

MINUTES OF THE WORK SESSION MEETING OF  
THE SPRINGFIELD CITY COUNCIL HELD  
MONDAY, OCTOBER 19, 2009

The City of Springfield Council met in a work session in the Jesse Maine Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, October 19, 2009 at 6:15 p.m., with Mayor Leiken presiding.

ATTENDANCE

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

Councilor Wylie was absent (excused).

1. Weyerhaeuser McKenzie Nature Reserve Conveyance of Real Property to McKenzie River Trust Subject to Conditions for Protection of Conservation Values.

Environmental Services Manager Ron Bittler presented the staff report on this item. The Deed, subject to conditions for protection of conservation values, helped to implement the preservation zone of the Management Plan for the Weyerhaeuser McKenzie Nature Reserve Agreement entered into by the City, Willamalane, and McKenzie River Trust for the 85 acres of property donated by Weyerhaeuser Company in 1993. It also carried out the "Environmental Stewardship" and "site uses and management" portions of the City's adopted "Master Plan" for the area.

The McKenzie River Trust would receive title to certain property within the preservation zone. The McKenzie River Trust would be responsible for maintaining conservation values in the preservation zone including forest values, side channels, McKenzie reach, wetlands, stormwater and education.

The Trust assumed all financial responsibility and was required to defend, indemnify and hold the City harmless from their actions on the property.

Mr. Bittler thanked City Attorney Joe Leahy and former Maintenance Manager Ed Black for the historical perspective they provided to Mr. Bittler. He referred to the map in the agenda packet which identified the subject property. There were a number of encumbrances, including an easement permitting Weyerhaeuser to maintain an access road to their water intake structure in the McKenzie River, an easement for Eugene Water and Electric Board (EWEB) for their overhead electrical transmission lines, and an easement right-of-way for Weyerhaeuser for the conveyance of water from the McKenzie River. In addition, there was an encumbrance for ground water rights held by Springfield Utility Board (SUB) and Rainbow Water District.

Mr. Bittler said the planning process for this started in 2000 in cooperation with Willamalane and SUB. Other interested parties including local property owners, City Council, and a Mayor's Task Force completed a plan that divided the site into three geographic zones: 6 acres of recreational zone, deemed suitable for improvements; about 28 acres of conservation zone suitable for improvements with mitigation; and about 49 acres of preservation zone deemed unsuitable for improvements. In 2001, the Council adopted a master plan for the oxbow area and directed staff to comply with the provisions of the plan. City goals included environmental stewardship, provisions for public facilities, site and river access, and site use and management. All of those

were to protect the environmental benefits of the property, preserve the groundwater wells, preserve the water intake downstream, and to provide public access to the river while preserving the natural resource value.

In October 2002, representatives from the City, Willamalane, and McKenzie River Trust began discussions regarding the interagency relationships and long-term management of the site in order to meet Council goals and objectives. City staff identified four key concerns: stormwater maintenance, wetlands management, the endangered species act habitat issues, and maintenance requirements. They also came up with concerns about transportation, risk management and property management. Willamalane's key issue was to provide park and recreational facilities. The McKenzie River Trust was interested in maintenance and protection of the enhancement of the high quality area and fish and wildlife habitat on the site.

Mr. Bittler said tonight's discussion was regarding the bargain and sale deed agreement to provide ownership for a portion of the property to McKenzie River Trust. The McKenzie River Trust would be subject to the protection of the conservation values and those that were determined for the preservation zone. Those included forest values, McKenzie side channels, McKenzie reach, wetlands, stormwater, and education. Should the McKenzie River Trust fail to comply with conditions, the City could terminate their ownership. Mr. Bittler recommended holding a public hearing to consider approving or not approving conveyance of this property in the Weyerhaeuser McKenzie Natural Preserve to McKenzie River Trust.

