

MINUTES OF THE WORK SESSION MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, FEBRUARY 26, 2007

The City of Springfield Council met in a work session in the Jesse Maine Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, February 26, 2007 at 5:30 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Lundberg, Ballew, Wylie, Ralston, Woodrow, and Pishioneri. Also present were Interim Assistant City Manager Mike Harman, City Attorney Joe Leahy, City Recorder Amy Sowa and members of the staff.

1. Contract for Services to Develop Comprehensive Asset Management System.

Public Works Director Dan Brown and Maintenance Manager Ed Black presented the staff report on this item. The Public Works Department Maintenance Division is responsible for maintenance, operation, repair and preservation of the City's infrastructure. Last June the Maintenance Division solicited proposals for professional services to develop a comprehensive asset management system. A contract for the initial phase of the services required has been negotiated with CH2M Hill.

At a Work Session last May Council provided staff with direction to pursue consultant services to develop a work plan for professional services to assess the current condition of the City's infrastructure in order to determine the longterm maintenance needs required for its preservation. Proposals from three qualified consultants were received and reviewed. This is the first phase of an optional multiphase study which has the potential to cost \$250,000 - \$900,000 depending on level of detail and infrastructure classes selected for inclusion in subsequent phases. Future phases may include the following: (1) design of a comprehensive asset management system; (2) implementation and maintenance of the system; (3) use of the asset system to identify and prioritize projects; and (4) identification of the resources required for asset preservation to achieve target service levels. A contract in the amount of \$56,340 has been negotiated with CH2M Hill for Phase 1A (development of a work plan for development of a comprehensive asset management system). The negotiated contract also includes Phase 1B (identification of a subset of assets to be targeted in the next phase). The cost of Phase 1B is \$41,270. Separate authorization is required for implementation of Phase 1B. Attachment A (Scope of Work) which describes Phase 1(A and B) has been extracted from the pending contract with CH2M Hill. Providing the Council with a complete picture of the potentially significant long term costs implications of the Comprehensive Asset Management Study prior to seeking Council action on the Phase 1A contract is a primary objective of tonight's Work Session.

Funding for Phase 1A (\$56,340) has been included in the Maintenance Division's FY06/07 Contractual Service budget.

Mr. Brown said most infrastructure would have a life expectancy of about fifty years if the infrastructure was well maintained and preserved. He discussed the importance of an accurate data system to continue that maintenance.

Maintenance Manager Ed Black introduced two of the consultant team, Alan Ispass & Cal Leckington, from CH2M Hill. The Public Works Department was responsible for the design, construction and maintenance of the City's infrastructure. He referred to a listing of the entire infrastructure in Springfield. Since December 2003, staff had made several presentations to the Council regarding the condition of the City's assets. The City had done a good job of maintaining the infrastructure, but there was concern that the maintenance funds could not keep up with the City's growth. He referred to a table showing the growth in the assets. He referred to other charts showing the growth in the amount of infrastructure compared to the decline of staff dedicated to those assets.

Mr. Black discussed the importance of having accurate information and having access to that information. The City currently used the Hansen system, GIS, Tidemark and PeopleSoft for database information. The issue was how to access the information and use it for making decisions. The Hansen system showed the physical characteristics of the infrastructure, repair history and it supported the day-to-day maintenance. This system was used to generate customer service requests, work orders, and tracking of asset conditions. It was useful on a day-to-day basis. Public Works had recently added a module for street maintenance to the system called the Pavement Management System. The Pavement Management System was part of an Asset Management System. He explained. He said the City did not have a management system for the rest of our assets. He quoted the U.S. Department of Transportation's definition of Asset Management.

Mr. Black said the key questions were: 1) what was the value of our assets; 2) what were their functions; 3) what services did they provide; 4) what were the current and future condition of the assets; 5) how could the City preserve, maintain and improve the City's assets; 6) how could the City get the most out of the assets we had; 7) what resources were available and 8) what was the City's budget.

