtiss Greer, 357 55th Street, Springfield, OR. Mr. Greer said the citizens currently enjoyed a mutual relationship regarding disclosure of information. The present manner of handling records did not create the potential for arbitrary concealment of records. The current relationship encouraged public participation. The resolution proposed created a vehicle for departments to conceal information it did not want the public to know. The manner this would be accomplished was through requirements of the resolution. Having to state the purpose for the information was to alert anyone as to whether or not they wanted the citizen to know. He further discussed the policy regarding cost. He felt the department could make an estimate that would financially prohibit anyone to act. He said this was putting another layer of protection over departments and was the cause for public distrust in many areas. He said this also set up a possible double cost to the taxpayers, as legal action could be less costly. He quoted ORS 192.440, and noted that it authorized, but did not require establishment of a resolution of this nature. This resolution had him put a hold on signs he was having made for the side of his truck which stated his support of this City. He would like his community to stay a user friendly arena and not turn into a bureaucracy.
2. Fred Simmons, 312 S. 52nd Place, Springfield, OR. Mr. Simmons referred to the section in the resolution that referred to time and cost in retrieving information. He said that was the kind of thing he wanted to prevent. He understood the desire to make this policy standardized, but felt the way it was written showed cost recovery of one hundred percent would try to be captured. He said if a development project came along, the same standard was not applied because one hundred percent of that cost was not being captured. He said he appreciated the work Ms. Sowa and Mr. Leahy had done on this policy, but felt it was a potential problem. He referred to the discussion during the work session regarding electronic communications and the time and cost involved in retrieving information from the electronic communications. It could be possible a court would have to review those types of records to distinguish what was exempt and nonexempt. He asked Council to consider the potential impact and the wall that this created. It created simplicity, but also problems. There were no provisions regarding the inability to pay. He asked Council not to adopt this until further research could be done.

Mayor Leiken closed the public hearing.

Councilor Woodrow said Item f in the resolution stated that the "decision by the City Manager on any fee waiver or reduction was final". He felt that allowed for a decision on inability to pay.

Mr. Leahy said he would endorse the efforts by Ms. Sowa to have a written policy in respect to records requests. Speaking on behalf of Ms. Sowa and himself, he noted that staff would continue to endeavor to provide public records to the public as soon as possible upon receipt. There was no intent to drag anything out to twenty-one days. If the material was available, it was clear that the public business must be done in public and should be turned over as soon as possible and we would continue to do that. The City had received some very large requests that required a lot of staff time to pull together. The twenty-one days would put a timeline on the City to get those large requests processed perhaps sooner than we had in the past in some cases. He said the City abided by the rule and if a large request was made and part of the information was readily available, that went out early. This should not be remotely interpreted as any endeavor by the City of Springfield to place a barrier to providing public information. The public was entitled to information and would continue to receive that information when requested. He would rather be in a position of the City Council having a policy in place than not. It was best to have a policy and if citizens complained about the policy, Council could choose to make amendments to the policy. No one should interpret this as any diminishment of public access and public right to know in Springfield.

Councilor Wylie asked how important it was that Section 1, line three which stated, "and where relevant the purpose for which the request is made" be filled out on the request.

Mr. Leahy said if the City received a request and left that section blank, he would instruct staff to move forward and produce the documents. It was important in some situations when there was a balancing. There could be a situation where the City needed to take the request to court because there was something the City did not want to disclose, and it was a permitted exception, but perhaps in the gray area. The court would balance the public interest in disclosure, which related to the reason, versus the public interest in nondisclosure. At some point, if the City chose not to disclose, that issue could surface. If the City didn't have the information in the application and it went to court, that information would be necessary for a determination by the court. In terms of turning over information that was not exempt, the reason for the request did not matter. He said if someone didn't want to fill out that portion of the request that was fine.

Councilor Ballew said knowing that information would better facilitate the research in trying to accomplish what the requestor wanted.

