

**CITY OF SILVERTON
CITY COUNCIL MINUTES**

Silverton Community Center – Council Chambers – 421 South Water St.

June 3, 2019, 7:00 p.m.

I. OPENING CEREMONIES – Call to Order, Pledge of Allegiance & Roll Call

Mayor Palmer called the meeting to order at 7:00 p.m.

Present	Absent	
X	_____	Mayor Kyle Palmer
X	_____	Council President Jason Freilinger
X	_____	Jim Sears
X	_____	Matt Plummer
X	_____	Dana Smith
X	_____	Laurie Carter
X	_____	Crystal Neideigh

Staff Present:

City Manager, Christy Wurster; Chief of Police, Jeff Fossholm; Public Works Director, Petra Schuetz; Community Development Director, Jason Gottgetreu; Assistant to the City Manager/HR Coordinator, Elizabeth Gray; and Assistant to the City Manager/City Clerk, Angela Speier

II. APPROVAL OF MINUTES

Councilor Freilinger made a motion to approve the minutes from the Town Hall held on April 29, 2019, the Special Meeting held on May 2, 2019, the Regular Meeting held on May 6, 2019, and the Work Session held on May 20, 2019. Councilor Plummer seconded the motion. Councilor Carter asked that the word “gazebo” be replaced with “bandstand” on page 5, line 51 of the May 6, 2019 minutes. Councilor Smith asked that the word “typical” be added in front of “seismic standards” on page 2, line 11 of the May 20, 2019 minutes. There was no further discussion and the motion passed as follows: the April 29, 2019 minutes were approved as presented 5-0, with Councilors Freilinger and Neideigh abstaining. The May 2, 2019 minutes were approved as presented 5-0, with Mayor Palmer and Councilor Plummer abstaining. The May 6, 2019 minutes were approved as amended 6-0, with Mayor Palmer abstaining. The May 20, 2019 minutes were approved as amended 7-0.

III. OATHS OF OFFICE/PUBLIC RECOGNITION – None Scheduled

IV. PUBLIC COMMENT

Mary Rose Brandt, 659 N. James Street. Ms. Brandt explained that she watched the last video of the City Council meeting and was astonished to see someone commenting on Resolution No. 19-19 implied that Council members could be sued because of their votes on matters before them. She said this is outrageous and the members of the Council put in long hours working for the residents of Silverton and sometimes they have to make unpopular decisions, but they should not be harassed because of that. Silverton is a small town and everyone should treat their neighbors with civility. Councilors have been

concerned with traffic safety especially in North Silverton; the appropriateness of this concern was demonstrated on May 20th when another accident occurred on the corner of Hobart Road and Highway 214. She stated that the number of cars on the road has increased and the current system cannot handle more development. She requested that City Council de-annex property that is likely to generate more traffic and increase accidents. She submitted two written letters regarding the withdrawing of parcels to City Council.

V. SCHEDULED PRESENTATIONS

5.1 SDC Methodology Update – Steven Donovan, Donavan Enterprises, Inc.

Steve Donovan provided an educational presentation regarding the System Development Charges methodology. He explained that SDCs are a one-time charge on new development and it is designed to recover costs the City incurs to host growth. It is made up of two components a reimbursement fee and an improvement fee. They are not proposing to change any of the current methodologies, if there were changes to the methodology then it would fall into a different category with a 90-day disclosure period. He reviewed the current SDC rates which total \$20,818 and the proposed new rate of \$23,816. The street, wastewater, and storm SDCs are recommended to decrease, while parks and water would increase. The water SDC would increase significantly based on the number of large projects in the Capital Improvement Plan (CIP). Lastly he reviewed how Silverton's SDCs compare to other cities in the area. In closing, he suggested the Council raise the parks SDC based on the analysis provided and to use parks SDCs to purchase the Pettit property from the Sewer Fund. He also recommended Council direct staff to commission a new stormwater master plan, increase the water SDCs, and decrease, storm, sewer, and street SDCs.