Last May, Mr. Black said he came to Council regarding a request for proposals (RFP) for consultant services to provide the basis for an Asset Management System. Council approved staff going forward with those requests. The City received three proposals from consultant teams, those proposals were reviewed by staff, references were checked, and staff selected CH2M Hill for this project. Staff negotiated a two phase contract with CH2M Hill. Phase I, for \$56,000, was divided into two parts. The second phase would not be implemented until Phase I was complete and was an option for the Council. He said the initial cost of \$56,000 was not significant compared to the cost to implement. Depending on the selection of assets, the total cost could be between \$250,000 - \$900,000 for a full Asset Management System. He wanted Council to make the decision whether or not to proceed. Once a system was in place, the capital needed would be identified and the costs would become more significant. This system would give the City a better tool to identify and prioritize work. An Asset Management System was risk management. It would help identify where the City had the greatest risk for exposure and those would be the first things addressed in the next phase. He said Phase I was split into two parts. The first part would cost about \$56,000 and the second part would be about \$41,000. Phase II, which would be the design, implementation and use of the Asset Management System would be substantial. He said the City had over \$700M worth of assets in the City and he was concerned about how much was being spent in the maintenance and preservation of those assets.

Councilor Pishioneri asked if the source of money was from dedicated street funds.

Mr. Brown said it was from Street, Sewer and Drainage funds, user rates and gas tax funds. Those were the same funds used to pay for operations, maintenance and preservation.

Councilor Pishioneri said it made sense to protect \$700M worth of property. If it was not done correctly, the City could have several million dollars worth of loss.

Councilor Ralston said CH2M Hill would come up with a model to evaluate the City's infrastructure. He asked if the City could then own that program once it was complete to predict future infrastructure needs. Mr. Black said that was correct. Councilor Ralston said it was a valuable system.

Mr. Black said the first part was to develop the work plan and the second part of Phase I was to determine which parts of the infrastructure the City would get the greatest return for in applying the work plan. Staff would not move forward on Phase II unless it was approved by Council when presented.

Councilor Ralston said the \$97,000 would give us a model of what exists now. He asked about Phase II.

Mr. Black said the first phase would give the City the work plan necessary to develop the model. If the Council were to select the items with the greatest risk, the cost would be about \$250,000. If Council chose to take care of all the assets, it could cost about \$900,000 for the work plan. The work plan would be a program that analyzes and manages the information.

Councilor Ballew said she was surprised to see the reduction in the amount of manpower related to the increase in sewer lines. She said the City was spending a lot on Infiltration and Inflow (I and I). She asked if those needs were figured into the monthly rates.

Mr. Black said some of the I and I was contract work. The graph displayed for Council only included the full time equivalent (FTE) relationship to the infrastructure.

Councilor Ballew said rates could be set to accommodate staffing needs.

Mr. Brown spoke about the increased staff PW had hired over the last few years to staff the MWMC construction program and to accommodate development. Mr. Black had not received any additional staff over the last fifteen years to take care of the new infrastructure.

Councilor Ballew asked what the difference would be if we stopped at Phase I.

Mr. Black said we wouldn't have anything that would produce a product. The product from Phase I was a work plan. He explained. The second phase was development of the system.

Mr. Brown said it was like drawing the plans for a building (Phase I), and constructing the building (Phase II). The cost range was dependent on the work implemented from the plan.

Councilor Ballew said the first phase was setting up the plan and definitions and the second phase was creating the system, but not doing any physical work.

Mr. Brown said that was correct. He said staff was comfortable allowing Council additional time to think this over and bringing this back to Council at a later time.

Councilor Pishioneri asked if it would be more fiduciary to hire someone for this purpose for less money as a City employee as opposed to outsourcing. He asked if the City staff already had the expertise to perform this work.

Mr. Brown said the City did not have the expertise on staff to do this work.

Councilor Pishioneri asked if someone could be hired to do the work and work for the City.

Mr. Brown said that could be something to think about.

Mr. Black noted the difficulty in finding someone with that expertise.

Councilor Woodrow said he appreciated the work staff had done, and the work from CH2M Hill. He said he had a lot more questions and would like to have this come back to Council during 2 on 2 meetings.

Councilor Wylie said it was a lot of money before the actual work got done. She asked if there was software available as other cities must be facing the same issue.

Mr. Black said the City currently had a lot of information in various databases. The issue was how to take the different components and meld it into one system. It might have to be started from ground zero. He said there were cities around the U.S. that were outsourcing. He asked Alan Ispass from CH2M Hill to comment.