Mr. Leahy said that was correct. He noted instances when requests came in that were too broad. It was helpful to know exactly what the requestor wanted. The City's policy was to turn the information over to the requestor unless it was exempt.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT RESOLUTION NO. 07-08. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BUSINESS FROM THE AUDIENCE

None.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

1. Correspondence from Robert Ashburn, 5998 A Street, Apartment A, Springfield, Oregon and Others Regarding Cats Running Free.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW 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. Committee Appointments

- a. Appointment of a Springfield Representative to the Metropolitan Wastewater Management Commission (MWMC).

Environmental Services Manager Susie Smith presented the staff report on this item. The term of Springfield's current lay representative, Doug Keeler, to the MWMC expired February 1, 2007. The City Council needs to appoint a representative to serve the next term, which extends through February 1, 2010. Two applications for the position were submitted and are being forwarded to the City Council for consideration.

The MWMC is composed of seven members. Springfield is represented by one City Councilor, Anne Ballew, and one citizen. Doug Keeler, who works for Weyerhaeuser, has represented Springfield on the Commission since 1997, and currently serves as the President of the Commission.

The vacancy was advertised in the Register Guard and applications were accepted from November 14, 2006, through January 19, 2007. Two applications were submitted by Springfield residents. The two completed applications provide background information and the stated interest of the applicants.

The Springfield appointment is scheduled for discussion and action at the City Council's work session and regular meeting on February 5, 2007.

Ms. Smith said the community had been well served by Councilor Ballew and other experienced commissioners on the MWMC. She noted that when she attended the Bond Rating Agencies Presentation in San Francisco, Doug Keeler took the leadership role as Chair of the commission and made the presentation. He represented the commission well and professionally.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO APPOINT DOUG KEELER AS THE CITY REPRESENTATIVE TO THE METROPOLITAN WASTEWATER MANAGEMENT COMMISSION (MWMC) WITH A TERM TO EXPIRE FEBRUARY 1, 2010. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

b. Arts Commission Appointments.

Library Manager Barbara Thompson and Librarian Carrie Schindele-Cupples presented the staff report on this item. The Arts Commission will have three vacancies on its board due to a term expiration of member Janelle McMahan, and two resignations by Kris Redmond and Rosalee Baker. Ms. McMahan has served one full term and is eligible to re-apply.

In response to the news releases of October 20, 2006 and November 29, 2006, the Arts Commission received six applications to fill three vacancies. The Arts Commission reviewed all applications and met with five applicants during its regular December 11th meeting. One applicant, James Chastain, did not attend the mandatory Arts Commission meeting and was unavailable for contact. His application was withdrawn.

The Arts Commission recommends that Janelle McMahan be re-appointed and that Carol Plaia and Scott Wylie be appointed to the commission, with terms to expire December 31, 2010. Ms. McMahan is eligible to serve another term. The Arts Commission has found her to be a valuable member. Ms. Plaia is a performance artist new to Springfield and has extensive experience with fundraising and art acquisition. Mr. Wylie has served on the Arts Commission before and is eligible to serve again; he is a landscape architect and provided valuable contributions during his prior service on the commission.

Ms. Reade has extensive experience with the arts and most recently served as president of the Emerald Art Association. The commission will encourage her to re-apply for a future vacancy.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO RE-APPOINT JANELLE MCMAHAN TO THE ARTS COMMISSION WITH A TERM EXPIRING DECEMBER 31, 2010. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO APPOINT CAROL PLAIA AND SCOTT WYLIE TO THE ARTS COMMISSION WITH TERMS EXPIRING DECEMBER 31, 2010. THE MOTION PASSED WITH A VOTE OF 5 FOR, 1 AGAINST and 1 ABSTENTION (WYLIE).

c. Planning Commission Appointment.

The seven member Planning Commission had a single vacancy as a result of Mr. Greg Shaver completing his 4 year term on December 2, 2006 and declining consideration for reappointment.

