

City of Springfield
Work Session Meeting

MINUTES OF THE WORK SESSION MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, SEPTEMBER 14, 2009

The City of Springfield Council met in a work session in the Jesse Maine Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, September 14, 2009 at 6:00 p.m., with Mayor Leiken presiding.

ATTENDANCE

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

Councilor Ralston was absent (excused)

Mayor Leiken welcomed Sue Palmer from the Register Guard who was now covering Springfield and Cheri Moore from the Planning Commission.

1. City Attorney Office Evaluation.

Assistant City Manager Jeff Towery presented the staff report on this item. The results of the annual evaluation had been received, tabulated and were now ready for Council review and discussion with the City Attorney's Office (CAO).

The firm of Leahy, Van Vactor & Cox LLP received high marks recently during the annual review of its performance of the city attorney duties which were summarized on Attachment 1. Thirty-three evaluations were distributed; of those, fourteen were returned indicating ratings of excellent, good and did not observe.

Council ratified the annual City Attorney contract at their regular meeting on July 7, 2009.

Mr. Towery noted that this was coming after the contract ratification due to conflicting errors.

Councilor Leezer said she was very impressed with the comments on the evaluations.

Mr. Leahy said they appreciated the good comments because they worked hard to do a good job for the City. It was important that they remained flexible and implemented what the Council wanted. They also needed to recognize that staff didn't always have good choices, and their goal was to provide the best choice possible. There were times when some people didn't get the turnaround time they wanted, depending on the current crisis. That was something the CAO could always improve on.

Mr. Cox said he was pleased to see the positive remarks. They had a good team now. He had received a lot of positive comments regarding their staff including Mary Bridget Smith who had helped with the jail operations. Ms. Smith had been very detail-oriented during that process.

Police Chief Smith said Ms. Smith brought experience from her past work with the Yakima Jail in Washington. She was very helpful, insightful, and responsive to their questions. They had received great performance from Ms. Smith.

Mr. Leahy said Bill Van Vactor truly enjoyed working with the City of Springfield, the Council, and working in the area of Human Resources.

Councilor Pishioneri said all of his contact with the staff in the City Attorney's office had been positive. He reiterated that Ms. Smith had been incredible, asking good questions and getting good information. She was great to work with and so were the interns, who put forth a lot of good energy and effort. Mr. Cox was great with statute research, as was Mr. Leahy. He had no negative contact with the CAO.

Mr. Leahy said he felt they could do some things better.

Mayor Leiken said he had watched their office navigate the PeaceHealth project, Mr. Leahy in particular. Over the last couple of years he had noticed more of the work focusing on the human interest issues that affected the City. He was amazed with how the CAO was able to take the downtown issues in an unexpected direction and their work with the Oregon Liquor Control Commission (OLCC). Their office had been able to adapt and improvise, which was very 'Springfield'. It had been great and he appreciated the great work they had done to help Council make those tough decisions.

Mr. Leahy said Meg Kieran put a lot of time in for the PeaceHealth project. He noted that two of the clerks in their office this summer were Andy Wilson, son of Terry Wilson, former counsel for the City of Eugene, and Taylor Murdoch, son of Jackie Murdoch, Assistant Community Service Manager for Springfield.

Councilor Wylie said she loved the feeling of confidence she got from the CAO. Having them as a resource was very valuable. She felt they really knew what they were doing. When Council was faced with difficult situations, the CAO prepared them and briefed them.

Mr. Leahy said they had an experience factor.

Councilor Simmons said he had been on both sides of the City Attorneys, as a citizen and Council member. He had a respect for Matt Cox and his courtroom skills. He noted the number of opinions issued by Joe Leahy over the last 30 years. The City was very fortunate. The CAO had a good foundation with past and present members.

Councilor Lundberg said she had also been involved with the City for a long time. Former City Attorney Ed Harms had been one of her heroes in terms of his contributions to the City, his confidence and ability to find a solution. She felt the CAO always picked partners that added to that team making a smooth working team for everyone. She appreciated the CAO for the decisions they had made in hiring.