Mr. Ispass said there were cities that were focusing on this issue. A lot of infrastructure was built about fifty years ago and were reaching the end of their lives. The approach CH2M Hill was taking was risk based and they only addressed those assets that would cause the City the greatest risk. The first phase would give the City considerable value by setting forth the methodology. Council could then determine if they wanted to computerize that methodology in Phase II. The methodology would be the same as was used in other cities and would allow the City to prioritize and optimize their capital planning as well as the operation and maintenance. The second phase would take the current systems used by the City (PeopleSoft, Hanson, etc.) and integrate it into one software to project the risk the City could be facing in the next fifty years.

Councilor Ralston said it seemed that hundreds of cities would need the work plan. Research and development would be the highest cost and once developed could be reduced for all cities to use. He said he was in favor of Phase I, but needed convinced to go beyond to Phase II.

Councilor Lundberg said she would like to see more detail in the strategy development, including forming a committee, creating a mission and goals and meeting individually with Council. They needed to assess the situation now and determine what the City wanted. More information on Phase I and Phase II was needed, including cost and scope of work.

Mayor Leiken asked if Council wanted 2 on 2's for more information. Yes.

Mayor Leiken said he didn't agree with planning out fifty years because the City needed to adapt and improvise every two to five years. He said we needed to look at this from a business strategy. He agreed with Council having 2 on 2's or discussions with staff and then coming back to the full Council at a later date. He asked if Council agreed with holding 2 on 2's.

Councilor Ballew said Council was supportive of an asset management system, but not sure about the cost associated with this system.

Councilor Ralston said he was not sure he would benefit from 2 on 2's at this time. He suggested those meetings take place when Phase II was ready to be discussed.

Mayor Leiken suggested staff bring options to Agenda Review.

2. Building Condition Report Prepared by DLR Group.

Maintenance Manager Ed Black presented the staff report on this item. The Public Works Department Maintenance Division is responsible for maintenance, operation, repair and preservation of the City's buildings. In accordance with direction provided by the City's Executive Team and subsequently confirmed by the Council at their December 5, 2005 Goal Setting Session, a report identifying the immediate, near term and long term building maintenance and preservation needs has been prepared.

Last Spring a contract for professional services was successfully negotiated with DLR Group for the following Scope of Services:

- A. Establish baseline data for facility condition through a detailed, structured inspection process.
- B. Development of a priority ranking of observed deficiencies for each building.
- C. Development of an overall priority ranking of observed deficiencies.
- D. Develop cost estimates for repairing identified deficiencies.

DLR has completed their assessment of City buildings. The full report contains an overall Executive Summary and an Executive Summary for each of the 10 buildings included in the study. Attached are the Executive Summary of the overall report, the Executive Summary for City Hall and a spreadsheet which summarizes building maintenance/preservation needs for the next 30 years. The first year (2007) or highest priority needs are identified as deferred maintenance (immediate); these needs are further categorized as **A** (aesthetic), **S** (safety), **S/M** (structural/mechanical), or **WC** (working conditions). The second section (Priority 2) identifies needs for the next five years (near term) – similar to the City's CIP. The third section (Priority 3) identifies likely needs for next 24 years (2013 through 2026). The primary outcome of the study is to achieve a preservation level of maintenance for City-owned buildings. Safety and efficiency improvements are assumed outcomes of preservation. Thus, attaining preservation may require the restoration and/or modernization (i.e., lighting, elevators, etc.) of support systems, equipment, etc. Enhancements and expansion of City buildings are beyond the scope of services provided by DLR. Next steps include prioritization of projects across all City buildings,

development of a 5-Year Buildings Improvement Program (BIP) including identification of funding sources and annual budgeting for specific projects.

Mr. Brown said the City buildings were valued at about \$70M to replace them all. The limited funding for maintenance was the old \$900,000 of SDC's, which was not a replaceable revenue source. Last fiscal year, Council authorized staff to increase the building preservation allocation from \$40,000 to \$80,000. Unfortunately, the old SDC's had been needed to fund the work going on at Fire Station 1, and there was not going to be a lot of those funds left following that project. Council directed staff to try to find a new revenue source for building maintenance preservation. The Building Conditions report was complete and Mr. Black would be summarizing that report.