The City received one application for this vacancy during a two month recruitment process. Mr. Kirschenmann resides at 1159 South 68th Street and is employed by Rexius Sustainable Solutions, 5610 Main Street, Springfield. The Council interviewed Mr. Kirschenmann on January 8, 2007. Formal ratification by the Council must occur during a Regular Session.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO APPOINT JOHNNY KIRSCHENMANN TO THE PLANNING COMMISSION WITH A TERM EXPIRING JANUARY 16, 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. He said there was a meeting today, and discussion was held on mobile home parks and the issue of when they were closed down. Councilor Solomon from Eugene headed a task force and laid down some ground rules for approval. They were asking that the cities and Lane County adopt ten rules for procedures for closing mobile home parks. He discussed several of the proposed rules including: 1) all three jurisdictions establishing protections for residents of manufactured home parks when owners voluntarily closed or converted (Councilor Ralston asked for a model to review which someone will bring to him.); 2) a 365 day closure notice when someone went in to rent; 3) procedures for payment to tenants for moving. He said he agreed with most of the recommendations until they came to item 7) the closing park owner should pay the compensation required by #6, minus any state subsidy. He said the state had a \$10,000 tax credit and he didn't feel the public should be subsidizing a developer coming in and shutting down a mobile home park. He felt it was more of an incentive to a property owner to shut down their park if they knew they would receive \$10,000 from the State. That issue was being argued at the State level. In addition, the local governments shall give the owner credit for system development charges (SDC). Most trailer parks were 20 or 30 years old, and put in possibly before SDC's were even charged. He felt that was not equitable and there was something wrong with that proposal. He suggested that if there were records of SDC's that were charged when the park was developed, that amount could be subtracted out and given as a credit. The owners would be making a lot of money redeveloping the property and he felt development should pay for its own costs.

Councilor Ralston reported on Lane Regional Air Protection Authority (LRAPA). The term expired for the board member who represented the rural area at large. The position was advertised for with preference for rural applicants, with a priority for someone from Oakridge. Currently, Oakridge and Cottage Grove split every two years. There were so many air quality issues regarding Oakridge, he suggested there was a permanent representative from Oakridge. There were nine applicants, including Don Hampton and Glen Fortune from Oakridge. Glen Fortune was appointed. There was an advisory committee that had done some groundwork for LRAPA over the years, but the advisory committee had become unbalanced and one-sided. Five people were appointed to the advisory committee, Russ Airs from Weyerhaeuser was re-appointed and four new members. He felt that three of the new members were reasonable and two of the new members had indicated on their applications their extreme views. The board started the process of goal setting, which would be a long process. LRAPA can't raise fee over what the Department of Environmental Quality (DEQ) charges, which was one of the suggestions. He read a

list of complaints received each month. He said the biggest issue was the issue of controlling dust at gravel pits.

Councilor Wylie said she was interested in the potential closing of trailer parks in Glenwood. She attended a City Club meeting regarding this topic and talked with Community Development Manager John Tamulonis who had a vast amount of information on this. She said if the City was going to be required to come up with something, Mr. Tamulonis would be the appropriate staff member to present this to Council during a work session.

Mayor Leiken said he would be excluding himself from any discussions on mobile home parks because his family owned several, and he would have a bias.

2. Mayor Leiken said several from the City went to 2008 Olympic Trials event. There were a lot of businesses attending and it was a great event.

BUSINESS FROM THE CITY MANAGER

BUSINESS FROM THE CITY ATTORNEY

Mr. Leahy said if Councilor Ralston got a proposed bill (regarding mobile home parks) to the City Attorney's office ahead of time, they could review it and let him know where it was consistent with State law. He would then have that information before discussing it further with the Council.

Councilor Ralston said it could be several months. The State was making their own rules which would pre-empt all local rules.

ADJOURNMENT

The meeting was adjourned at approximately 7:45 p.m.

Minutes Recorder Amy Sowa



Sidney W. Leiken
Mayor

Attest:

Amy Sowa
City Recorder