

**CITY OF GREEN RIVER
CITY COUNCIL WORKSHOP PROCEEDINGS
September 27, 2011**

The Governing Body of the City of Green River met in workshop session at 6:45 pm in the City Hall Council Chambers. Mayor Castillon called the meeting to order. The following Council Members were present: Gary Killpack, Gene Smith, Adam Coppolo, Tom McCullough, and Jim Boan. The following were present representing the City: City Administrator Barry Cook, Director of Public Works Mike Nelson, Director of Community Development Laura Hansen, URA/Main Street Administrator John Dahlgren, Interim Chief of Police Chris Steffen, Fire Chief/Emergency Services Mike Kennedy, Parks and Recreation Director Allan Wilson, City Attorney Galen West, and Public Affairs Specialist Stephen Pyles.

Council Member Maes was not present.

URA/Main Street Agency Statutes

The Mayor welcomed board members Mike Brown, Erin Kinney, and Debbie Alvarez to the meeting. Cathie Hughes is also a member but was not in attendance. The board has five members. The fifth member has not been appointed yet.

He said three months ago council approved combining the Main Street and the URA boards. He called this meeting to discuss the duties and the responsibilities of the board.

URA/Main Street Administrator John Dahlgren said urban renewal is the process where an urban neighborhood or area is improved and rehabilitated. The renewal process can include demolishing old or run-down buildings, constructing new up-to-date housing, or adding features to a neighborhood. Urban renewal is usually undergone for the purpose of improving property values in the urban renewal area as well as surrounding areas.

Legislative Findings Statute 15-9-102 in summary, states that slum and blighted areas do exist in cities within the state. They hinder the locality from becoming the best it can be. Combating slums and blight areas is a matter of state policy and state concern. Part B: Blight may not be able to be combated by a private sector alone it may take public action as well. Part C: Fighting blight is in the public's interest and public money may be used to do so.

Mr. Dahlgren said there are no slums in Green River.

Definitions:

- Area of operation - an area within the corporate limits of the municipality and the area within five miles of those limits.
- Blighted area - an area which for many reasons substantially impairs or arrests the sound growth of a municipality in its present condition and use.
- Slum area - is an area in which there is a predominance of buildings or improvements, whether residential or non-residential, which for many reasons are conducive to ill health and is detrimental to the public safety, morals or welfare.
- Urban Renewal Area - a slum or blighted area which the local governing body designates as appropriate for an urban renewal project.
- Urban Renewal Plan - a plan for one or more urban renewal areas.
- Urban Renewal Project - undertakings and activities of municipality in one or more urban renewal areas for the elimination and for the prevention of the development or spread of slums and blight in accordance with an urban renewal plan.

Powers of a Municipality 15-9-113

- To carry out urban renewal projects and related activities within its area of operation
- To provide for a repair of services, streets, or other facilities in connection with an urban renewal project
- To construct/reconstruct streets, utilities, parks, playgrounds, and other public improvements

- To comply with prevailing wages and labor standards, in carrying out an urban renewal project and related activities for which federal funds are used
- Within its area of operation to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, and to obtain order for this purpose from a court of competent jurisdiction in the event entry is denied

Council Member Boan asked what happens if someone does not want people on their property and it has been declared a blighted area.

Mr. Dahlgren said if it is a public health and safety issue they can get a court order to go in.

Galen West said there has to be a reasonable reason for the inspection and if they still will not allow someone to enter, due process would be followed.

- To acquire by various means any real property together with any improvements and to hold, improve, clear or prepare for redevelopment any such property
- To mortgage, pledge, hypothecate or otherwise encumber or dispose of any real property
- To insure or provide for the insurance of any real or personal property
- To enter into any contracts necessary for the purpose of this act
- To invest any urban renewal project funds held in reserves or sinking funds or any such funds not required for immediate disbursement
- To borrow money and to apply for and accept any form financial assistance from any source for the purposes of any urban renewal project and related activities

The Mayor asked what this means.

Mr. Dahlgren said you can acquire money from grants, or sell bonds.

- Within its area of operation, to make all surveys and plans necessary and to offer contracts for the purpose of making and carrying out those plans and to adopt or approve, modify and amend those plans, which plans may include but are not limited to:
 - A general plan for the locality as a whole
 - Urban renewal plans
 - Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements
 - Plans for enforcement of state and local laws, codes, ordinance and regulations relating to the use of land, buildings and improvements and the compulsory repair rehabilitation, demolition or removal of buildings and improvements
 - Perform or contract the performance of appraisals, title searches, surveys, studies and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities
 - To prepare plans for and assist in the relocation of any persons displaced by an urban renewal project
 - To appropriate funds, make expenditures and levy taxes and assessments to carry out the purpose of this act
 - To zone or rezone any part of the municipality or make exceptions from building regulations

The Mayor asked if the municipality has the right to decide zoning, or if the urban renewal agency does.