Mr. Black said the basic goal was to keep the infrastructure in good condition during its cycle of life. The life cycle costs when infrastructure was routinely maintained would be less than when problems arose. Staff had been funding the building maintenance program from the old SDC's. Minor City facility projects in the Capital Improvement Program (CIP) had been funded at \$40,000 since 1980, later reduced to \$25,000 and then eliminated a couple of years ago. City building maintenance was at \$40,000, which had been maintained. Last year, Council reinstated the minor City facility projects funding at \$80,000. In July 2006, the Executive Team (ET) asked PW to develop a five year CIP for buildings, which resulted in the \$80,000, and generated the report before Council. He referred to the report in the agenda packet. The report didn't include enhancement of facilities, but only for preservation and maintenance. He discussed the priority settings as noted in the staff report.

Mr. Black asked Council to refer to the last page of section one in the report, which summarized the maintenance needs according to priority.

Mr. Brown said it became very speculative when looking out five years or more. Staff would update this each year and every five years, a consultant would be hired to update the report.

Mr. Black referred to photographs of some of the buildings in need of repair. The report could generate the project needs, but funding first needed to be identified.

Councilor Woodrow commended staff on the report. He said he understood the City did not have a depreciation account for replacements. Mr. Brown said that was correct. Councilor Woodrow said he would like to see that considered.

Councilor Ballew said most buildings owned by the City had flat roofs and leaked. She asked if it would be advisable to better engineer the roofs to provide better runoff. She asked if the roofs were used.

Mr. Black said the roofs were used to access equipment only.

Councilor Ballew said the City needed to do a better job of budgeting for maintenance.

Councilor Ralston said he thought it was prudent to put money aside for building maintenance, but he questioned where those funds would come from. The list covered maintenance for about 30 years, which amounted to about \$30M, about a million dollars a year.

Mr. Black said staff would come back with ideas for funding as directed by Council. This was informational only.

Councilor Wylie asked if there was a maintenance person on staff.

Mr. Black said there were two people, one for City Hall and one for the other facilities. Some of the work was done by contractors.

Councilor Ballew said the estimates indicated that they would be contracting out the work. Correct. She asked if it would be smarter to hire additional people if this was an ongoing need.

Mr. Brown said most employees weren't highly trained in building maintenance. He said he wouldn't take the figures beyond five to ten years too seriously. The figures were to present the magnitude. He said he wouldn't expect staff to uncover a revenue stream that would generate \$1M a year.

Councilor Pishioneri suggested dedicating staff to focus on the new Justice Center Facility so it was done right from the beginning.

Mr. Brown said that had been discussed and it was expected there would be a higher level of maintenance given to that building.

3. Vicious Dogs Ordinance.

City Attorney Joe Leahy, Police Chief Jerry Smith and Attorney Matt Cox from the City Attorney's Office presented the staff report on this item. Adoption of this amended ordinance would add to the existing Springfield Municipal Code definition of vicious dog as well as add new definitions including "Control of Dog," "Controlled Property," and an exception to the Class C Misdemeanor, "vicious dog," regarding illegal trespassers. Adoption would also provide specific and clear language for identification and determination of a vicious dog through Springfield Municipal Court action.

This ordinance's purpose is to provide clearer SMC language to the definitions and offense of owning a vicious dog.

No Financial Impact.

Mr. Cox said an attorney filed a demur against a case of City Prosecutor Dave Logan's, regarding the vicious dog statute. The demur was denied at the Municipal Court level and the person was convicted and appealed it to Circuit Court. Mr. Logan asked Mr. Cox to help with that, and although the City was successful, they felt the statute could be improved. He referred to the draft ordinance included in the council agenda packet. He noted the wording regarding a dog chasing without provocation, and how the new wording tied the dog's behavior into the owner's behavior to a degree. He discussed the changes to the ordinance to address this. Mr. Cox had gotten the defense attorney's input on the changes as well, and felt it was a good improvement.

Councilor Pishioneri said he was concerned about the section regarding controlled property and also the reference to a dog in a vehicle. He asked for specifics.