Mr. Leahy said they would soon be moving to a new location. Their new office would be one of the buildings that belonged to Island Park. They would rent in its entirety the larger building, and sublet part of the building. Mr. Cox had the ability to buy that over some period of time. They

wanted to find a place downtown. There was not a lot of commercial sites downtown, so they were doing a fair amount of renovating. They would be moving in on November 1.

2. Stormwater Management Plan Addendum.

Environmental Services Manager Ron Bittler and Environmental Services Supervisor George Walker presented the staff report on this item. On July 22, 2009, the elected officials of the City of Springfield and Lane County met jointly and conducted a public hearing on proposed amendments to the Metro Plan and the Public Facilities and Services Plan (PFSP). At that hearing, testimony was provided raising concerns regarding the potential downstream impacts to rural properties outside the Urban Growth Boundary (UGB) and requesting that the City take additional steps to ensure that future urban development and stormwater conveyance facilities did not negatively impact lands and property owners in the County outside the City's jurisdiction for stormwater management.

Since that meeting, City staff had engaged in a collaborative process with affected downstream property owners and their representatives in response to their concerns raised by the Board at the joint meeting. The purpose of the meeting was to clarify their concerns and to develop additional stormwater policy guidance that would give property owners greater assurances that increased stormwater runoff from future in-city development would not adversely affect downstream rural properties. The document drafted and subsequently reviewed provided additional policy clarification for the City's stormwater management activities beyond the UGB. This policy replicated policy already in place within the City of Springfield.

Additionally, staff prepared a presentation describing the many elements of the Springfield stormwater management program and presented it to the Board of County Commissioners in a work session on August 26, 2009. This occasion also provided an opportunity for the Commissioners to see the proposed Addendum 1. Comments following the presentation were generally favorable with staff to follow up on specific questions.

It was proposed that this stormwater management policy statement be included within the City of Springfield Stormwater Management Plan of 2008 as Addendum 1. It was also proposed that the City Council hold a public hearing, and adopt/not adopt the amended Stormwater Management Plan at the regular session September 21, 2009.

Councilor Pishioneri asked how the August 26 presentation to the Lane County Board of Commissioners had gone and how they absorbed the information.

Mr. Bittler said Public Works Director Susie Smith gave the presentation and it went well. The Stormwater portion of the presentation was very educational to the Board. The Board commented briefly on the addendum, indicating they did not have any issues with it.

Councilor Pishioneri referred to concerns the Board had during the joint elected officials (JEO) meeting on July 22.

Mr. Bittler felt the Board was now comfortable with the Plan.

Mayor Leiken said he had recently spoken with Board Chair Sorenson who told him the Board was ready to go with this Plan. He had received very positive feedback regarding the presentation. Staff did an excellent job.

Mr. Walker discussed the stakeholders meeting and how the addendum was developed. He agreed the Board was very complimentary. Staff selected the Stormwater Management Plan as the vehicle for the addendum because it was the City's policy document. The Stormwater Management Plan also included the majority of things involved in the stormwater program. Prior to drafting the addendum, staff researched Oregon Drainage Law and policies and found they originated from case law rather than statute and were called Oregon Civil Law Doctrine of Drainage. Staff also looked at the Oregon Department of Transportation (ODOT) hydraulics manual, legal section because it was an accepted standard. This verified the Oregon Drainage Law policy. They looked at other agencies around the State, and Oregon land use codes.

Mr. Walker said the stakeholders met on August 13 and invited those that spoke during the public hearing in July to attend. The issues were discussed and the outcome was a policy statement, which was Addendum 1, which would be attached to the Stormwater Management Plan. The addendum fell in line with the high level direction of the Oregon Drainage Law, encompassed the public testimony from the property owners, and addressed the elected officials concerns. There could be some Development Code revisions and more interaction with our Metro partners. A good portion of Springfield's stormwater flowed into Eugene, so we needed to keep that in mind as development occurred that created runoff. Doing this analysis was going to make for better development in Springfield and make us better stewards. The next step was to hold a public hearing on September 21, with Council considering adoption of the Stormwater Management Plan with Addendum 1.