Councilor Freilinger explained the Affordable Housing Task Force recently discussed examining a tiered SDC methodology where smaller homes would be charged less and would like to hear Mr. Donovan's thoughts on that approach. Mr. Donovan explained that it is not the size of the house, but the demand that it puts on the infrastructure. He explained the problems that accessory dwelling units (ADUs) have caused in other cities, because they are still putting the same number of peak am/pm hour trips on city roads as the primary dwelling. He said by lowering the SDCs in order to spur affordable housing the current rate payers would be subsidizing the new growth.

Councilor Smith explained that Newport has tiered SDCs and a construction excise tax so the total income is revenue neutral. She provided reasons why she doesn't feel ADUs have the same impact to the system as larger single family homes. City Manager Christy Wurster asked what the process would be if City Council were to decide from a policy standpoint that they wanted to give a SDC credit or an allowance for an ADU. Mr. Donovan said there would have to be a statement from the City Council that says they have determined there is a rational nexuses between the capacity that needs to be built and how that capacity is priced for a small house, a medium house, and a large house. This would be a methodology change and the City would have to go through the 90-day process. Councilor Smith inquired about the Special SDC Overlay on Steelhammer Road and feels that it would be equitable to do something similar in subdivisions located on the boundaries of Silverton verses infill development. She asked if there could be a transportation surcharge based on the distance from the City Center, in order to encourage more infill development. Discussion ensued about infill and new subdivisions both being growth and that any growth places demand on the system. Mr. Donovan explained the problem might be more of an inclusionary zoning issue and not an SDC issue.

5.2 City Flag Contest – Benjamin and Eliah Blair, Connor Hill, and Dmitry White

Benjamin Blair and Connor Hill reviewed two flag designs for City Council consideration. For several months they have been working on combining their flag designs from the February meeting into a single design. The first flag for consideration has minimal colors that can be seen from a distance. The stripe in the middle represents Silver Creek and it is in the shape of an "S" for Silverton. The two white oak leaves denote Silverton's long history with the Oregon white oak tree. The green background represents Silverton being "The Garden City." The blue stands for Silver Creek and is the color of the State of Oregon flag. The white falls back to the heraldry tradition of using white instead of silver and on the leaves is symbolic of the Oregon white oak tree. It also offers a contrast between the colors.

Connor Hill explained in the second design half of the green was replaced with blue and the stripe is white to provide a contrast between the two colors. Councilor Sears expressed his desire of the flag to be more representative of the garden city theme. Council discussed the two flags and the symbolism behind them.

Councilor Freilinger made a motion to adopt the first flag with the green background, the blue river, and white leaves. Councilor Carter seconded the motion. Mayor Palmer indicated that he prefers the second flag. There was no further discussion and the motion passed 5-2, with Mayor Palmer and Councilor Sears voting no. Council thanked the designers for their work and their expertise in heraldry.

5.3 Silverton Chamber of Commerce Monthly Update – Stacy Palmer

Stacy Palmer distributed the Chamber of Commerce monthly report and reviewed the points of contact. The Chamber is encouraging community groups to add their events to the community calendar feature of the Chamber website. She explained some of their marketing outreach and that they are working with the group who is trying to bring air service back to Salem. She would like to meet with City staff to discuss business licenses and the current fee schedule. Lastly, she reviewed the community events for June. Councilor Plummer proposed a possible fundraiser idea for the hanging baskets which would be to have advertisements on the watering cart.

VI. PUBLIC HEARING

6.1 Ordinance No. 19-05 – Development Code Amendment related to Nano Radio Frequency Facilities by determining where and how such a use could locate, and drafting regulations and standards for approval

Mayor Palmer opened the public hearing for Ordinance No. 19-05 regarding a development code amendment related to Nano Radio Frequency Facilities at 8:15 p.m. No Councilor wished to abstain or declare a conflict of interest. No member of the audience wished to challenge the jurisdiction of the City Council to hear this matter. No member of the audience wished to challenge an individual member of the Council for a conflict of interest.

