

**CITY OF SILVERTON
CITY COUNCIL MINUTES**

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

July 1, 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	
<u> X </u>	<u> </u>	Mayor Kyle Palmer
<u> X </u>	<u> </u>	Council President Jason Freilinger
<u> X </u>	<u> </u>	Jim Sears
<u> X </u>	<u> </u>	Matt Plummer
<u> X </u>	<u> </u>	Dana Smith
<u> X </u>	<u> </u>	Laurie Carter
<u> X </u>	<u> </u>	Crystal Neideigh

Staff Present:

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

II. APPROVAL OF MINUTES

Councilor Carter made a motion to approve the minutes from the Regular Meeting held on June 3, 2019 and the Special Meeting held on June 17, 2019. Councilor Smith seconded the motion. Councilor Carter asked to clarify the statement on page 7, line 36 of the June 3, 2019 minutes regarding what the University of Oregon will be getting back to the City about. There was no further discussion and the motion passed unanimously (7-0).

III. OATHS OF OFFICE/PUBLIC RECOGNITION – None Scheduled

IV. PUBLIC COMMENT

Josh Thomas, 915 Oak Street. Mr. Thomas said he noticed the sidewalk in front of his house raised about 12-13 inches a couple weeks ago. He said in the mornings the sidewalk will go back down and it will rise again in the afternoon. He is concerned about it being a tripping hazard. He spoke to the City Engineer who explained it is likely because there was not expansion joints installed when the sidewalk was poured. He said he has been asked to pay to fix the issue and voiced his concerns about having to pay for the entire project when he was told it was a City error when it was first installed. He has been given 30-days to complete the work.

Councilor Carter asked if it was a City project or if it was the developer who poured the sidewalk. City Manager Wurster said staff will look into the issue and if it was a City project the City will fix the issue. If it

was not a City project than it would be the homeowners responsibility and staff will work with Mr. Thomas to investigate what is causing the sidewalk to rise and lower.

V. SCHEDULED PRESENTATIONS

5.1 YMCA – Annual Report and Membership Fee Increase – Brandon Lemon

Brandon Lemon, Vice President of Sports and Aquatics for the YMCA provided an overview of the YMCA's Annual Report. He explained how the shared services line item is distributed, because Silverton is not its own branch, but a location of the larger association. Councilor Carter asked what the open swim hours are for the Silverton Pool. Mr. Lemon explained the difference between open swim hours and limited open swim hours and said in total the pool is open about 40 hours per week for open or limited open swim. They added four more hours of open swim per week to the schedule this year from the previous year.

Mr. Lemon said effective August 1, there will be an increase to the membership fee of \$3 per month. He explained the fee is based on income and will impact approximately 150 Silverton residents. He said the YMCA will never turn a family away if they cannot afford the increase and/or the membership fee. Councilor Sears asked what is driving the increase. Mr. Lemon responded that it is to cover the statewide minimum wage increase and will likely continue to increase on annual basis to coincide with the increases to the minimum wage. He explained the YMCA has given over \$15,000 in financial assistance in the last year. Councilor Plummer stated his biggest issue is the open swim weekend hours, because he doesn't feel like it allows enough time for residents to get to the pool. Mr. Lemon explained the weekend events that occur and how those impact open swim hours, including, swim meets and party rentals. Councilor Plummer stated he would like to see the open swim hours expanded on the weekends and more time for citizens to utilize the pool. He said the City gives the YMCA \$50,000 annually to operate the pool and based on the balance sheet \$70,000 was netted by the YMCA and sent to an outside agency. He said it appears the City should be paying less for the contract, should be charging for maintenance, or should start looking for a different provider that is willing to have expanded hours. He said the YMCA has been good with making changes to this point and looks forward to seeing what adjustments can be made in the future. Councilor Carter asked if the open swim hours could be adjusted on the Saturday's that there is not a swim meet in Silverton. Mr. Lemon said that is something they could look into.