Mayor Leiken commended staff. He appreciated staff explaining the Plan to the two newer commissioners. He appreciated Commissioner Dwyer's concerns as well. He thanked staff for the presentation because it put the Board's mind at ease.

Councilor Lundberg thanked staff for their work to bring this full circle. They addressed the issues and moved forward. She asked why most of our overflow went into Eugene.

Mr. Walker said Eugene was downhill from Springfield. We had three major outfalls for our stormwater runoff; two of which were the McKenzie River and Willamette River. Back in the 1950's and 1960's, the Soil Conservation Service built the Q Street drainage channel which crossed into Eugene jurisdiction at the intersection of I-5 and I-105. Springfield also had a portion of the Gateway area that crossed at the Beltline/I-5 interchange that flowed into the City of Eugene's Willakenzie system. Springfield and Eugene worked together on those occasionally.

Councilor Lundberg thanked staff for their work and the Mayor for representing the City at the Board meeting.

Councilor Simmons said Ms. Smith did an excellent job on the presentation in August and was backed up by her staff. The City had to think about planning and treating the water that ran off. The addendum treated the issue, but not the water. He referred to the runoff from 42nd Street that came out in the Alton Baker reflecting pond by Ferry Street Bridge. The issues that came up at the meeting were a representation of issues. The City needed to think long term. The interim solution was good, but in the long term they needed to think further out in the facility process.

There would be growth in Jasper Natron and the City needed to determine what was to be done and how it would be funded. This was a nice step, and staff answered what could have been a problematic issue professionally and quickly. Ms. Smith deserved significant accolades.

Mayor Leiken again thanked staff for their work. He was glad to hear Mike Kelly and Randy Hledik were satisfied with the work done.

3. Further Discussion about the Impacts of Possible Mobile/Manufactured Home Park Closures.

Development Services Director Bill Grile and Housing Assistant Jodi Peterson presented the staff report on this item. State law required mobile/manufactured home park owners to provide each tenant (at the time of lease signing) with Oregon's policies and procedures concerning possible closure of the park, including notice of the intended closure and compensation the homeowner would be entitled to under certain conditions if displaced by the closure. At issue here was whether the Council believed there were any actions the City should take to mitigate the impact of a park closure, in addition to the notice and compensation provisions of State law.

This matter came before the Council in a work session on April 21, 2008, at which time several options were identified and considered. Staff was directed to return with additional thoughts.

Local governments had a range of actions that could be taken to mitigate the impact of park closures on homeowners, but nothing was required beyond that prescribed by the Oregon Revised Statutes. Attachment 1 was a memo that detailed the following three options:

1. Rely on State Laws and Regulations while responding with applicable referrals to available services addressing the needs of individual mobile home park tenants.
2. Provide advocacy and information to affected tenants (housing counseling services, locating suitable sites, relocating tenants or their housing unit; serve as a liaison between landlord and tenant, and assisting tenants through their relocation process)
3. Assist in the development of other types of replacement housing

Any local government could consider if it wished to provide more mitigation for displaced park homeowners than the Oregon Legislature had established in State Law. When Council considered the issue on April 21, 2008, consensus emerged to support park homeowners with information about State Law, financial assistance from the Community Development Block Grant and HOME Investment Partnership programs (for income qualifying homeowners) and possible relief from the Springfield Economic Development Agency (SEDA).

Staff recommended a combination of options 1 and 3. Staff continued to work with our housing development partners to provide quality affordable housing in Springfield (option 3). In the event of a park closure, option 1 was attainable with current staffing and funding levels. The magnitude of option 2, considering current resources, was out of reach.

Mayor Leiken said in the 2007 legislative session they came out with updated state law regarding mobile home parks. During the last session, Senator Morrisette suggested legislation amending that to bring in a Springfield only option. He asked if that was still an active bill.

Mr. Grile said the Senate bill had no action, but HB3085 did pass, but was only applicable to jurisdictions that were not pre-empted prior to the 2007 session.