Councilor Woodrow said the part regarding public property was included for those that put up a dog run on public property. He said there were parks that did allow portable runs.

Discussion was held regarding portable dog runs.

Councilor Pishioneri asked if something needed to be included in the ordinance to address portable dog runs and whether or not they were allowed at public parks.

Mr. Leahy said they would check into it.

Mr. Cox said it could be a park rule. He said he would check with Willamalane.

Discussion was held regarding dogs in vehicles and whether or not the ordinance language authorized something that was contrary to state statute about leaving an animal unattended in a vehicle.

Mr. Cox said he would add something to note it would not be in violation of state law.

Councilor Ralston said the name of this ordinance was not positive and implied it was directed toward specific breeds of dogs. He said a few things needed to be defined, such as "serious harm", "unreasonable behavior" and "within the owner's control". He said he would like answers to those three things. Some people just had a problem with certain types of dogs.

Mr. Leahy said "unreasonable behavior" was existing language, and they were not planning to change that language. That term was what had been dealt with over the years by judges who made that determination.

Mr. Cox said they could use the definition for injury from the State statute.

Discussion was held regarding that definition.

Mr. Cox said he would do further work on the definition.

Councilor Ralston said all dogs were unpredictable.

Councilor Lundberg said she appreciated staff trying to narrow this down with definitions. She said having a mechanism to better define it was good.

Discussion was held regarding unreasonable behavior and identifying certain normal behaviors with certain breeds of dog.

Mr. Cox said the section under discussion included the sentence, "based upon any other relevant evidence as to the dog's unreasonable propensity to be vicious". There needed to be evidence of the dog's unreasonable propensity to be vicious, which related back to the definitions for vicious dog.

Mr. Leahy said they were trying to define this to provide more protection to the dog owner. He suggested looking at this ordinance in that context and also in the context of the City judges that had been interpreting the law over the years. He said he had not heard a lot of complaints or abuses about dogs that had been found vicious. The changes were in response to a dog owner wanting the definition more specific.

Councilor Pishioneri said the judge was bound to make a reasonable person's standard. He said that was very defined by State statute and was not arbitrary.

Councilor Ralston said he wanted to protect the property owner and not target certain dogs.

Mr. Leahy said if Councilors received complaint calls from dog owners, please let staff know so those could be addressed.

Mayor Leiken said he didn't feel this was right to continue to have to make these changes for one person's issue. He said, however, he knew it had to be done. He thanked staff for trying to make it work. He felt Council would most likely be back again on this subject and expressed concern this could come back with specifics on dog breeds. The City had to respond based on how the judge could make a determination. He felt the attorneys had answered the questions the best they could to address this issue. Interpretation could be used in different ways. He appreciated the attorneys' work and felt they did the right thing, but was concerned staff would be returning with additional amendments based on citizen comment.

Councilor Lundberg said she did not agree with Mayor Leiken regarding his first comment.

4. Dog Care Permit for Rescue Groups and/or Registered/Licensed Breeders.

Police Chief Jerry Smith and Attorney Matt Cox from the City Manager's Office presented the staff report on this item. Springfield certified dog rescue groups and registered/licensed breeders have asked the City to provide a legal mechanism allowing them to house/have more than three (3) adult dogs at a residential lot. Members of the Springfield Police Department, Springfield Animal Control Department, City Prosecutor's Office and the City Attorney's Office have worked to draft an ordinance for Council consideration that provides an exception to Springfield Municipal Code 5.404 – Number of Dogs Permitted, three (3) adult dog limit at residential lots. The proposed ordinance provides a mechanism for an applicant to obtain a dog care permit. If approved by Council, the dog care permit holder would be allowed to keep more than three (3) adult dogs at a residential lot.

The draft ordinance also provides instructions to the Springfield Animal Control Department and the Springfield Municipal Court regarding conditions for award of dog care permit to citizens, revocation of dog care permit and appeal process for revoked or denied dog care permit applicants.

At this point, it is unclear if there would be financial impact on the City of Springfield. This proposed program would create additional responsibilities for the Springfield Animal Control Department. The Springfield Animal Control Department currently has very limited staff. The

proposed ordinance does provide a mechanism for removal of animals and attachment of costs to violators. There also may be nuisance and/or land use issues raised by the proposed ordinance.