VI. PUBLIC HEARING

6.1 Ordinance No. 19-08 – Designating 202 North James Street Multiple-Family Residential on the Comprehensive Plan Map with a concurrent Zone Change to zone the property Multiple Family Residential (RM-10)

Mayor Palmer opened the public hearing regarding Ordinance No. 19-08 designating 202 North James Street Multiple Family Residential on the Comprehensive Plan Map with a concurrent Zone Change to zone the property Multiple Family Residential (RM-10) at 7:32 p.m. No member of Council wished to abstain, declare a conflict of interest, or report any ex-parte contact. No member of audience wished to challenge the jurisdiction of the City Council to hear the matter or any individual councilor for bias or a conflict of interest.

Community Development Director Jason Gottgetreu explained 202 North James Street is currently zoned as single family and Ordinance No. 19-08 would change the zone to multiple family residential (RM-10). The site is currently developed as a tri-plex; this change would allow it to be reconstructed if destroyed by any means. The maximum density of the site would be increased to 4 dwelling units. He provided an overview of the site which was constructed in 1901 as a general store and then was converted into three apartments. The site is currently non-conforming and could not be rebuilt as a tri-plex if destroyed. He reviewed the Comprehensive Plan policies against the application. The City has a shortage of multifamily housing and this is located in an area that is a mixture of single family, multifamily, and public zoning. The existing tri-plex is served by water and sewer utilities and the local street network is capable of continuing to support the use. The Planning Commission reviewed the application and came to a 3-3 tie, thus failing to make a recommendation to City Council. He reviewed the concerns that were raised by the Commissioners at the public hearing. Director Gottgetreu explained the maximum height of the building

could be three stories and would have to be rebuilt with a parking lot which would require an extension of the storm sewer to Schlador Street.

Councilor Sears asked if any of the other multifamily properties in the area were zoned RM-10. Director Gottgetreu said the senior care facility is and listed the other RM-10 designated properties south of the site. Discussion ensued regarding landscaping and set back requirements. Council also discussed the potential future redevelopment of Pine and Brown Street and if there is sufficient right of way to accomplish the project identified in the Transportation System Plan. Councilor Carter said she feels an R-5 designation makes more sense for the lot size. Director Gottgetreu explained designating it R-5 would not bring the current structure into conformance with the zoning code. Councilor Carter indicated she would prefer to see it rebuilt as a duplex.

Applicant:

Mark Ellingson, 4242 Silver Falls Drive. Mr. Ellingson owns the property and explained his intent is solely to establish what is there and was built prior to zoning regulations. This will allow him to rebuild it as a tri-plex if it were to be destroyed or burned down. He said currently there are two, two bedroom units and a studio apartment. The studio apartment has never been vacant and he would like the ability to rebuild it the same way.

David Willis, 1779 5th Street. Mr. Willis stated there is a precedent with allowing these types of zone changes and referred to the Hinsdale property which is a four-unit complex that was rezoned from an R-1 designation to RM-10.

Testimony in favor:

Gene Oster, 6182 Cascade Hwy. Mr. Oster is a member of the Affordable Housing Task Force and heard this issue before the Planning Commission level. He is not speaking on behalf of the Task Force. He was able to get a list of investment properties owned by Mr. Willis and drove by them to get a feel for what kind of landlord he is. He said they are located in older neighborhoods and have nice curb appeal that fits well into the neighborhood they are located in. Since they are older the rent is likely to be lower and he sees the zone change to RM-10 as an opportunity to build one more additional affordable housing unit in the community.

Testimony in opposition: None.

Mayor Palmer noted that two letters in opposition to the zone change were entered into the record and included in the Council packet.

Neutral Testimony: None.

Councilor Carter made a motion to close the public hearing. Councilor Smith seconded the motion and Mayor Palmer closed the public hearing at 8:09 p.m.