Community Development Director Jason Gottgetreu explained that Ordinance No. 19-05 would amend the development code to allow Nano Radio Frequency Facilities and determine where and how a use could locate, and draft regulations and standards for approval. He explained this relates to the Council goal to implement policies and programs to maintain safety and quality of life. One of the objectives under that goal is to explore ways to increase high speed data options in the city by removing barriers to entry in the Silverton Municipal Code for installation of high speed wired or wireless data networks. The Planning Commission held three work sessions and a public hearing on April 9th to review and discuss possible code changes. He explained what radio frequency transmission facilities are and how they are currently not permitted in residential zones. These facilities are smaller in scale and would be allowed to be attached to a residential home which would allow neighbors to piggyback on the frequency. The Planning Commission is recommending to allow these facilities through the conditional use process. In addition, they set 11 standards that need to be met and Director Gottgetreu reviewed each of the standards. This ordinance does not apply to 5G service. He reviewed pictures of the facilities that would be allowed under this ordinance and ones that would not be allowed and explained that major and minor sites will be needed to disseminate the signal. These sites could include attaching to an existing water tower or locating a tower in the industrial area. The Planning Commission recommends City Council approve Ordinance No. 19-05.

Director Gottgetreu explained this is a different way to offer broadband/internet services and create more competition in town. Councilor Freilinger said this is an alternative for households who would like more affordable broadband than what is currently offered in Silverton. Councilor Smith asked if TV antennas are currently regulated in the code. Director Gottgetreu explained the closest would likely be HAM radio towers which are accessory structures and have a height limit of 22 feet. He explained that the maximum height for residential structures is 35 feet. Councilor Smith asked what the rationale is behind the

additional regulations being placed on these facilities. Director Gottgetreu explained the intent was to style it around what is already seen, so it wouldn't be out of the traditional norm.

Testimony in favor

Jordan Reed, 3260 Fischer Road NE Salem. Mr. Reed introduced himself as the General Manager for Adaptive Broadband. Currently Adaptive Broadband has customers in Jefferson, 40-50 customers on Silverton Road, and Monmouth. He brought a few radio facilities in order to give City Council an idea of what they look like.

Mr. Reed said he would like to see an exemption for the size of facility on the water tower, he feels the size could be increased to 30 square feet and people wouldn't notice it. He also explained the conditional use cost of \$1,100 per access point and the 90 day waiting period would likely prevent them from being able to do business in Silverton. He explained they use existing structures in order to reduce the cost to the customer.

Councilor Freiling asked what impact paint has on the radios. Mr. Reed said there are certain brands of paint that are nonmetallic and non-reflective that would work, but they can't be painted with the same paint as a house due to their low frequency. If they are required to paint them then they would not be able to take advantage of a manufacturer buyback program.

Mr. Reed discussed the language in the proposed standard regarding attaching via a mono pole and explained the reason why they use a tripod is for safety purposes. The only other option would be to use wires which are also prohibited in the ordinance. Mr. Reed also raised concerns regarding standard F. Facilities shall not emit light visible from the right-of-way, and standard I. No logos or brand names shall be visible from the right-of-way. The radios come with a logo/brand from the manufacturer and it is not possible to paint over it. The radios also have lights that signal to the customer that their equipment is on. He is seeking clarification on the concerns raised and possible solutions that would allow Adaptive Broadband to operate in Silverton. He also noted a windmill on Steelhammer that could be used to deploy a signal and how that would be treated. He asked about the restriction on placing an antenna on a garage, because placing one antenna on a taller garage could provide service to a whole neighborhood.

Mayor Palmer asked if these concerns were raised at the Planning Commission level. Director Gottgetreu said the Planning Commission concluded if there is a deviation from the code then the applicant could go through the variance process. Councilor Sears noted there is a component in the standards regarding the decibel level. Mr. Reed said they emit the same amount of noise a computer makes. He explained the difference between his service and 5G.

There was no further testimony. Councilor Smith made a motion to close the public hearing. Councilor Carter seconded the motion and Mayor Palmer closed the public hearing at 9:08 p.m.

Council took a break at 9:08 p.m. and returned to regular session at 9:15 p.m.

Councilor Plummer asked about the fee associated with the conditional use process and Director Gottgetreu explained that fees offset the cost for the notification requirements. He further explained that he would envision the entire system as the conditional use, not each individual receiving or transmitting antenna. There would have to be some sort of administrative procedure if new antennas were to be added. He explained the difference between a minor and major modification. Council discussed the rationale behind the standards and the reason why they are more restrictive than what is required from other satellite companies and HAM radio antennas. Director Gottgetreu explained possible modifications to the standards and the difference between these antennas and a satellite is these facilities are both transmitting and receiving signals where satellite dishes only receive signals.