City Attorney Joe Leahy said the public hearing was necessary under Oregon law whenever a governmental entity disposed of public property. He referred to the following in the staff report: "Remaining work by City and Willamalane regarding the goals of Stormwater Runoff and Recreation still requires further study and action by the City and Willamalane which will be undertaken and completed as time and financial resources allow". The Council was familiar with the efforts of Environmental Services regarding the stormwater in the City. This presented the opportunity on one aspect of the plan that was approved by the Council and worked through with Willamalane and McKenzie River Trust. Their first thought was to retain City ownership and work with McKenzie River Trust to perform some of the nature functions on that property. After consideration, they decided it would be better to deed the property over to McKenzie River Trust subject to the conservation values because it would avoid City liability. He was able to draft language in the deed allowing the City to take it back if the work was not done. The McKenzie River Trust did this type of work and did it well. This deed provided that McKenzie River Trust indemnified the City, and in the event they got into financial difficulties and wanted to transfer this to another environmental entity to perform the functions, the City would have the ability to step in and examine that transfer. He recommended this to the Council as it allowed the City to achieve some of the goals in the plan. It also included some educational components for Springfield School District 19.

Councilor Lundberg referred to Attachment 1, page 3 in the agenda packet. She asked why School District 19 was singled out for the education piece.

Mr. Leahy said he was thinking about the TEAM Springfield members, of which the School District was a part.

Councilor Lundberg said she didn't want to preclude other educational opportunities for other school districts or youth organizations.

Mr. Leahy said it would not preclude that opportunity. Council could make that comment during the public hearing so that McKenzie River Trust would be aware of their concerns.

Councilor Leezer asked how often this would be reviewed to make sure McKenzie River Trust adhered to the conditions.

Mr. Leahy said that would be a good question to ask McKenzie River Trust during the public hearing.

Councilor Pishioneri asked about public access.

Mr. Leahy said there would be no public access unless through McKenzie River Trust staff. It would be their property. Public access would be in the remainder of the property that Willamalane would develop. This was a pristine area and was consistent with the Council goals endorsed when the plan was developed.

Councilor Pishioneri referred to Mr. Leahy's comment that some of the goals would be met and he asked if that meant some would not be met.

Mr. Leahy said stormwater runoff was not being met because that was a City function, and the goal of public recreation and public trails was not being met because that would be done by Willamalane. There would still be room for those other goals to be reached.

Councilor Pishioneri asked if this would affect water lines as far as access by boats.

Mr. Leahy said he did not know and suggested Councilor Pishioneri ask McKenzie River Trust during the public hearing.

Councilor Simmons reminded everyone about the 42<sup>nd</sup> Street dyke, which was a flood dyke. During the flood of 1996 it came within two feet of breaching. Whatever was done with these parcels, the City had the responsibility to maintain that dyke. He asked who would receive credits if TMDL credits were achieved on this site.

Mr. Bittler said if the agreement was a sponsorship type of agreement with the McKenzie River Trust, Metropolitan Wastewater Management Commission (MWMC) could retain the credits.

Councilor Simmons said he wanted to be sure to protect the interests of the City. He was in favor of this conveyance and felt the McKenzie River Trust was a good organization.

Councilor Ralston asked about the public access.

Mr. Leahy said public access may not be prohibited, but that would be something to ask McKenzie River Trust during the public hearing. If someone wandered out there and injured themselves, it wouldn't be the City's responsibility. There were three distinct areas; one for stormwater runoff for the City; one for recreation for Willamalane; and one to be kept in a natural and pristine condition. The City was passing that responsibility on to someone who was willing to step up and take care of it.

## 2. Proposed Open Banners Program in Mohawk

Assistant City Manager Jeff Towery presented the staff report on this item on behalf of Community Development Manager John Tamulonis. SEDA's OPEN Banner Program in Downtown Springfield had been successful with about 40 banners in place that announced businesses were open along Downtown streets. A relatively new organization, the Mohawk Business Neighbors (MBN), had requested that the City consider a program similar to that in Downtown for its members in Mohawk. Staff met and discussed need for standardization, private firms covering costs, safe siting, appropriate displays, operating and monitoring criteria, etc. The proposed program would use private funding (no City or SEDA funding) and would require MBN to provide oversight and monitoring. Should there be problems with the program or its operations, Council would retain the right to remove the MBN in its role of overseeing the program, modify the program, or, after annual review, discontinue the banner program. Attachment 1 of the agenda packet contained the essentials of a program for Council to consider that was entirely privately funded with each firm giving the City ownership of the standards. Attachment 2 of the agenda packet summarized the proposed program based on the changes from the existing program which was also summarized.