Mr. Dahlgren said this would only take place if it is in the urban renewal plan. Everything the URA does within the plan can only be done with the governing body's approval.

Council Member Boan asked if the governing body has the right to impose taxes on property or easements.

Mr. West said yes, in particular areas for particular reasons.

Community Development Director Laura Hansen said she would recommend not approving any plan unless there is a language provision that states decisions would be made following the public hearing process.

Council Member Smith asked if council approves a plan without mention of taxes or bonds, would the URA have the right to move forward with it.

Mr. West said it would depend on the language of the plan. The governing body is the only one that can adopt the plan.

Council Member McCullough asked if the governing body will always have the final say.

Mr. West said the governing body develops the plan and can modify the plan unless a transaction has already occurred. So, they do have a certain amount of control but not total control.

Mr. Dahlgren said plans change over time and the plans should be modified accordingly.

Council Member Smith said the plan is important but the people appointed to the board are important also.

➤ To enter into agreements with an Urban Renewal Agency vested with urban renewal project power under W.S.15-9-133, which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary, respecting action to be taken by a municipality pursuant to any of the powers granted by this chapter

- To close, vacate, plan or re-plan streets, roads, sidewalks, ways or other places
- To plan or re-plan any part of the municipality
- Within its area of operation, to organize, coordinate and direct so that the objective of remedying slum and lighted areas and preventing the causes thereof within the municipality may be most effectively promoted
- To exercise all or any part or combination of powers granted by this section
- To plan and undertake neighborhood development programs consisting of urban renewal project undertakings and activities in one or more urban renewal areas which are planned and carried out on the basis of annual increments in accordance with the provisions of this chapter for planning and carrying out urban renewal

Condemnation – a municipality has the right to acquire by condemnation real property deemed necessary for an urban renewal project.

Property acquired in project; disposition, use generally 15-9-115

- A municipality may: sell lease or otherwise transfer property acquired, enter into contracts with respects to such property, retain the property for public use
- The sale, lease, or retention of property specified above may be made only after the local governing body approves the urban renewal plan
- The purchase or leases are obligated to devote the real property only to the uses specified in the urban renewal plan and may be obligated to comply with any other requirements the municipality determines to be in the public interest
- The real property or interest shall be sold or leased at not less than its fair value
- The municipality may as part of any sale or lease agreement, hold the purchaser without power to sell or lease the property without the prior written consent of the municipality until he has fulfilled his obligations for the building according to the urban renewal plan

Property acquired in project; disposition-private persons 15-9-131

A municipality may:

- Dispose of real property in an urban renewal area to private persons only under reasonable procedures.
- By notice published once each week for four consecutive weeks prior to the execution of any contract to sell or lease, invite proposals from and make available pertinent information to private redevelopers or any persons, interested in undertaking to redevelop or rehabilitate an urban renewal area
- The notice shall; identify the area or portion thereof, state that proposals shall be made by those interested within thirty days after the last publication of the notice, and the information is available at the office designated
- The municipality shall consider all redevelopment or rehabilitation proposals and the financial and legal ability of the persons making the proposals to carry them out.

Powers of municipality, aiding project 15-9-131

To aid in the undertaking of an urban renewal project and related activities, any public body or municipality may:

- Dedicate, sell convey or lease any of its interest in any property or grant easements, licenses or other rights or privileges therein to a municipality
- Incur the entire expense of any public improvements
- Do any and all things necessary to aid or cooperate in the planning or carrying out of a urban renewal plan
- Lend, grant or contribute fund to a municipality
- Enter into agreements with any public body for action to be taken pursuant to any of the powers granted by this chapter including, the furnishing of funds or other assistance in connection with an urban renewal project
- Borrow money and apply for and accept any form of financial assistance from any source
- Furnish any public buildings and public facilities which it is empowered to undertake
- Furnish dedicate close, vacate, pave, install, grade, regarded plan or re-plan streets roads sidewalks ways or other places
- Plan or re-plan, zone or re-zone, any part of the public body or make exceptions from building regulations cause administrative and other services to be furnished to a municipality
- If possession of any urban renewal project is held by any public body other than the authorized municipality to engage in the undertaking carrying out administration of urban renewal projects and related activities, the provisions of the agreements in this section insures to the benefit of and may be enforced by the public body
- Any sale, conveyance, lease or agreement may be made by a public body without appraisal, public notice, advertisement or public bidding
- As used in this section municipality includes an urban renewal agency vested with all of the urban renewal project powers pursuant to W.S. 15-9-133