Councilor Smith commented on the property Mr. Willis mentioned in his testimony. She said at the time she argued against the zone change from an R-1 to an RM-10, because she wanted to see a buffer between existing single family houses in established neighborhoods and multifamily complexes. The size of this piece of property is not going to allow a big multifamily development. She feels moving from a tri-plex to a four-plex is insignificant. She appreciated Mr. Oster's comments regarding the Affordable Housing Task Force and feels having more smaller affordable units in town is a good thing.

Councilor Carter shares the concerns of the neighbors and Planning Commission and is opposed to having a tri-plex or four-plex on the corner.

Mayor Palmer said he favors seeing smaller pockets of multifamily development scattered through the city. He feels the neighbor's concerns are largely cosmetic in nature and a sale might change that.

Councilor Freilinger said he sees single family neighborhoods as highly important, but Silverton also has an affordable and low income housing issue that needs to be fixed. He thinks some of the things the Affordable Housing Task Force is working on are positive and could help similar properties be developed and fit into the current character of Silverton very well. He has faith in the Silverton Code and how it can make multifamily more integrated into the R-1 zone. He said he is inclined to support this change and probably wouldn't have in the past, but has come to the realization that the Council needs to deal with the affordable housing issues in town.

Councilor Freilinger made a motion to have the first reading of Ordinance No. 19-08, by title only. Councilor Smith seconded the motion and motion passed unanimously (7-0). City Manager Wurster read Ordinance No. 19-08 by title only.

Councilor Freilinger made a motion to pass Ordinance No. 19-08, on its first reading. Councilor Smith seconded the motion. The motion passed 5-2. Voting yes: Mayor Palmer and Councilors Sears, Plummer, Smith, and Freilinger. Voting no: Councilors Carter and Neideigh.

The second reading of Ordinance No. 19-08 will occur at the August City Council meeting.

6.2 Ordinance No. 19-09 – Development Code Amendment to more specifically incorporate the City's Master Plans into the Development Code

Mayor Palmer opened the public hearing regarding Ordinance No. 19-09 amending the Development Code to more specifically incorporate the City's Master Plans into the Development Code at 8:21 p.m. No members of City Council 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 the matter or any individual councilor for bias or a conflict of interest.

Director Gottgetreu explained this is a Development Code Amendment to more specifically incorporate the City's Transportation System Plan, Water Master Plan, Storm Water Master Plan, and Sanitary Sewer Master Plan into the Development Code, including language regarding intersection level of service standard. The purpose of these changes were due to a recent Land Use Board of Appeals (LUBA) decision that found the City's purpose statement within the public facilities standards was not specific enough when it referred to standards found in the TSP and other master plans that are adopted by City Council through ordinance. He reviewed the changes to the code.

Councilor Sears asked if the City code can be implemented on facilities that are outside the City's jurisdiction. Director Gottgetreu said yes, the state and county facilities are referenced in the code language that is being adopted and explained the review process.

There was no public testimony. Councilor Freilinger made a motion to close the public hearing. Councilor Carter seconded the motion and Mayor Palmer closed the public hearing at 8:30 p.m.

Councilor Carter made a motion to have the first reading of Ordinance No. 19-09, by title only. Councilor Neideigh seconded the motion and the motion passed unanimously (7-0). City Manager Wurster read Ordinance No. 19-09 by title only.

Councilor Carter made a motion to pass Ordinance No. 19-09 on its first reading. Councilor Freilinger seconded the motion and the motion passed unanimously (7-0).

Councilor Carter made a motion to have the second reading of Ordinance No. 19-09, by title only. Councilor Freilinger seconded the motion and the motion passed unanimously (7-0). City Manager Wurster provided the second reading of Ordinance No. 19-09, by title only.

Councilor Carter made a motion to adopt Ordinance No. 19-09 on its second and final reading. Councilor Neideigh seconded the motion and the motion passed unanimously (7-0).

Council took a break at 8:32 p.m. and returned to regular session at 8:38 p.m.

VII. CONSENT AGENDA

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

- 7.1 Resolution No. 19-30 – Extending the City of Silverton’s Workers’ Compensation coverage to certain volunteers**
- 7.2 Purchase Award – Authorize sole source purchase of radio read water meters from Core & Main**
- 7.3 Contract Extension for fiscal year 2019-2020 Biosolids Hauling and Land Application**

VIII. DISCUSSION/ACTION ITEMS

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

Director Gottgetreu reviewed the modifications made to Ordinance No. 19-05 in order to reflect the changes discussed at the June meeting. The facilities will be allowed in the Downtown Commercial Zone through a conditional use process. The facilities will be allowed to be installed on existing residential dwellings or non-residential primary structures. The antenna size for residential structures was not changed. The antenna size on a site that is located on a non-residential primary structure may be allowed up to 75 square feet in area provided the review body finds there will be no adverse impacts to the surrounding area. The ordinance was updated to reflect additional mounting types that were discussed at the last meeting, such as a j-pole or tripod. The modification will allow a small box (2 feet in volume) to be attached to the house. The similar color standard has been restricted to the brackets and cabling. The logos or brand name restriction was changed to be legible from the right-of-way (ROW).

Mayor Palmer asked about the permits and fee structure that would be required. Director Gottgetreu explained these facilities and the provider would not be subject to a City franchise agreement due to their location on private property and not in City ROW. In order to create a level playing field Council would need to adopt a utility license fee. An additional ordinance amending Chapter 12 of the Silverton Municipal Code would need to be adopted to approve that framework.

Council discussed the conditional use permit process and how notifications would work if one conditional use permit covers the whole town. Councilor Smith said she recalled City Council agreeing at the last meeting they would prefer keeping the review at the staff level, so the conditional use process would not apply.

Jordan Reed, 4771 Jones Rd. Salem. Mr. Reed with Adaptive Broadband thanked everyone for their work. He explained the boxes on the outside of the house is where the power equipment is stored and is about the size of a laptop screen. He asked for Council and staff to clarify the modification process and if that would apply to each new facility or the initial plan. Director Gottgetreu said it would be for each facility that would broadcast. Discussion ensued about the notice requirements and how satellite antennas do not have to provide special notice to neighbors.

Councilor Smith said she doesn't think the conditional use process should apply here. If the size of the antennas are defined and placed into the code it should be a staff level decision. Mayor Palmer noted if there is anything outside the parameters detailed in the code it would become a complaint and code enforcement issue. Director Gottgetreu explained the ordinance could be amended for each deployment to require a staff level review that would only take a few minutes and be free in order to ensure the facility is in compliance. This change is substantive enough that the ordinance will need to be re-drafted and the first reading held in August. Council added a 12th standard to state if a facility outside the typical structures is installed then it would need to go through the conditional use process. Staff will also amend the standard related to the decibel level.

IX. APPOINTMENTS TO COMMITTEE AND ADVISORY GROUPS

9.1 Appointments to the Homeless/Housing Task Force

Councilor Smith made a motion to appoint Dr. Jess Miller, Hilary Dumitrescu, Joseph Schmaus, and Helen Thomas to the Homeless/Housing Task Force. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously (7-0).

X. CITY MANAGER UPDATE

City Manager Wurster provided an update on House Bill 2509 which was passed by the Legislature and regulates the use of plastic bags. Cities are grandfathered in; however, the state law differs from the Silverton Code. She highlighted the differences between the state law and the Silverton Code. City Council decided to leave the Silverton Code as is and not revisit the regulation.

The state also passed Senate Bill 90 which regulates plastic straws and preempts local governments from passing legislation that differs from the state law after the effective date January 1, 2020. Staff distributed a copy of Senate Bill 90 and the majority of Council asked to schedule a work session on the possible code changes prior to the effective date.

City Manager Wurster asked about the timing of the next Town Hall since the last one was held in April and it was decided to hold a Town Hall in December.