Ms. Peterson noted that Senator Morrisette's bill was SB510. She said Councilor Simmons asked that she provide a sample letter of the statement policy that mobile home parks give to their tenants when they sign the rental agreement. She distributed that letter to the Mayor and Council. She referred to page 11 which gave the State's requirements regarding closure of the park.

Ms. Peterson said the options staff was presenting were based on the minutes from the April 2008 Council meeting. She reviewed those options. Staff was recommending options 1 and 3. She said staff had held forums in the past to talk with tenants of mobile home parks to let them know what options they had if their park closed, which was part of option 1. Staff would work with the park tenants. option 3 (Assist in the development of other types of replacement housing) had always been a goal of staff's to work with non-profit and for-profit housing providers to find affordable housing. She had worked with some of the non-profits that had affordable housing in place and asked if they could give preference to those displaced by a park closure when vacancies occurred. They had agreed to do that through attrition.

Councilor Pishioneri asked if there was a potential plan that took care of the gap between closure of a park and affordable housing.

Ms. Peterson said the parks were required to give one year notice, so tenants could put their name on the list once notice was given. She noted that option 2 would be more active, but the City currently lacked the capacity in financing and staffing to do that.

Councilor Lundberg said she liked the work and thanked staff for the concise options as they showed concern for the people. She referred to the example letter and noted how it could be confusing to the tenant. It needed to be clear that selling the property could mean the park would close. She would support being pro-active as much as possible and option 3 regarding other housing. It would be in our best interest to accommodate housing for those displaced. She liked the suggestions and agreed we didn't have the staffing for option 2. She asked about the convention center project.

Mr. Grile said he was not aware of the current status.

Councilor Lundberg said she knew there were many mobile home parks in Glenwood. She liked options 1 and 3.

Councilor Leezer said she realized people signed a document, but asked if the agreement was brought up to the tenants after that as a reminder.

Mr. Grile said he was not sure what year the statute requiring that notice went into effect. There could be some very old mobile homes that did not receive the notice at all.

Councilor Leezer said people felt it would be very unfair if they lost their home. They didn't consider that when renting. She felt anything the City could do would be beneficial.

Councilor Simmons said he thought it was 1989 when the statute was adopted requiring notice to tenants at the time of renting. He thanked Ms. Peterson for bringing the sample letter. There were some substantial mobile home parks that could be impacted throughout the City and Glenwood. He asked the City Attorney about mobile home parks in existence prior to the passage of the statute in 1989. Those that moved in prior to 1989 may not have signed such a document. The

City needed to be careful in what we did. We had the State law in place, and if we went outside that we could be putting the City in legal jeopardy. He favored protecting the tenants, but noted that the City also needed to protect the owners of the property. There was a balance. He would say to rely on state law and provide some assistance. He asked where the money would come from to assist tenants if a large park closed. This needed to be generic for any mobile home park.

Mr. Grile said the statute was in place today so the notice requirements were applicable today.

Mr. Leahy said most leases would have been renewed since 1989 and would have had to sign a notice.

Councilor Simmons said this needed to be general for all mobile home parks in Springfield. A large number of people would be impacted by what the City did.

Councilor Wylie said what was here was a means of assisting with information. She discussed the issue for mobile home tenants that lost so much of the value of their mobile home when a park closed. Unfortunately, the City Council couldn't do anything monetarily about the loss of value from moving a mobile home. It was a difficult situation. Once notice was given, the City could rely on state laws and could compile information about parks with empty spots available in other parks. She was supportive of that type of assistance, and working with other in finding housing for relocation. She was supportive of what we could do in our role as a City, working with other organizations and agencies around the community. She wanted to be able to say we were doing what we could within our ability.

Mr. Grile said Community Development and Block Grant (CDBG) and urban renewal funds did offer some forms of assistance.

Councilor Lundberg said we were talking about our most vulnerable citizens, so it was good to have a mechanism to assist during dire times. There would only be a percentage of tenants that would need assistance. The Patrician was different because the City had been an active participant in the purchase of the property, so we had more of a responsibility.