Chief Smith highlighted the changes in the ordinance.

Mr. Leahy said he received a call from the animal control officer this afternoon regarding the top of page 2, "certified rescue groups" or "registered/licensed breeder". The City didn't currently have an entity called the "certified rescue group" or "registered/licensed breeder". There was no way for the City to confirm whether or not someone is a certified rescue group or registered/licensed breeder. This ordinance was for the purposes of discussion only. He said staff was looking for a way to limit those that qualified for a dog care permit. This ordinance was not yet complete and Council may want staff to come up with objective criteria for those two groups.

Councilor Ballew said places with a lot of dogs were often noisy because it was a dog's nature to bark. She didn't think she would like a neighbor taking care of ten dogs as it interfered with her quiet enjoyment of her property. There needed to be something to address the noise. She didn't object to breeders, but didn't feel a residential area was the proper location. She had concerns regarding public health and sanitation issues and felt those should also be considered in the ordinance.

Councilor Ralston agreed that a definition was needed for breeder and rescue group. He discussed the noise issue. He said there was nothing in City ordinances that allowed a kennel to operate in Springfield or Eugene. He said there were pieces of property in town that were large enough to operate a kennel. He currently had to take his dog out of town to the nearest kennel when they traveled for any length of time. He would encourage the City to offer a provision to allow kennels under the right circumstances and in certain zoning areas.

Mr. Cox said a special use permit could come to Council.

Councilor Ralston agreed, but the rest of the Council did not.

Councilor Woodrow thanked Mr. Cox, Chief Smith and Ms. Sparks for their work. He said there was no certifiable way to recognize an American Kennel Club member or a certified rescue group. The only way that was available was by the 501(3)(c) tax identification number. With that identification, the City would have a way to verify those people were certified and in good standing. He said he didn't want kennels in the City. The purpose of rescue groups was to get the dogs healthy and back out to a good home. He said this ordinance was set up to address the issue of barking dogs by revoking the permit and having the owner remove the animal.

Councilor Pishioneri said he would call it a kennel ordinance because it was more of a kennel license. He said breeders could have multiple litters. He brought up the following suggestions and concerns:

- Section A: did not set a limit on number of dogs.
- Section 2.b.: "Springfield residents or groups who own residential lots" – any group that owned a lot was a business. He said that seemed to be contrary to zoning laws.
- Section 3: There was no need to include the section about what was required to obtain a dog license because that was already in our code.

- Section 4: He said there was no time limit set for the dog care permit holders to inform the Springfield Animal Control office if they changed their address.
- Section 5: It stated the City could remove the animals, but did not provide for cost recovery. It also stated that removal of the dogs would occur only when this ordinance was violated. He said it didn't indicate that the dogs could be removed for violation of other animal ordinances. It also indicated that the dog owner could arrange for other shelter care, but did not provide a time limit for that to occur.
- Section 7 – He said the term “other good cause” was ambiguous and didn't relate to other ordinances. He referred to the statement that the permit could be temporarily revoked. He asked how many times the permit could be temporarily revoked and when it would be permanently revoked.
- He asked if there should be neighborhood notification if someone was awarded this dog care permit, and whether or not the neighbors would have the right to regress.
- He expressed concern regarding waste removal and nitrate levels. There needed to be a system in place. He felt three dogs in City limits was plenty.

Councilor Ballew said the dog care permit wouldn't belong in a residential area, perhaps commercial/industrial, but there would still be sanitation issues.

Mr. Cox said Ms. Sparks asked him to relay to Council that limited staff in Animal Control referred to only her and she was part time.

Councilor Woodrow said part of the reason this was started was due to the licensing issue. There were a number of people in the City that had more than three dogs, but had not licensed them for fear of having the additional dog removed. This could help reduce that issue and give animal control the ability to keep track of those that had more than three dogs. He felt that the statement that three dogs were enough was more of a personal opinion rather than an educated statement. He felt this ordinance was beneficial for those people that wanted to help reduce the animal population. He explained that responsible rescue groups got dogs off the streets, neutered and spayed them and found them good homes. Most responsible rescue groups and breeders didn't keep ten or more dogs. He suggested going forward with the ordinance and addressing Councilor Pishioneri's concerns.