Discussion ensued regarding if these types of facilities should require a level 2 or level 1 review. The level 1 review is only a staff review and the level 2 review is a staff review with public notice. Council would like to see the language less restrictive than what is currently proposed. Staff will rewrite the ordinance and bring it back for Council consideration at a future meeting. Councilor Plummer asked about restrictions in

nonresidential areas. Director Gottgetreu said they are permitted in the industrial zone and in the general commercial zone through a conditional use permit. They are not allowed in the downtown zone or the commercial fringe. Council discussed allowing them in the downtown, because that is where the tallest buildings are located, which would allow for a better signal to be transmitted.

VII. CONSENT AGENDA

Councilor Carter made a motion to accept the consent agenda consisting of agenda items 7.1, 7.2, 7.3, 7.4, and 7.5. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously (7-0).

- 7.1 OLCC Liquor License Application for Brewery-Public House, 2nd Location for Ratchet Brewery LLC, dba: Ratchet Brewery**
- 7.2 Contract Renewal – Visitor Center Contract with the Silverton Area Chamber of Commerce**
- 7.3 Approval to award Final Engineering for McClaine Street Reconstruction**
- 7.4 Approval to award Engineering Services for Circulation Plan**
- 7.5 Authorization to pay an Aquionics Inc. invoice for UV Disinfection System start-up and training**

VIII. DISCUSSION/ACTION ITEMS

8.1 Silverton Mosaic Society Request to construct more improvements to Leo Martin Rumely III Memorial Fountain

This item was taken before the consent agenda.

Aba Gayle with the Silverton Mosaic Society distributed a written request to City Council to construct additional improvements to the Leo Rumely III Memorial Fountain. The Society would like to add a cement walkway completely around the fountain with a six inch curb on the creek side to prevent someone from falling off. This will help keep the fountain clean and make it more accessible to disabled persons. In addition, they would also like to construct two benches made of solid cement. The Society is requesting an estimated \$1,950 from the City to provide funding for the materials and supplies for the project. The labor has been volunteered by employees from Anderson Construction (ASI).

Mayor Palmer said City staff would have to approve the design and asked if the walkway would be connected to any other improved pathway. Aba Gayle responded that would likely occur after the construction of the path around the fountain. Mayor Palmer asked if the Society has reached out to other groups in the community for possible fundraising. Aba Gayle provided an update on their total fundraising efforts, including \$5,000 from the Ford Family Foundation and \$40,000 from the community.

Councilor Smith said she would hesitate to do this project piece meal and would like to see a master plan for the final buildout. The Society would be better off designing and planning the project now rather than building it in pieces. She said the six inch curb on the creek side could be a trip hazard and would like to see shrubs or a natural barrier. Councilor Freilinger asked if this project would qualify for Parks SDCs. Director Schuetz indicated that it would not, because it is not in the Capital Improvement Plan, but it could be added to the Parks Master Plan update that is scheduled for next fiscal year.

Councilor Smith made a motion to extend the meeting past 10:00 p.m. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously (7-0).

8.2 Ordinance No. 19-06 – Withdrawal of 1355 S Water from the City Limits

Mayor Palmer said a public hearing on this matter was held in May and this is the final step in the process.

Councilor Freilinger made a motion to have the first reading of Ordinance No. 19-06, by title only. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously (7-0). City Manager Wurster read Ordinance No. 19-06 by title only.

Councilor Freilinger made a motion to pass Ordinance No. 19-06, on its first reading. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (7-0).

Councilor Freilinger made a motion to have the second reading of Ordinance No. 19-06, by title only. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously (7-0). City Manager Wurster provided the second reading of Ordinance No. 19-06 by title only.

Councilor Freilinger made a motion to adopt Ordinance No. 19-06, on its second and final reading. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously (7-0).