This program would be entirely funded by private businesses participating in the program. The cost each firm would pay was estimated at \$455 to cover the firm's banner (approximately \$100) and the City-owned standard and City installation (a Participant User Fee of \$355).

Ongoing monitoring of the banner quality, display hours, safety and other issues would be done by the Mohawk Business Neighbors. With the payment of the Participant User Fee, the City would retain ownership of the standards, while each participating firm would be responsible for their initial banner costs and any costs thereafter (including any loss of the standard) for banner replacements, cleaning, etc. Should there be specific problems with individual firms or merely a few businesses, the Mohawk Business Neighbors would deal with those issues and firms directly. If there were ongoing concerns or any major issues, the City would retain the right to revise the program to sort out those concerns or terminate the program entirely. If put in place, the City should evaluate the program annually to

- 1) assess its effectiveness,
- 2) determine the Mohawk firms' level of interest in continuing the program,
- 3) identify any problems that the program presents, and
- 4) determine if the program should continue.

Mr. Towery said staff would report back to Council after the program was in place for a year. He acknowledged several members of the Mohawk Business Neighbors who were in the audience.

Councilor Pishioneri said he liked the program. He asked what the City's cost would be.

Mr. Towery said there was no out of pocket for the City.

Councilor Leezer said she had been part of the banner program while her business was downtown. Mohawk was a thriving area. There would be no money out of pocket for the City and she supported the program.

Councilor Simmons said he liked the banner program, and said it added a certain amount of flavor in the area. He acknowledged City staff member Courtney Griesel for initiating the banner program downtown.

Councilor Lundberg said when this was done in downtown it was for one-way traffic and pedestrians because of the way the businesses were built. In terms of Mohawk, she would want to consider a slightly different banner with an identifying feature so it was known it was in the Mohawk business area. Each area should have its own identity. If that was amenable to the group, she would prefer the sign had something identifying the Mohawk area, but she didn't want the cost to be too high.

Councilor Pishioneri said he would like to see banners that could identify areas, such as the banners that were strung over 14<sup>th</sup> near McKenzie Hospital Medical Center identifying events. He felt it was a great idea identifying the different areas in the City.

Councilor Leezer said the fabric was double sided and could be embroidered Mohawk District without incurring much more expense.

Councilor Ralston said it was a great program if businesses were willing to pay for it. He asked about the liability issue regarding skateboarders or pedestrians running into the signs.

Mr. Towery said placement of the banners and the nature of the signage did not bring about additional liability. The staff had identified that either on the standards or on the banners there could be something to identify the Mohawk area as an option.

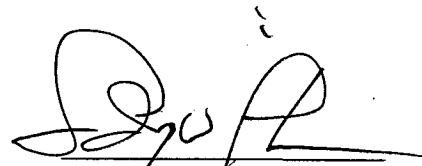
Mayor Leiken said Councilor Lundberg's idea was great and identifying the Mohawk district was good. He noted that Joe Hawes, who had recently opened a business in Gateway, called the area Downtown RiverBend. He referred to an article in the Bend Bulletin from someone who visited Springfield recently. It was a great article. He said we were one Springfield, but had different districts. He looked forward to hearing from the members of the Mohawk Business Network.

Councilor Ralston asked Niel Laudati if he could provide the link to the story in the Bend Bulletin. Yes.

#### ADJOURNMENT

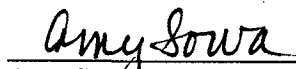
The meeting was adjourned 6:44 p.m.

Minutes Recorder – Amy Sowa



Sidney W. Leiken  
Mayor

Attest:



Amy Sowa  
City Recorder