City Manager Wurster indicated Councilor Sears posed a question regarding the Circulation Study and the timing of that with the McClaine Street project. The City has signed an agreement with Keller and Associates to conduct that work. The way it is drafted the final engineering design for the McClaine Street project will be completed prior to the completion of the circulation study. Councilor Sears stated he would like to see the completion of the Circulation Study prior to the final engineering of McClaine Street, because it doesn't make sense to spend engineering money on James Street if the Circulation Study deems it appropriate to close and vacate the street. Chief of Police Jeff Fossholm said closing James Street would impact emergency vehicle response and the homecoming parade. Councilor Smith said she is concerned about doing a Circulation Study in the summertime when there is no school traffic. Staff distributed the scope of work for the Circulation Study. Director Schuetz said the same firm is hired to perform both the Circulation Study and the final engineering of McClaine Street project and they are aware of Council's concerns regarding James Street. She also explained how the traffic count data is collected. Director Schuetz explained the interim measures on McClaine Street which includes doing a cold patch along the corridor as a temporary fix before the complete reconstruction project.

Councilor Smith asked about the timing of the reservoir dredging and Director Schuetz explained the evaluation has been completed and the City is waiting for the final report. Staff has begun work on the permitting process in order for the dredging to occur this summer. Councilor Smith asked about the status of the RFP for the Westfield property. Director Gottgetreu plans to release it soon.

XI. COUNCIL COMMUNICATIONS

Councilor Sears asked about the status of the water usage. Director Schuetz explained the hydrant flushing increased the water usage by 21 percent during a six week period, but staff will continue to monitor the flows very carefully. He asked about the next steps with the YMCA and would like to have a discussion on what Council would like to see in the interim and for a future contract regarding fees, and hours of usage. Staff will schedule a Work Session to further discuss this matter at a later date.

Becky Ludden, 1501 Crestview Drive. Ms. Ludden said she is a member of the YMCA Advisory Council and explained the YMCA is running very successful athletic programs and have had to cut staff which has helped this location increase their revenue. The pool is not making money.

Councilor Sears said he would like to see the cross walk enforcement program signs placed throughout town, because it gets drivers to stop for pedestrians. He would like to see enforcement without notification and for the police to start issuing tickets. A key education component would be doing enforcement. Chief Fossholm explained the grant funds for this program requires the notification. Officers stopped over 20 drivers and over half were issued a ticket. Councilor Sears asked if there is an opportunity to provide similar enforcement at other intersections, like C and James. Chief Fossholm indicated there is and they have, but through the grant process. Councilor Sears asked about fixing the railroad crossing where there is no sidewalk on James and C Street. Director Gottgetreu will follow up with Union Pacific and ODOT Rail.

Councilor Plummer thanked staff for the new pedestrian section at Coolidge-McClaine Park. He asked staff to look into doing educational videos for the website. One idea is a how to read your utility bill and suggested reaching out to the high school to see if there is a class that would be interested in filming them for the City.

Councilor Smith reported there is poison oak near the stairs leading down to the water at Coolidge-McClaine Park.

Councilor Carter asked if the walk your wheel signs could be repainted on the downtown sidewalks. Council agreed they should be repainted and asked staff to look into thermal plastic as an alternative. Chief Fossholm requested the signage mirror the triangle sign that spells out walk your wheels, because it would make it clear for enforcement purposes. Councilor Carter asked about the status of Pine Street between James and Brown. Director Schuetz said it has been identified for reconstruction, but the City does not have the resources currently to do any additional street projects outside of the McClaine Street project.

Mayor Palmer asked Chief Fossholm to announce recently hired police officers. He thanked City staff for their work during the Strawberry Festival. The Rotary Club completed Phase 1 on their Lincoln Park project and installed the swing set apparatus and thanked staff for their support and prepping the site for the volunteers. Phase two will include additional playground equipment.

XII. ADJOURNMENT

Councilor Freilinger made a motion to adjourn the meeting and Mayor Palmer adjourned the meeting at 10:28 p.m.

Respectfully submitted by:

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