Exercise of powers; delegation, exceptions 15-9-133

- A municipality may itself exercise its urban renewal powers as specified in this chapter
- As used in this section urban renewal powers when applied to their exercise by the urban renewal agency, include the rights, powers, functions and duties of a municipality set forth in this chapter, except the following:
 - The determination of an area to be a slum or blighted area and the designation of an area as appropriate for an urban renewal project
 - Approval of urban renewal plans and modifications thereof
 - General neighborhood renewal plans and community wide plans or programs for urban renewal
 - Establishment of general plan for the locality as a whole
 - The power to formulate a workable program under W.S.15-9-105
- A municipality shall not delegate to an urban renewal agency or a board or commission, the power to acquire by condemnation real property within the boundaries of an urban renewal area

Powers of a URA

- Have the same powers as a locality except for the restrictions as written in 15-9-133
- Powers are limited to the area classified as an urban renewal area through the urban renewal plan adopted by the governing body
- Everything the URA can and will do will be in either the plan or the projects which are approved by the governing body
- Changes to the plan must go through the governing body

What a URA Cannot Do

- Spend public money to assist a private business
- Take property through condemnation
- Declare property blighted
- Adopt an urban renewal plan, area or a project without coming to the governing body
- Change an adopted urban renewal plan on its own

Urban Renewal Plans, Urban Renewal Projects, and a Workable Program

15-9-103: An urban renewal plan conforms to the general plan for the municipality as a whole. Sufficiently complete to indicate: land acquisitions, demolition, redevelopment, improvements and rehabilitation, zoning and planning changes, land used, maximum densities, and building requirements.

15-9-103: Urban Renewal project includes undertakings in urban renewal areas for the elimination and the prevention or spread of slums and blight or any combination in accordance with an urban renewal plan. The undertakings and activities may include: acquisitions, demolition, installation, construction of streets, utilities, parks, playgrounds, and other improvements, disposition of any property acquired in the urban renewal area, carrying out plans for voluntary or compulsory repair and rehabilitation of buildings, acquisition of any other real property in the urban renewal area.

When a plan is modifiable and effective 15-9-111

An urban renewal plan may be modified at any time. Upon the approval by a municipality of an urban renewal plan or of any modification the plan or modification is deemed to be in full force and effect, and the municipality may then cause the plan or modification to be carried out in accordance with its terms.

Preliminary requirements projects; plan; and review by Planning and Zoning 15-9-108

- A municipality may prepare an urban renewal plan, have one prepared by the urban renewal agency, or any person or agency may also submit an urban renewal plan to a municipality.
- Prior to approval, the local governing body shall submit the urban renewal plan to the planning commission for review as to its conformity with the general plan of municipality.
- Upon receipt of the planning commission recommendations, or if no recommendations are received within thirty days, the local governing body may proceed with the hearing on the proposed urban renewal project in accordance with the provisions of W.S. 15-9-109.
- Following the required public hearing, the governing body may approve an urban renewal project and the plan if it finds that:
 - A feasible method exists for the relocation of families who will be displaced from the urban renewal area
 - The urban renewal plan conforms to the general plan of the municipality
 - The urban renewal plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the plan

- The urban renewal plan affords maximum opportunity for the rehabilitation or redevelopment of the urban renewal area by private enterprise
- If the urban renewal area consists of an area of open land to be acquired by the municipality, the area shall not be so acquired unless:
 - If developed for residential uses, the local governing body shall determine that:
 - A shortage of housing of sound standards and design exists in the municipality
 - The need for housing accommodations has been or will be increased
 - The conditions in the area and the shortage of decent housing contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals or welfare
 - The acquisition of the area for residential uses is an integral part of and essential to the program of the municipality
- If to be developed for nonresidential uses, the local governing body shall determine that the nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community
- Acquisition may require the exercise of governmental action as provided in this chapter, because of: defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, need for the correlation of the area with other areas of municipality by streets and modern traffic requirements, and any combination of factors or other conditions which retard development of the area.