8.3 LUBA Order to approve a Subdivision to divide 608 North James Street into 40 lots with 7 lots being designated as duplex lots for an overall density of 5.0 units per acre

Director Gottgetreu explained this is a LUBA Order to approve the subdivision. Staff distributed a revised Order for Council review. The primary revision was to change the language in Condition 31 to make it more consistent with the LUBA Order.

Councilor Carter made a motion to approve the subdivision application SU-18-01 to divide 608 North James Street into 40 lots with seven lots being designated as duplex lots subject to conditions of approval as revised in the staff presentation. Councilor Plummer seconded the motion. There was no further discussion and the motion passed unanimously (7-0).

8.4 Dam Inspection and Reservoir Update

Public Works Director Petra Schuetz explained this is a written update on the annual inspection that was held in August. Councilor Sears noted the report states the condition rating does not reflect the seismic stability of the dam and an analysis has not been completed but may be needed in the near future. He asked if the City has plans to complete a seismic stability analysis. Director Schuetz said the FY 2020 budget does not include an analysis. The most recent analysis was completed in 1999; the inspection report is referring to the fact that there was not an analysis performed this year. She explained staff will be working on the early warning system, TVing the culvert underneath the dam, and drafting the access road contracts throughout the next fiscal year.

8.5 Presentation of the revised draft of Eugene Field Commons Concepts

Director Gottgetreu reviewed the Eugene Field Commons updated concepts. City Council is currently conducting the planning and public outreach effort to determine the potential future uses of the site. He reviewed the work that has been performed to date and explained the two revised concepts were prepared after the discussion from the May 20, 2019 Work Session. Mayor Palmer asked if Option 4A also includes underground parking for the police station, because the concept doesn't make it clear. He said that could have caused some confusion in the public voting. Director Gottgetreu verified that police parking would be below the building in Option 4A. Through the latest public comment period, 66 people voted in favor of Option 3A and 13 voted for Option 4A. The next step in the process is to provide direction to the City's consultant so they can prepare their final concept and present it to City Council.

Council discussed the two concepts, which one they preferred, the parking needs onsite, and whether the buildings should be combined or separate. They also discussed the process to date and what will be performed moving forward with an architect or through an architecture competition. Councilor Smith expressed her concerns regarding the process and seeking public comment on the concepts that are not more refined through a space needs analysis, utility location, and parking needs. Staff explained the space needs analysis is budgeted for next fiscal year and the process can begin July 1, 2019. City Manager Wurster clarified this consultant is going to come up with a conceptual design for how the site could be developed, but alternative proposals could be accepted either through a separate RFP or as a requirement in the RFP for architectural services. Council discussed the need to make it clear to the public that this is just the beginning of the process and the City is trying to come up with a visual concept for the site, but there are several things that are unknown at this time and the process continues to

evolve. Staff explained the final concept is just a picture of what the site could look like; they will not be taking the building size and needs into account in this phase of the process.

Councilor Sears said he feels the sequence has been fine and this is a good way to help define the site. He explained there are four issues that keeping coming up: 1) the space needs analysis for City Hall needs to be completed; 2) Council needs to decide if the building(s) should be located to the north or the south; 3) should City Hall and the Police Station be separate or together; and 4) define where the parking will be located. He explained once those items are nailed down then Council can move to the next phase. Mayor Palmer said he feels there is a fifth component and that is Council openly saying that we feel government buildings are attractive and can be a part of Silverton's prominent downtown or are we burying them within the site which would happen if they are built to the north.

Councilor Smith said her concern with the process is that Council doesn't have enough information to make good decisions on the items listed by Councilor Sears. They don't know where the most efficient place on the site would be, because Council hasn't heard from professionals. She further explained the access points for both vehicles and pedestrians would be very different between both concepts and that she doesn't know if a park should be in the middle of the downtown core, it might not be the best use of the land. There should be green space, but courts and playgrounds are better suited for neighborhoods. She said those types of conversations would be directed by an architect and designer through their guidance and right now Council is trying to make these decisions without that level of guidance. She would have liked to see more of an education piece built into the public outreach component. The designer needs to be helping the public understand what would be good and bad about certain elements on the site. Council decided to schedule an additional work session in July to further discuss the concepts.

Councilor Sears explained there is an opportunity for the City to move toward the next step in the process through an architectural competition. This would provide conceptual renderings of what the building and floor plan could look like. He explained that Council could utilize a company named Bee Breeders who organize international architecture competitions (both for the building and landscape) two times per year. It would take six months and cost up to \$15,000. Councilor Sears also reached out to the University of Oregon (UO) and they structure their trainings around studios, which is a ten week intensive quarter where students do designs. The City would have to provide some sponsorship money ranging from \$5,000-\$10,000 and depending on the complexity it could take two quarters. In the end the students would provide 13-18 concepts. The Council would have an opportunity for a mid-term review with UO faculty trained in the field of architecture and engineering. He said the university will be getting back to the City regarding their interest in designing the Eugene Field Commons site. Councilor Sears explained this would not provide the final design, but help to better refine the outside of the building and possible floor plans. The City would still need to hire an architecture firm to finalize the design. Council discussed the pros and cons of holding a competition verses an RFP process of hiring an architectural firm to provide multiple designs. Council decided to discuss it further at the July Work Session.

IX. APPOINTMENTS TO COMMITTEE AND ADVISORY GROUPS

9.1 Ordinance No. 19-07 – Modifying the Membership of the Environmental Management Committee

Assistant to the City Manager/City Clerk Angela Speier explained Ordinance No. 19-07 moves the Public Works Director or designee to serve on the Environmental Management Committee (EMC) in a non-voting ex officio capacity instead of serving as a voting member. This allows for an additional citizen member to be appointed to the committee. This ordinance also allows for one member to reside outside the city limits in order to encourage student members to serve on the EMC. Councilor Sears asked why the ordinance doesn't provide for a student position if the intent is to appoint a student. Staff explained that there isn't always a student interested in serving so this would allow for more flexibility in the appointment process.

Councilor Freilinger made a motion to have the first reading of Ordinance No. 19-07, by title only. Councilor Neideigh seconded the motion. There was no discussion and the motion passed unanimously (7-0). City Manager Wurster read Ordinance No. 19-07 by title only.

Councilor Freilinger made a motion to pass Ordinance No. 19-07 on its first reading. Councilor Neideigh seconded the motion. Councilor Sears would like to revisit the ordinance at a later date in order to further refine the student membership. There was no further discussion and the motion passed unanimously (7-0).

Councilor Freilinger made a motion to have the second reading of Ordinance No. 19-07, by title only. Councilor Neideigh seconded the motion. There was no discussion and the motion passed unanimously (7-0). City Manager Wurster provided the second reading of Ordinance No. 19-07 by title only.

Councilor Freilinger made a motion to adopt Ordinance No. 19-07, on its second and final reading. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously (7-0).

9.2 Appointments to the Environmental Management Committee

Mayor Palmer interviewed three candidates and is recommending Council appoint Emma Schaffers who is a student at Silver Falls High School and Richard Freeman to the EMC. Councilor Freilinger made a motion to appoint Emma Schaffers and Richard Freeman to the Environmental Management Committee. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously (7-0).

X. CITY MANAGER UPDATE

City Manager Wurster noted that Council will be holding a public hearing and special meeting in two weeks to adopt the FY 2019-2020 Budget.

XI. COUNCIL COMMUNICATIONS

Councilor Carter asked if a new Parks Master Plan is included in next year's budget. Staff indicated that it is included.

Councilor Freilinger thanked Council for their efforts in the Nano Radio discussion earlier this evening.

Councilor Plummer congratulated staff on the EarthWISE designation. He asked where Council ended up regarding the mosaic fountain request. Staff will work with the Mosaic Society to create a larger plan for the space. Councilor Plummer said he hopes they will look at becoming more self-sustainable.

Mayor Palmer invited the community to the Strawberry Festival on Father's Day. He thanked the Kiwanis for their efforts on Free Fish Day and for a great Pet Parade. Silverton Rotary will be installing a swing set in Lincoln Park on June 22, 2019 beginning at 10:00 a.m. and encouraged everyone to participate.

XII. ADJOURNMENT

Councilor Smith made a motion to adjourn the meeting and Mayor Palmer adjourned the meeting at 11:34 p.m.

Respectfully submitted by:

/s/Angela Speier, Assistant to the City Manager/City Clerk