Mayor Leiken asked about the law passed in 2007 and what that did regarding the City's ability to come up with their own plan for assistance.

Mr. Grile said those laws required greater participation by the park owner. If a City wanted voluntarily to provide additional assistance, there was no legal reason they couldn't.

Mayor Leiken said he would like staff to look closer into the issue of liability. He noted that he had sold his interest in his family's mobile home park. His family had owned one of the largest mobile home parks in Douglas County. His family, as have many other park owners across the State, had actually waived the rent for up to one year when times were difficult for some families. Park owners wanted to cooperate. He wanted to make sure the City had dialogue with park owners. The Patrician was fortunate that Richard Boyles owned that property because he had been part of the community for many years. It was important to ask for Mr. Boyles' opinion of what was fair. When buying a mobile home, buyers were told ahead of time that it depreciated over time. People bought them because they were affordable and gave people a home. His grandfather and father had been fortunate and proud of their mobile home park. They valued the people that lived there and tried to work with the tenants. He agreed with Councilor Lundberg

and was supportive of option 3. We needed to have something in place to have dialogue with the property owner. He was fine with the City going above and beyond what the State required because many of the tenants were long-time residents that had helped build this community. Property owners were not greedy, but were looking for opportunities and he wanted to make sure a dialogue was set up with those owners. As a past owner of a mobile home park, he wanted to go above and beyond. All of the options were put together well by staff.

Ms. Peterson said staff was proposing a combination of options 1 and 3.

Mayor Leiken said that was good.

Councilor Wylie said she would like to have language included about working with other organizations and having information available.

Councilor Simmons said he didn't have a problem with doing other things, but if we were talking about building something, we needed the money to do so. Currently, funds for HOME programs could not be used for mobile homes. He needed to know where funds would come from for assisting with housing. Sooner or later mobile home parks would go away in areas of redevelopment. The City needed to develop a strategy for funding for whatever was adopted.

Mayor Leiken asked if there was opportunity through HOME or HUD funds to help alleviate some of the costs.

Ms. Peterson said those funds could provide some relocation costs through an application process.

Mayor Leiken said urban renewal was also a potential.

Ms. Peterson said the City could buy a mobile home park to provide space for relocation.

Mayor Leiken said St. Vincent DePaul was open to working with the City on housing issues. Councilor Simmons' points were right.

Councilor Wylie asked if HUD had done anything regarding mobile home parks.

Mr. Grile said the HUD programs were income qualifying. If the City bought a park, the Uniform Relocation Act would apply. Some tax increment funding could be used to defer some of the cost of relocation. Those were policy choices the Springfield Economic Development Agency (SEDA) Board could make.

Ms. Peterson said at the State level, tax credits were included to help tenants purchase their park in a partnership. Eugene was working on that model now, but there were some issues.

Councilor Pishioneri asked if definition for mobile home parks was the same as the Oregon Administrative Rule (OAR) with five spaces or more. Yes. He asked if they had checked into Division 8 regarding a maximum income level for relocation.

Mr. Grile said the statute required one year notification. The redevelopment of many mobile home parks would require a land use action, which often took more than one year due to appeals.

Councilor Lundberg said when someone needed to be relocated, it was better to have a set date rather than a possible date relying on appeals, etc.

Mayor Leiken said no matter what the City did, it wouldn't be enough for some. The City may not have the funding to help with relocation, but it was important to have something in place. Glenwood was more likely to be redeveloped than the Patrician.

Mr. Grile said he had heard that Council wanted staff to condense this so a park tenant could understand it, and be prepared to say what the City had done with our partners and what kind of options were available.

Mayor Leiken said partnerships with St. Vincent DePaul (SVDP) and others would be key. He appreciated the work and said staff had done what Council had asked.

ADJOURNMENT

The meeting was adjourned 7:17 p.m.

Minutes Recorder – Amy Sowa



Sidney W. Leiken
Mayor

Attest:


Amy Sowa
City Recorder