Councilor Lundberg said she felt this was two issues; the first was having a business in a residential area and the second was the rescue mission, taking care of animals that would soon be moved. She suggested separating this into two ordinances. Some of the concerns could be addressed by separately the ordinance. Rescue missions were different, taking care of animals that would be moved. She would like to find a compromise and felt the ordinance still needed a lot of work.

Mr. Leahy said there were land use/nuisance issues that had been raised by the ordinance and those issues had been forwarded to Development Services Department for their response. There could be something to look into regarding commercial versus industrial versus residential. Staff was willing to go back and respond to the issues raised by Council, but it was up to Council to direct staff to take the time to continue work on this ordinance.

Councilor Wylie said she would agree with staff making the changes to address the concerns. She said they should possibly consider the businesses that also house multiple dogs.

Councilor Woodrow said people who had an internet business, did not need to notify neighbors that they were running a business from their home. He said certified rescue groups were not businesses and did not sell anything. They spent a lot of money getting dogs healthy and spayed or neutered to get them to a new home. Breeders did sell show dogs, but also rescued dogs. He explained. They were not kennels, but had one female that they bred, which was legal under the City's current law. The difference was that if they sold two dogs and people wanted to return them, reputable breeders would take them back as rescues. He discussed those breeders that were not reputable who would most likely not obtain this license even if available. He said it wasn't right to stop people that wanted to help get animals off the street and give them decent home. He would like to find some compromise.

Councilor Pishioneri said he felt this activity was inappropriate for within City limits. He said there were great breeders, but there were also those that weren't so great. He didn't understand why breeders would want to do this within the City when a rural setting would be healthier. He said there was an inability to enforce this, so he wasn't sure why it was being discussed.

Councilor Ralston said he agreed with Councilor Woodrow. He said he was in support of this ordinance. It would be for reasonable people knowing what they could do with their property. These people would still be subject to the nuisance laws.

Mayor Leiken said there were a lot of uncomfortable feelings around this ordinance. In the past, Council had adopted some things on a trial run with staff checking back at a time certain to see if it was working. He said Council was not yet ready to have staff move forward to bring back the ordinance yet. He suggested maybe Councilors Pishioneri and Woodrow meet to discuss their issues.

Councilor Pishioneri said the concept and the mission was great. There was a need for animal care, but he had concerns about the location.

Councilor Woodrow asked Councilor Pishioneri if he would be satisfied if the recommendations Councilor Pishioneri had requested were included.

Councilor Pishioneri said the two of them could discuss it further.

Councilor Woodrow addressed Councilor Wylie's concern about pet businesses. He said there were no pet shops or veterinarians that were allowed to keep pets overnight unless they had a special permit.

Mayor Leiken suggested forming a committee to discuss this more, with Councilors Pishioneri and Woodrow as Council representatives. That committee should not be too large, should have a purpose and a time certain to report back to Council.

Mr. Leahy noted the difference in the Mayor appointing a committee and the Mayor asking the City Manager to appoint a committee.

Mayor Leiken said he would like Mr. Grimaldi and Mr. Harman to form that committee.

Mr. Leahy said the City Attorney could do some additional work on the ordinance based on comments, suggestions and concerns and be further along in this process when the committee came back with their recommendation.

Councilor Ralston said there was not an unlimited market for raising dogs. He didn't want to prohibit a person from doing what they should be doing.

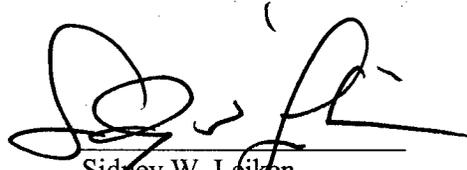
Mayor Leiken said Council needed to try to work through the issues. There was an opportunity for Council to get past this and find something beneficial.

Mr. Leahy confirmed that this would be referred to the City Manager to form a committee. Yes.

ADJOURNMENT

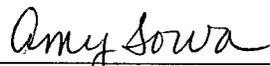
The meeting was adjourned at 7:26 pm.

Minutes Recorder – Amy Sowa



Sidney W. Leiken
Mayor

Attest:



Amy Sowa
City Recorder