Mr. Cook asked what if the governing body wanted to get rid of a residential area that is in the urban renewal plan.

Mr. Dahlgren said if there is a need to acquire residential properties it is essential to relocate them to other areas.

Mr. Cook said then the city would have to displace those people, and the city would have to create the housing for everyone to go to.

Mr. Dahlgren said not create housing, but make sure there is housing available for them.

Council Member Boan asked if the council was interested in a residential area, and wanted to turn it into a commercial area, then could the council have the people moved from their homes.

Mr. West said yes, as long as it is part of the plan. There would have been a public hearing to designating the properties as blighted.

Mr. Dahlgren said it is important to make sure when an area is declared as blighted, there is reason why, and all of the standards are followed in every instance.

Council Member McCullough asked if the city wanted abandoned trailers removed, could they do so.

Mr. West said it would be difficult to declare one trailer as blighted. Blighted area refers to a large area not just one trailer.

Council Member McCullough asked what if they are a health issue.

Community Development Director Laura Hansen said there are different tools but condemnation is a last resort. Zoning is a powerful tool. The URA could recommend, through the plan in these areas, zoning where non-conforming rules are more strict or the building codes could be more strict.

Urban Renewal Agency Creation 15-9-134

- Created in each municipality a public body known as the urban renewal agency of the municipality.
- The urban renewal agency shall not exercise its powers until the municipality has:
 - Made the finding prescribed in 15-9-106
 - Has elected to have urban renewal powers exercised by an urban renewal agency as provided in W.S. 15-9-133
- Board of five commissioners of the urban renewal agency selected on the basis of their interest in and knowledge of community planning, urban renewal and business managements shall be appointed
- Each commissioner shall hold office until his successor is appointed and qualified
- A commissioner shall receive no compensation for his services
- The powers of an urban renewal agency shall be exercised by the commissioners
- A commissioner may only be removed from the office for inefficiency, neglect of duty or misconduct in office or may not be reappointed after the end of their term

Mr. Dahlgren said, in summary, blight is an insidious cancer upon the character of a city. The URA is a great tool to help combat blight. The powers of the URA are only functional in the context of the urban renewal area, plan and project. The governing body retains control of the URA through:

- Approval of the urban renewal area, plan, and projects and any modifications to those plans
- Condemnation
- Purse strings

Council Member Boan said if the plan is adopted, and a URA board is established, and newly elected council members decide the URA is not working like they would like, the council can dissolve the URA.

Mr. West said dissolving the board is not specified in the statutes. If council found there were no other blighted areas and did not reappoint members to the board then over time it could be done.

Council Member Boan asked what the timeline was for the plan being completed and presented to council.

Mr. Dahlgren said if the URA plan is drafted it would have to meet the current criteria of the comprehensive plan that is in place.

Ms. Hansen said the 2005 Comprehensive Plan is a very general plan. The new plan will be more detailed and will take around one year to complete. The 2005 plan is still in effect during that time.

Council Member Boan said council will need to read the plan and make sure the power is given, and everything is where it needs to be. He suggested using a small plan first, and if it works, then going bigger.

Ms. Hansen said the downtown area by the railroad is the most logical area to start with.

Council Member Coppolo said the old water treatment land is another area that can be considered.

The Mayor said there are a lot of areas that could be considered.

Mr. West said the URA is not a city board, city commission, or a city committee. It is a governmental entity. The commission is appointed by the governmental body but does not serve the governmental body. There needs to be a specific vision that is understood by both the governing body and the URA board.

Council Member Boan asked how the URA board is funded.

The Mayor said it is already funded through the city's Main Street Department.

Mr. Cook said the URA is a public funded agency and it can take private funds also.

City Administrator's Report

Mr. Cook said he would like the governing body to be very specific in defining what revitalization of the downtown area is to them. He said as Green River moves forward it will take a public and private partnership to be successful. He suggested that the council read the article from Sandy, Oregon.

Mayor and Council Reports

The Mayor said the next step will be getting the commission together and coming up with a plan. He would like to move forward as fast as possible.

He requested a workshop to review the Parks and Recreation projects and the High School Rodeo Final's plans.

Mr. Wilson said there is a meeting scheduled to discuss the rodeo arena plans on October 10, 2011, at 6:30 to 8:30 pm, in the council chambers.

Mr. Cook said he has a card for Carl Morck for council to sign and they will be sending flowers along with it.

Council Member Boan thanked the volunteers for serving on the URA board.

Adjournment

The meeting adjourned at 8:20 pm.

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk